



When Inclusion Meets Prohibition



The Accessibility Paradox in EU AI Law

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Global Accessibility Awareness Day | 21 May 2026

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The Two Laws That Collide

European Accessibility Act

- Requires proactively accessible digital products and services
- Systems may need to adapt to individual disability-related needs
- Accessibility obligations become fully applicable from June 2025

“Adapt to the user.”

VS

EU AI Act

- Strict restrictions on biometric categorisation
- Prohibits inferring sensitive attributes, including disability status, in certain contexts
- Gradual application between 2024–2027

“Do not profile the user.”

The Accessibility Paradox

EAA: “Know your user’s needs.”
AI Act: “Do not infer who they are.”

Both laws are well-intentioned. Both are legally binding. And they pull in opposite directions.

For researchers, developers, urban planners and co-creation facilitators, this is not a theoretical tension. It is a daily design challenge.

Today’s talk: identifying the legal grey areas — and exploring how to navigate them.

The Legal Gray Zone: Profiling vs Personalisation

✗ LIKELY PROHIBITED

- Biometric categorisation
- Automated inference of disability status
- Detection without valid consent
- Use of sensitive data for AI training purposes

? POTENTIALLY PERMITTED

- Accessibility-driven personalisation
- User-declared preferences
- Adaptive interfaces triggered by user settings
- Transparent and revocable consent mechanisms

The boundary between the two remains legally uncertain — and technically difficult to define.

Institutional Data Deserts

The accessibility needs of marginalised groups remain poorly represented in existing datasets — forcing a difficult three-way choice:

1

INFERENCE

Let the AI guess

Legally risky under AI Act

2

EXCLUSION

Design for the “average”
user

Fails EAA goals

3

HUMAN MEDIATION

Rely on human facilitation

Difficult to scale

None fully satisfies both accessibility and AI governance requirements.

The Consent Problem for Neurodivergent People

Current AI governance frameworks often assume a one-time consent model.

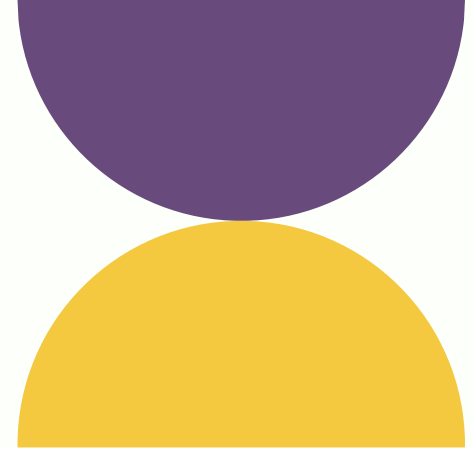
But accessibility needs are not static.

- Needs may fluctuate across contexts and environments
- Rigid consent models fail to capture this variability
- Static compliance frameworks risk embedding neurotypical assumptions

What we need instead:

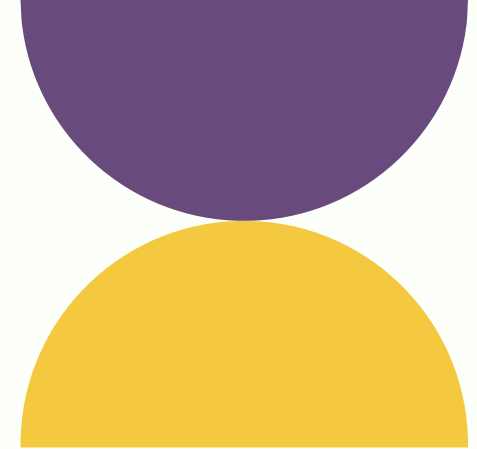
- ✓ **Dynamic consent** — adaptable over time
- ✓ **Granular consent** — context-specific
- ✓ **Revocable consent** — easy to modify or withdraw

Not checkbox compliance — genuine user agency.



AI-Mediated Co-Creation: New Barriers in Disguise?

Digital co-creation tools (chatbots, AI assistants) are increasingly used in participatory urban planning and civic engagement.



