MASON HAYES & CURRAN

ICON·S 2026 ANNUAL CONFERENCE

Key takeaways for public bodies and regulated entities

Dublin London New York San Francisco

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ICON•S 2026

Key takeaways

Themes from the annual conference of the International Society of Public Law.

Public law is central to how society is governed. It keeps the exercise of power within proper bounds and provides routes for accountability when power is misused.

We sponsored ICON•S 2026, hosted by UCD in Dublin from 29 June to 1 July. The conference brought together more than 2,000 people from academia, the judiciary, legal practice and public life.

Our sponsorship reflects our commitment to informed legal debate. That commitment matters as public bodies face greater obligations and closer scrutiny in an increasingly complex environment.

The conference examined current issues in constitutional, administrative and international law. The theme, *Reimagining Public Law for a Fractured World*, gave focus to those discussions.

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KEY THEMES FROM THE EVENT

01

Evidential reliability

Several sessions addressed the effect of AI and digital technology on public administration. The most practical concern was evidential reliability. Administrative systems depend on documents and other identity records. Generative AI now lowers the threshold for producing convincing false material.

Speakers used practical examples to show how this risk may arise. In one Italian social security fraud, synthetic identities generated coherent records. Existing controls in Italy were designed to accept those records as genuine.

A British university example showed a related problem. Automated interviews were used to support immigration-related decisions. Deepfakes were used to make applicants appear genuine during those interviews.

A duty to disclose artificial content may not be enough where administrative decisions carry serious consequences. Public bodies may also need risk-based checks built into their decision-making procedures.

Helen Dixon, Global Digital Regulatory Consultant, taking part in a panel discussion on EU Digital Regulation and its Impact on Member States.

KEY THEMES FROM THE EVENT

02

Digital implementation

EU digital regulation is now a substantial body of law. The GDPR, DSA, DMA and AI Act set ambitious frameworks. The harder task is implementation across different national systems.

Member States approach digital regulation through different constitutional and institutional traditions. Estonia has taken a more enabling approach. Germany gives greater weight to privacy and legality, with added complexity from its federal structure. France has spread enforcement across several specialist authorities.

Ireland has an unusually significant role in this framework. Under the GDPR one-stop-shop, the DPC regulates many large technology companies. There is substantial litigation arising from DPC decisions. As of June 2026, the DPC was defending 99 active cases.

This litigation creates uncertainty for regulated entities:

- Major enforcement decisions are being appealed
- Fines may be stayed pending appeal, and
- Some issues also depend on unresolved EU-level questions

The proposed Digital Omnibus package was presented as a significant development. It may affect anonymisation and the treatment of high-risk AI systems. It may also expand research-related exceptions. If enacted, these changes may alter compliance planning. They may also increase fragmentation across the EU if Member States respond with stronger national rules.

The United States provides a useful contrast. There is no general federal law regulating deepfakes. It also has no equivalent to the AI Act. Federal enforcement has developed through narrower tools. The Take It Down Act addresses specific intimate image harms. The Federal Trade Commission also targets AI developers and deployers directly.

This divergence matters for cross-border organisations. They may face comprehensive EU rules alongside more targeted US enforcement. Compliance planning must reflect both approaches.

> *Member States approach digital regulation through different constitutional and institutional traditions.*

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KEY THEMES FROM THE EVENT

03

Proportionality

Proportionality appeared as a theme across the digital regulation sessions. EU institutions have broad discretion when designing technical rules. That discretion is not unlimited. Courts may scrutinise decisions more closely where fundamental rights are affected.

Privacy rights may receive particularly strong protection in practice. This matters under the GDPR, DSA and Digital Single Market frameworks. Each regime has different objectives, tools and rights implications.

Platform supervision showed how proportionality works in practice. It described collaborative enforcement under the DSA. Regulators may use dialogue, information requests and supervision before punitive proceedings. This approach depends on platform transparency.

Information dependency is also a concern. Regulators may rely on platforms for data about platform conduct. This raises questions about how regulators secure access to reliable information.

KEY THEMES FROM THE EVENT

04

Independence and accountability

Independence does not have one fixed meaning. Under the GDPR, supervisory authorities require complete independence. Under the AI Act, the focus is more functional. The relevant body must carry out its tasks impartially and objectively.

This distinction matters for clients and public bodies. A regulator may be independent in one legal sense. It may still be assessed by different standards under another regime. Clients should assess independence by reference to the relevant legal regime and the regulator's role.

Accountability was another recurring theme. Comparative sessions explored how public servants can be held to account without producing defensive bureaucracy. The challenge is to create meaningful accountability without encouraging paralysis or risk avoidance.

