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International Trends in AI-Regulation: Observations and Assemblages

Urs Gasser
DAH.th Workshop, January 2020

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Lack of consensus about regulation of AI at the international level shift regulatory action to regional, national, and local levels

19 Nov 2019 | News

France and Canada move forward with plans for global AI expert council

Negotiations on a 'Global Partnership' on artificial intelligence would have OECD, Montreal and Paris as starting points for policy discussions – but other organisations may also emerge

By Richard L. Hudson



French president Emmanuel Macron with Canadian prime minister Justine Trudeau. (Photo credit: France 24).

How will humanity manage the growth of artificial intelligence systems? To answer that, French and Canadian officials are drafting a blueprint for an expert council that they hope could be a prototype for global cooperation on AI policy.

The Global Partnership for AI (GPAI), advanced over the past year by French president Emmanuel Macron and Canadian prime minister Justin Trudeau, has started to take shape in a series of transatlantic negotiations in the past few months. While many details have yet to be resolved, negotiators hope for a general understanding by the end of this year, according to Malik Ghallab, director emeritus of a French state robotics lab in Toulouse, who is active in the planning process.

EURACTIV

No progress in UN talks on regulating lethal autonomous weapons



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Mayor de Blasio Announces First-In-Nation Task Force To Examine Automated Decision Systems Used By The City

May 16, 2018



Email



Print

NEW YORK— Today, Mayor de Blasio announced the creation of the Automated Decision Systems Task Force which will explore how New York City uses algorithms. The task force, the first of its kind in the U.S., will work to develop a process for reviewing “automated decision systems,” commonly known as algorithms, through the lens of equity, fairness and accountability.

“As data and technology become more central to the work of city government, the algorithms we use to aid decision making must be aligned with our goals and values,” said **Mayor de Blasio**. “The establishment of the Automated Decision Systems Task Force is an important first step towards greater transparency and equity in our use of technology.”

San Francisco Bans Facial Recognition Technology



Attendees interacting with a facial recognition demonstration at this year's CES in Las Vegas. Joe Buglewicz for The New York Times

<2>

*US doubles down on "pro-innovation" approach,
Europe considers robust AI regulation, China
pursues "rule by law" approach*

TECHNOLOGY NEWS JANUARY 7, 2020 / 12:53 AM / A DAY AGO

White House proposes regulatory principles to govern AI use

David Shepardson

3 MIN READ



LAS VEGAS (Reuters) - The White House on Tuesday proposed regulatory principles to govern the development and use of artificial intelligence (AI) aimed at limiting authorities' "overreach", and said it wants European officials to likewise avoid aggressive approaches.

To that end, Federal agencies must avoid regulatory or non-regulatory actions that needlessly hamper AI innovation and growth. Where permitted by law, when deciding whether and how to regulate in an area that may affect AI applications, agencies should assess the effect of the potential regulation on AI innovation and growth. Agencies must avoid a precautionary approach that holds AI systems to such an impossibly high standard that society cannot enjoy their benefits. Where AI entails risk, agencies should consider the potential benefits and costs of employing AI, when compared to the systems AI has been designed to complement or replace.

The background of the entire page is a close-up, slightly blurred image of the European Union flag, showing the blue field with the twelve gold stars arranged in a circle. The flag is draped, creating soft folds and highlights.

MON, OCT 28, 2019

Von der Leyen, new Commission take aim at AI legislation

Blog Post by [Alex Baker](#)

Digital Policy

European Union

[In her introductory speech during her confirmation hearing](#), Margrethe Vestager, designate European Commission executive vice president for “A Europe Fit for a Digital Age,” said the EU needs rules that ensure AI is used ethically to support human decision making, rather than undermining it. She echoed von der Leyen’s pledge, vowing to put forward proposals outlining a European approach to AI in the first 100 days of the new Commission.



Ad Hoc Committee on Artificial Intelligence – CAHAI

On 11 September 2019, the Committee of Ministers of the Council of Europe set up an Ad Hoc Committee on Artificial Intelligence – CAHAI.



www.coe.int/ai

Towards an application of AI based on human rights, the rule of law and democracy

www.coe.int/cahai

Ad hoc Committee on AI - CAHAI

#CoE4AI #CAHAI



Main tasks

Under the authority of the Committee of Ministers, the [CAHAI](#) is instructed to:

- ▶ examine the feasibility and potential elements on the basis of broad multi-stakeholder consultations, of a legal framework for the development, design and application of artificial intelligence, based on the Council of Europe's standards on human rights, democracy and the rule of law.