The Risk

Automated interfaces risk replacing human interaction where it is most needed

Who Is Left Out

Older adults and digitally excluded groups face compounded barriers

The Efficiency Trap

Efficiency-driven systems can undermine the human dimension of co-creation

The Principle

Accessibility by design means keeping meaningful human connection at the centre

The Civil Society Exclusion Problem

“How do we write rules for people who are not in the room?”

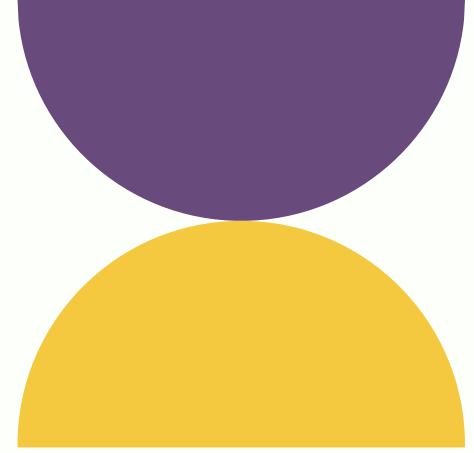
Problem 1 Disability organisations remain largely absent from AI governance discussions

Problem 2 Regulatory design is dominated by tech actors and legal experts — not lived experience

Result Governance gaps reproduce the very exclusion these laws seek to prevent

Towards “Double Compliance”: A Design Roadmap

EAA and AI Act compliance can coexist if accessibility and AI governance are designed together from the outset.



1. Prioritise user-declared needs over system-led detection of needs
2. Use dynamic, granular and revocable consent to allow users to update preferences over time
3. Keep human mediation as a primary pathway, not a fallback
4. Co-design with disability and civil society organisations from the start, not after
5. Treat legal tension as a design constraint, not a regulatory obstacle

Key Takeaways

- The EAA and EU AI Act are both well-intentioned – yet often in tension
- Profiling vs personalisation remains legally unclear, but practically consequential
- Data deserts force difficult choices: inference, exclusion or mediation
- Consent must be dynamic and granular to reflect neurodivergent needs

- Civil society must be at the table, not consulted afterwards

“Double Compliance” is possible if we treat the paradox as a design challenge!

Where ALFIE Fits: Living the Paradox

The ALFIE project does not simply study this paradox, it is actively trying to navigate it.

ETD-Hub

EthiTech Dialogue Hub

- Multidisciplinary forum bringing together citizens, policymakers, AI experts and legal professionals
- Shapes policy recommendations for the European AI legal framework
- Brings civil society voices into regulatory deliberation — directly addressing the representation gap

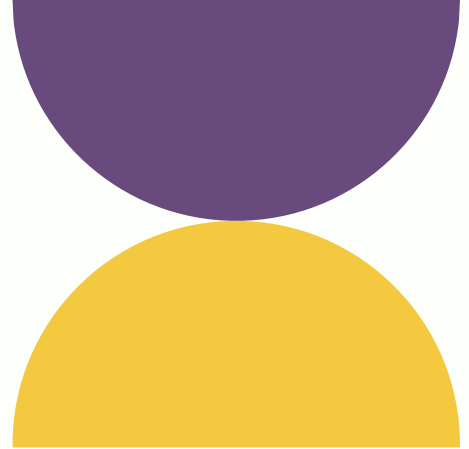


AutoML Platform

Implementation layer

- Translates deliberative outcomes into accessible AI tools
- Built around multilingual, natural language and speech-based accessibility
- Generates AI models that respect the EU legal framework — compliant by design

ALFIE as a Model for Double Compliance



User-Led personalisation

Users will express needs directly in natural language — enabling user-led rather than system-inferred personalisation

Addressing data deserts

The AutoML platform aims to support more balanced and representative datasets without inferring sensitive attributes

Civil society participation

The ETD-Hub is intended to involve citizens and marginalised communities in AI governance from the outset

Dynamic governance

The ETD-Hub $\rightleftharpoons$ AutoML feedback loop seeks to ensure that policy and implementation evolve together over time



Thank you



Q & A Session

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