Accountability should improve public administration, not slow it down. Legal mechanisms must protect citizens from poor decision-making. They must also leave public bodies able to act in time.

Philip Nolan, Chair, Head of Data & Technology, speaking at the ICON-S 2026 Opening Ceremony.

> *Accountability should improve public administration, not slow it down.*

KEY THEMES FROM THE EVENT

05

Democratic resilience

Many sessions examined the fragility of liberal democratic orders. Academic freedom was discussed as essential to democracy and public inquiry. Speakers noted its erosion in several jurisdictions.

Judicial review was presented as another democratic safeguard. Professor Rosalind Dixon's responsive judicial review model calibrates intervention by context. It applies stronger scrutiny to democratic mechanics. It uses lower-intensity review for some social issues.

Constitutional amendment was also treated as a question of democratic design. Speakers distinguished routine constitutional changes from changes that would alter the constitution's basic character. Multi-tiered amendment structures may protect central constitutional pillars.

The Irish Constitution was described as a successful pact on legitimacy. It combines constitutional supremacy with a flexible amendment process. That process requires parliamentary initiation and public ratification by referendum.

Misinformation raised a related threat. Speakers emphasised the need for accessible, accurate and factual information. FOI and proactive publication were discussed as tools for supporting democratic integrity.

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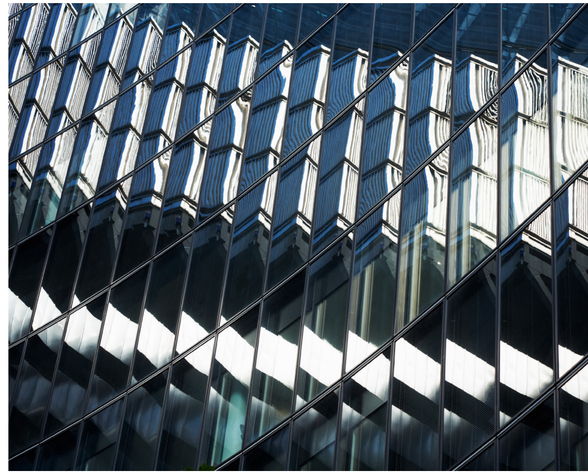

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KEY THEMES FROM THE EVENT

06

The public interest

The public interest is a recurring concept across many areas of law. It is often left undefined. Even where guidance exists, it may not give decision-makers much certainty.

It may also allow subjective reasoning to appear legally justified. Clearer criteria are needed when public interest factors are relied on.

This has practical significance. Public bodies need room to exercise judgement. However, broad public interest language must not replace reasoned analysis.

KEY THEMES FROM THE EVENT

07

Algorithmic administrative decisions

Automated decision-making can improve efficiency and accuracy in rule-based processes. The legal risk is greater where a system influences discretionary decisions. Deterministic systems follow pre-programmed pathways. Generative AI and other non-deterministic systems may produce less predictable outputs that are harder to explain and review.

With automation, discretion is exercised when the software is selected and programmed, rather than when an individual case is decided. The choice and design of the software may fix how legal standards are applied across many cases. A single incident of human error may affect one decision. A flaw or bias in an automated system may produce unlawful or discriminatory outcomes at scale.

Public bodies remain responsible for decisions made with automated systems. They cannot transfer legal responsibility to a machine or software provider. Human oversight should therefore be built into system design. Results should be validated before decisions take effect. Systems should also be monitored while in use, with human involvement in administrative appeals.

Independent review before deployment may provide a further safeguard. It can test whether a system meets requirements on legality, fairness, transparency and human rights. This is particularly important where automation may centralise decision-making or affect access to public services.

“Public bodies remain responsible for decisions made with automated systems. They cannot transfer legal responsibility to a machine or software provider.

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KEY THEMES FROM THE EVENT

08

What this means in practice

For clients, the conference points to a more complex public law environment. Regulation is becoming more detailed. Enforcement is becoming more contested. Administrative decision-making is becoming more exposed to technological risk.

Organisations should not treat compliance as a static exercise. They should focus on practical steps that reduce legal and operational risk.

- Monitor regulatory change, litigation risk and institutional practice
- Review how procedures handle digital evidence and identity verification
- Test whether existing governance assumptions still hold
- Build human oversight and independent review into automated decision-making systems before deployment

This is especially important where technology affects eligibility, identity, access to services or regulated platform activity.

Public bodies must act lawfully. However, lawful decisions also need sound evidence and workable procedures. Many of the conference themes came together around this point.

Catherine Allen, Partner and Head of Public, Regulatory & Investigations, delivering an address at the ICON-S 2026 Closing Ceremony.

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