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Geopolitical and (national) security interests continue to shape governance and regulation of AI

US announces AI software export restrictions

8

A narrow ban targeting AI tools that analyze satellite imagery

By James Vincent | Jan 5, 2020, 12:43pm EST

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Illustration by James Bareham / The Verge

China's 'Abusive' Facial Recognition Machine Targeted By New U.S. Sanctions



Zak Doffman Contributor

Cybersecurity

I write about security and surveillance.

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t

in



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Biometrics, data privacy, and algorithmic accountability are key horizontal regulatory issues

Somerville Bans Government Use Of Facial Recognition Tech

June 28, 2019

By Katie Lannan, State House News Service



France Prohibits Use of Facial Recognition Technology to Control School Entry

By **Odia Kagan** on November 4, 2019

POSTED IN [EUROPEAN UNION](#), [GENERAL DATA PROTECTION REGULATION \(GDPR\)](#)

The French Data Protection Authority, CNIL, has prohibited the use of facial recognition to control entry into a school as disproportionate saying that alternative less intrusive means are available, such as badge control.



Key takeaways:

- Processing of biometric data is of particular sensitivity, justifying enhanced protection of individuals.

Australian Commission calls for partial facial biometrics moratorium as APAC countries seek balance

Dec 17, 2019 | [Chris Burt](#)

CATEGORIES [Biometrics News](#) | [Facial Recognition](#) | [Surveillance](#)



Mehr Macht für die Bundespolizei

S+ Seehofer will Gesichtserkennung an Bahnhöfen und Flughäfen einführen

Ausbau der digitalen Überwachung, bundesweite Kontrolle von Fahrzeugen: Laut einem Gesetzentwurf des Innenministeriums sollen die Kompetenzen der Bundespolizei deutlich erweitert werden.

Von [Jürgen Dahlkamp](#), [Martin Knobbe](#) und [Andreas Ulrich](#)

03.01.2020, 14:55 Uhr

A broader view of AI accountability under the GDPR

Building AI applications that comply with GDPR requires careful advanced planning and, most likely, a Data Protection Impact Assessment, as well as additional measures suggested by the EDPB.

[Data Protection Impact Assessments](#)

For more information about AI and GDPR

European Union Regulations on Algorithmic Decision-making and a “Right to Explanation”

Bryce Goodman and Seth Flaxman, Oxford Internet Institute, 2016 [Link](#)

Why a Right to Explanation of Automated Decision-making Does Not Exist in the GDPR

Sandra Wachter, Brent Mittelstadt, and Luciano Floridi, Oxford Internet Institute, 2017 [Link](#)

Slave to the Algorithm? Why a “Right to an Explanation” Is Probably Not the Explanation You Are Looking for

The California Consumer Privacy Act officially takes effect today

Devin Coldewey @techcrunch / 9:01 am EST • January 1, 2020

[Comment](#)

TRUSTED DATA SHARING FRAMEWORK

SG:D
EMPOWERING POSSIBILITIES

IIM
INFOCOMM
MEDIA
DEVELOPMENT
AUTHORITY

pdpc
PERSONAL DATA
PROTECTION COMMISSION
SINGAPORE

<5>

*Algorithmic impact assessment and transparency
as popular instruments in the regulatory toolbox*

▼ 6. Requirements

The Assistant Deputy Minister responsible for the program using the Automated Decision System, or any other person named by the Deputy Head, is responsible for:

6.1 Algorithmic Impact Assessment

- 6.1.1 Completing an Algorithmic Impact Assessment prior to the production of any Automated Decision System.
- 6.1.2 Applying the relevant requirements prescribed in Appendix C as determined by the Algorithmic Impact Assessment.
- 6.1.3 Updating the Algorithmic Impact Assessment when system functionality or the scope of the Automated Decision System changes.
- 6.1.4 Releasing the final results of Algorithmic Impact Assessments in an accessible format via Government of Canada websites and any other services designated by the Treasury Board of Canada Secretariat pursuant to the [Directive on Open Government](#).

6.2 Transparency

Providing Notice Before Decisions

- 6.2.1 Providing notice on relevant websites that the decision rendered will be undertaken in whole or in part by an Automated Decision System as prescribed in Appendix C.
- 6.2.2 Providing notices prominently and in plain language, pursuant to the [Canada.ca Content Style Guide](#).

Providing Explanations After Decisions

- 6.2.3 Providing a meaningful explanation to affected individuals of how and why the decision was made as prescribed in Appendix C.

Access to components

- 6.2.4 Determining the appropriate license for software components as per the requirements specified in section C.2.3.8 of the [Directive on Management of Information Technology](#).
- 6.2.5 If using a proprietary license, ensuring that:
 - 6.2.5.1 All released versions of proprietary software components used for Automated Decision Systems are delivered to, and safeguarded by, the department.
 - 6.2.5.2 The Government of Canada retains the right to access and test the Automated Decision System, including all released versions of proprietary software components, in case it is necessary for a specific audit, investigation, inspection, examination, enforcement action, or judicial proceeding, subject to safeguards against unauthorized disclosure.
 - 6.2.5.3 As part of this access, the Government of Canada retains the right to authorize external parties to review and audit these components as necessary.

