



A BDO Legal Guide to the

FRIA

Fundamental Rights Impact Assessment





#Future

Contents

INTRODUCTION	04
KEY STEPS IN CONDUCTING A FRIA	06
CONCLUSION	08

Discover how to protect fundamental rights in the age of AI with our comprehensive FRIA guide.

INTRODUCTION

Certain institutions, such as banks and insurance companies, are required to perform a Fundamental Rights Impact Assessment (FRIA) when using high-risk AI systems. This is a requirement of article 27 of the Artificial Intelligence Act ('the AI Act').

A FRIA is a systematic process to evaluate the potential impact of high-risk AI systems on the fundamental rights of individuals or groups.

It ensures that the deployment of such systems aligns with the protection of health, safety, fundamental rights, democracy, the rule of law, and environmental protection.


According to the AI Act, a FRIA is mandatory for the following individuals or entities that use an AI system within its professional scope ("deployer"):

- Bodies governed by public law (including law enforcement using real-time remote biometric ID system).
- Private entities providing public services such as in the areas of education, healthcare, social services, housing, administration of justice.
- Entities such as banking or insurance entities, using high-risk AI systems for evaluating creditworthiness / establishing a credit score (not fraud detection) or for risk assessment and pricing in relation in the case of life and health insurance.

However these deployers only need to perform the FRIA if they use the high-risk AI systems for:

- Biometrics (insofar as permitted under relevant law).
- Education and vocational training.
- Employment, workers' management and access to self-employment.
- Access to and enjoyment of essential private services and essential public services and benefits.
- Law enforcement (insofar as permitted under relevant law).
- Migration, asylum and border control management (insofar as permitted under relevant law).
- Administration of justice and democratic processes.

FRIAs must be completed before the deployment of these systems.



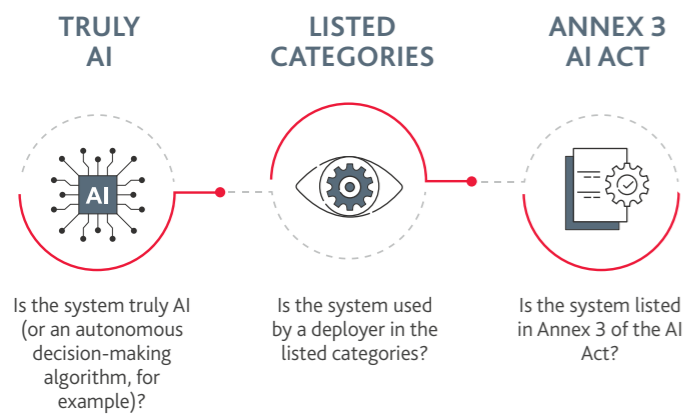
Certain institutions are required to perform a FRIA when using high-risk AI systems.

KEY STEPS IN CONDUCTING A FRIA

A FRIA focuses on risk management. Risks to affected individuals should be identified, their likelihood and severity assessed, and mitigants should be defined to control those risks.

The first step should be to check whether a FRIA is required at all.

For this, check:



