

Responsible AI is a governance framework that documents how a specific organisation addresses the challenges around Artificial Intelligence (AI) from a legal and ethical point of view. Principles of Responsible AI require that it and any associated machine learning models are comprehensive, explainable, ethical and efficient.

While there have been great advances and successes with AI, there have also been mistakes made where AI has been used incorrectly and even maliciously. A recent example of this in the Covid pandemic was an automated process used by Public Health England to report new cases. The process moved positive lab results into Excel formats that were then used for contract tracing and data dashboards. Unfortunately, the algorithm pasted the cases in columns instead of rows and soon reached the 16,384 column limit which resulted in Excel removing 15,481 records. This had significant implications on the contract tracing system. There have also been a number of examples where Chatbots have been built using online conversations that have not been monitored and have resulted in the Chatbots making inappropriate suggestions or using racist language. Microsoft's AI Chatbot Tay was intentionally trolled to make racist remarks and a French Medical Chatbot which suggested fake patients commit suicide are recent examples.

The most relevant pieces of UK legislation for dealing with the challenges of AI is the Data Protection Act 2018 and the UK General Data Protection Legislation (GDPR). In relation to the collection of personal data, you must obtain explicit consent from the user whose data is being collected. You are required to minimise the amount of data collected and put limits on how long that data will be held. Opt-in and Opt-out mechanisms are most commonly used to satisfy the consent requirements.

Specifically, Article 22(1) of the UK GDPR limits the circumstances in which you can make solely automated decisions, including those based on profiling, which could have a legal or similarly significant effect on individuals.

The implications of not collecting consent or using the data appropriately in the UK can result in a maximum fine of £17.5 million or 4% of annual global turnover – whichever is greater and in severe cases it could result in prison sentences for company directors.

AI has become a public debate with regards to its societal impacts and concerns must be taken into account by those developing and implementing AI solutions. The GDPR and DPA acts have been implemented to ensure that AI technologies are aligned with societal values and that citizens' rights are protected. At the same time, innovation should be encouraged with organisations creating the right structures to ensure long-term governance. This can be achieved by establishing internal governance, with leadership support being a key success factor with the ability to hold the leadership accountable. It is also imperative to create quality assurance that enables traceability and audibility for AI systems. Finally, investing in AI education and training for all stakeholders will inform them of the capabilities and limitations in order to have successful implementation.

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