Release of Source Code

- 6.2.6 Releasing custom source code owned by the Government of Canada as per the requirements specified in section C.2.3.8 of the [Directive on Management of Information Technology](#), unless:

Directive on Automated Decision-Making

The Government of Canada is increasingly looking to utilize artificial intelligence to make, or assist in making, administrative decisions to improve service delivery. The Government is committed to doing so in a manner that is compatible with core administrative law principles such as transparency, accountability, legality, and procedural fairness. Understanding that this technology is changing rapidly, this Directive will continue to evolve to ensure that it remains relevant.

Date modified: 2019-02-05

A BILL

To direct the Federal Trade Commission to require entities that use, store, or share personal information to conduct automated decision system impact assessments and data protection impact assessments.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Algorithmic Account-
5 ability Act of 2019”.

Software

US lawmakers introduce a bill to require algorithms to be checked for bias

Algorithmic Accountability Act would require US tech firms to audit their algorithms before deployment

Dev Kundaliya

12 April 2019

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Risk-based approaches emerge as dominant modes to prioritize among applications and issues

“Adopt a risk-based approach to regulation. The character, intensity and timing of regulatory intervention should be a function of the type of risk created by an AI system. In line with an approach based on the proportionality and precautionary principle, various risk classes should be distinguished as not all risks are equal. The higher the impact and/or probability of an AI-created risk, the stronger the appropriate regulatory response should be. ‘Risk’ for this purpose is broadly defined to encompass adverse impacts of all kinds, both individual and societal.”



GUIDANCE DOCUMENT

Clinical Decision Support Software

Guidance for Industry and Food and Drug Administration Staff

SEPTEMBER 2019

[Download the Draft Guidance Document](#) [Read the Federal Register Notice](#)

Draft

Not for implementation. Contains non-binding recommendations.

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Docket Number: [FDA-2017-D-6569](#)

Issued by: Center for Devices and Radiological Health
Center for Biologics Evaluation and Research
Center for Drug Evaluation and Research

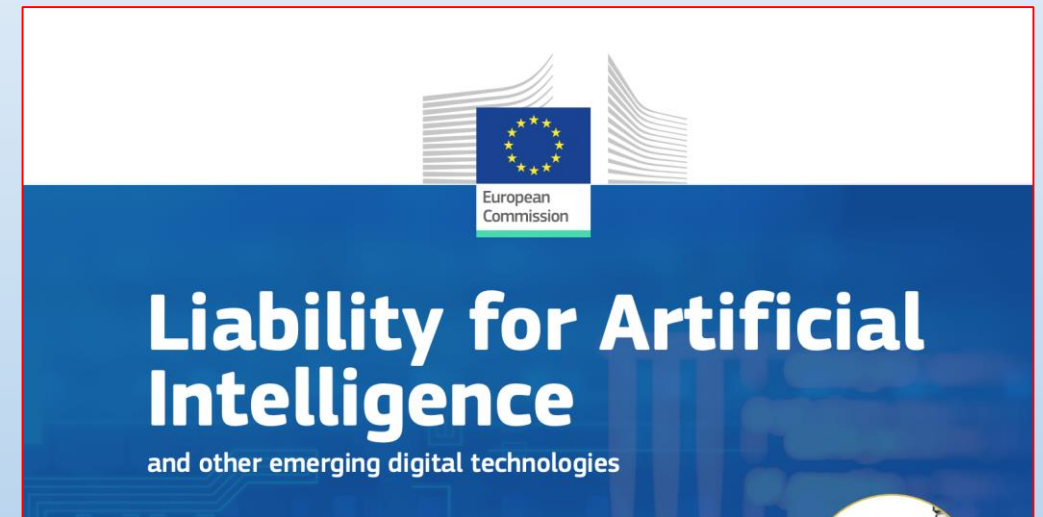
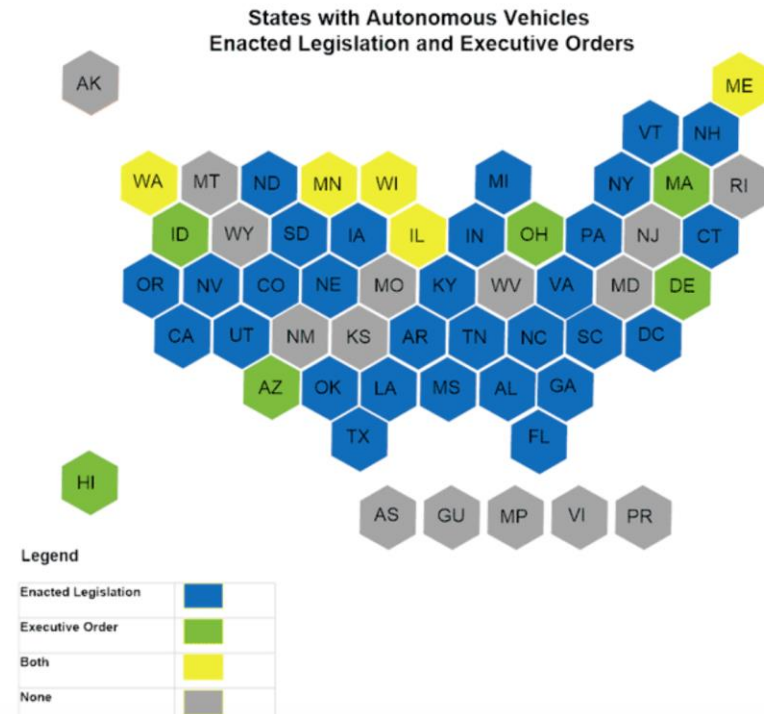
In its latest **draft guidance**, the agency said it plans to apply a risk-based strategy for enforcing device-related requirements. It does not intend to regulate certain types of low-risk software—such as programs designed to help inform patients and caregivers in managing non-serious conditions without the help of a doctor—especially when those users can independently check and understand the basis for the programs’ recommendations.