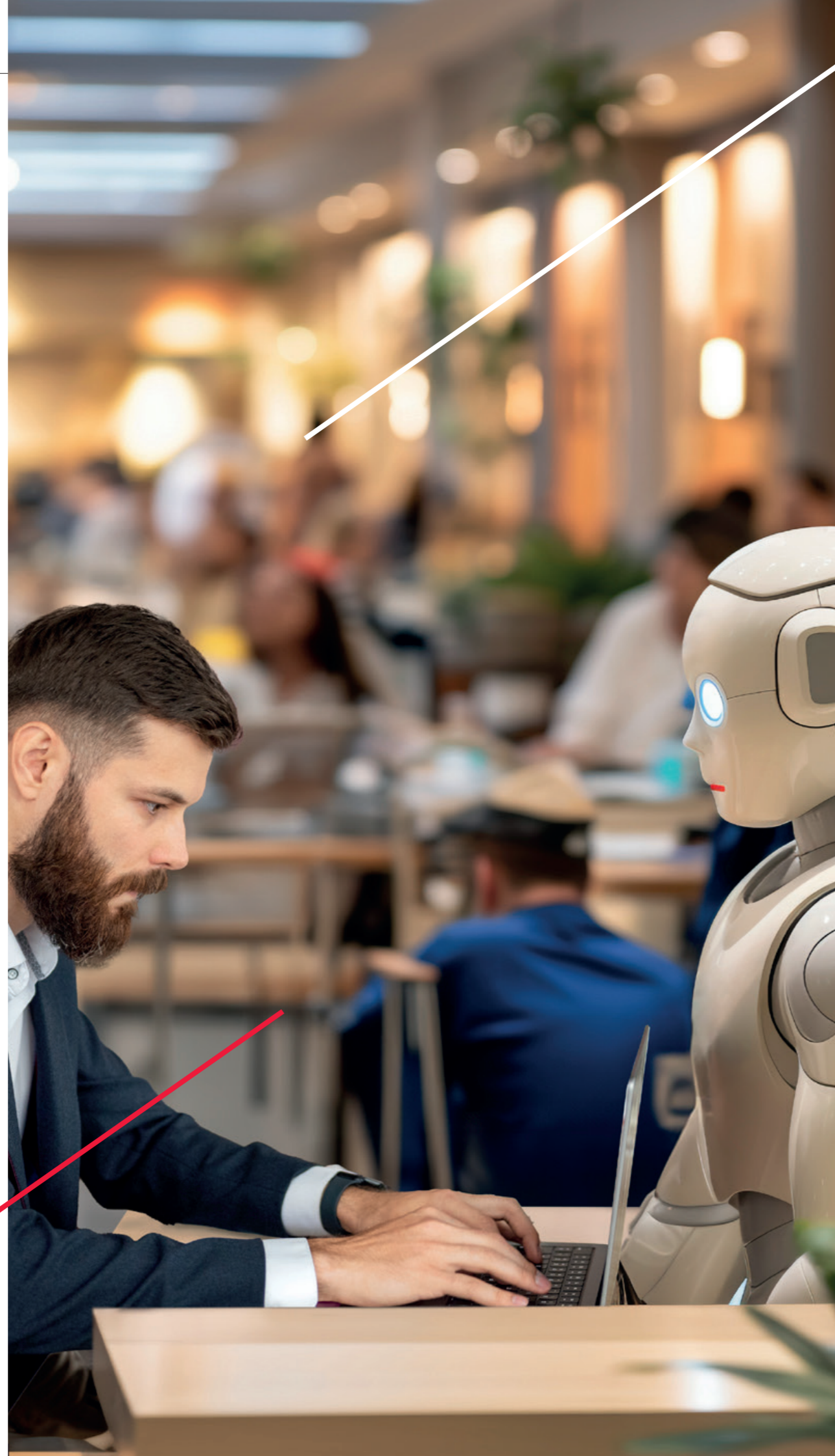
If all checks are answered positively, the FRIA should be carried out.

A FRIA focuses on risk management.

5 steps to complete a FRIA

Organisations should make sure their assessment at least contains the following steps:

- 1 CHECK WHETHER EXISTING FRIAS AND DPIAS CAN BE USED**
(a FRIA complements existing DPIA's).
- 2 DESCRIBE THE AI SYSTEM:**
 - The processes in which the AI system will be used.
 - The period of time during which the AI system will be used.
 - The frequency with which the AI system is intended to be used.
 - The categories of natural persons and groups likely to be affected by its use in the specific context.
- 3 IDENTIFY RISKS:**
 - Specific risks to fundamental rights.
 - Potential discrimination based on sex, race, religion, etc.
 - Risks to privacy, freedom of expression, and other rights.
- 4 DEFINE MITIGATION MEASURES:**
 - Human oversight measures.
 - Internal governance and complaint mechanisms.
 - Measures to address and rectify potential discrimination and harm.
- 5 NOTIFICATION:**
 - The relevant market surveillance authority should be notified of the results.
 - The template questionnaire (to be developed by the AI Office) must be filled out and submitted.