Instead, the FDA said it plans to focus oversight on higher-risk software functions, including those used in serious or critical situations—as well as machine learning-based algorithms, where the program’s logic and inputs may not be fully explained to the user.

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*Gradual updates of legal frameworks dominate
over complete overhaul or radical innovation*

NCSL has a **NEW autonomous vehicles legislative database**, providing up-to-date, real-time information about state autonomous vehicle legislation that has been introduced in the 50 states and the District of Columbia.



- [4] It is therefore necessary to consider adaptations and amendments to existing liability regimes, bearing in mind that, given the diversity of emerging digital technologies and the correspondingly diverse range of risks these may pose, it is impossible to come up with a single solution suitable for the entire spectrum of risks.

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AI-enabled "deep fakes" are another trending regulatory issue

Tech, Media and Comms

Regulating unreality | The legal implications of “deepfakes”

Written on 15 Aug 2019

Headlines / Tech, Media and Comms / Regulating unreality | The legal implications of...

Deepfakes represent a major challenge in tackling fake news and upholding trust in the truth. But they also present unique compliance risks for businesses. How can existing legal and practical tools be used to combat deepfakes, and what changes may be needed to regulate unreality?



Business Markets World Politics TV More

WORLD NEWS NOVEMBER 29, 2019 / 4:19 AM / A MONTH AGO

China seeks to root out fake news and deepfakes with new online content rules

2 MIN READ



BEIJING/SHANGHAI (Reuters) - Chinese regulators have announced new rules governing video and audio content online, including a ban on the publishing and distribution of “fake news” created with technologies such as artificial intelligence and virtual reality.



Deepfake Legislation: A Nationwide Survey—State and Federal Lawmakers Consider Legislation to Regulate Manipulated Media

SEPTEMBER 25, 2019

By [Matthew F. Ferraro](#)

<9>

AI is increasingly applied within the regulatory environment itself

PARTNERSHIP ON AI

Report on Algorithmic Risk Assessment Tools in the U.S. Criminal Justice System

REPORT

SCIENCE & TECHNOLOGY
December 11, 2019

Robot Justice: The Rise of China's 'Internet Courts'

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A virtual judge hears litigants in a case before a Chinese 'internet court' in Hangzhou, China. (Courtesy: AFP/YouTube video)

NEWS

ICT tender: Brazil's supreme court to buy AI solution

Bnamericas
Published: Friday, September 13, 2019

Innovation Databases Big Data Tenders Artificial Intelli...



The Brazilian supreme court is tendering an [artificial intelligence \(AI\)](#) indexing solution to help expedite searches of and access to the court's decisions.

The 2mn-real (US\$488,000) contract will be valid for 12 months and renewable for up to 60 months. The new tool is expected to be up and running this year.

The solution is expected to enable searches of different databases (judgments, monocratic decisions, precedents, general repercussions, etc.) and

Accueil - Les Éditions de l'IMODEV > Vol. 4 (2018) > Corvalán

ARTIFICIAL INTELLIGENCE, THREATS, CHALLENGES AND OPPORTUNITIES

PROMETEA, THE FIRST PREDICTIVE ARTIFICIAL INTELLIGENCE AT THE SERVICE OF JUSTICE IS ARGENTINIAN

< Thank You >

@ugasser