CONCLUSION

Certain high-profile organisations are required to carry out a Fundamental Rights Impact Assessment (FRIA) before they start using specific high-risk AI systems.

The FRIA is a crucial tool to ensure they operate within the bounds of fundamental rights and legal frameworks.

The results of the FRIA must be submitted to the relevant market surveillance authority.

Given the complexity of AI systems and the requirements that must be met (such as performing the FRIA before deploying the AI system), a timely start is essential.

The FRIA is an obligation which stems from the AI Act.

Contact us to know more about AI Act requirements taking effect on **2 February 2025**, such as AI Literacy.

Who can you contact?



Author

FEMKE SCHEMKES
BDO Legal | Netherlands

femke.schemkes@bdo.nl



PIETER GOOVAERTS
BDO Legal | Belgium

pieter.goovaerts@bdo.be



DAVID GELASHVILI
BDO Legal | Georgia

dgelashvili@bdo.ge



MATTHIAS NIEBUHR
BDO Legal | Germany

matthias.niebuhr@bdolegal.de



ISTVÁN JÓKAY
BDO Legal | Hungary

istvan.jokay@bdolegal.hu



GABRIELE FERRANTE
BDO Legal | Italy

gabriele.ferrante@bdo.it



JIRÍ ŠMATLÁK
BDO Legal | Czech Republic

jiri.smatlak@bdolegal.cz



ELISABETH ASPAAS
BDO Legal | Norway

elisabeth.aspaas.runsjo@bdo.no



RALUCA ANDREI
BDO Legal | Romania

raluca.andrei@tudor-andrei.ro



MAREK PRIESOL
BDO Legal | Slovakia

priesol@bdoslovakia.com



ALBERT CASTELLANOS
BDO Legal | Spain

albert.castellanos@bdo.es



KLAUS KROHMANN
BDO Legal | Switzerland

klaus.krohmann@bdo.ch

FOR MORE INFORMATION:



CAROLINE MACDONALD
COORDINATOR | LEGAL SERVICES
BDO GLOBAL OFFICE

+34 686 339 922

caroline.macdonald@bdo.global

This publication has been carefully prepared, but it has been written in general terms and should be seen as broad guidance only. The publication cannot be relied upon to cover specific situations and you should not act, or refrain from acting, upon the information contained herein without obtaining specific professional advice. Please contact the appropriate BDO Member Firm to discuss these matters in the context of your particular circumstances. Neither the BDO network, nor the BDO Member Firms or their partners, employees or agents accept or assume any liability or duty of care for any loss arising from any action taken or not taken by anyone in reliance on the information in this publication or for any decision based on it.

The provision of professional services under the BDO brand is the sole preserve of each of the BDO Member Firms in their own country. For legal, regulatory or strategic reasons, not all BDO Member Firms provide legal services. Neither BDO LLP (UK) nor BDO USA LLP (USA) provide legal advice. Where BDO does not provide legal services, we work closely with "best friend" external law firms.

BDO is an international network of professional services firms, the BDO Member Firms, which operate under the name of BDO. Each BDO Member Firm is a member of BDO International Limited, a UK company limited by guarantee that is the governing entity of the international BDO network. Service provision within the BDO network is coordinated by Brussels Worldwide Services BVBA, a limited liability company incorporated in Belgium with its statutory seat in Zaventem.

Each of BDO International Limited, Brussels Worldwide Services BVBA and the member firms of the BDO network is a separate legal entity and has no liability for another such entity's acts or omissions. Nothing in the arrangements or rules of the BDO network shall constitute or imply an agency relationship or a partnership between BDO International Limited, Brussels Worldwide Services BVBA and/or the member firms of the BDO network.

BDO is the brand name for the BDO network and for each of the BDO Member Firms.

© BDO, February 2025.