

Part 1

Legislation and Regulatory Contexts

Ethical and Compliant AI Innovation

- Developed
- Deployed
- User/end user
- Location
- Data/Data banks/lakes
accrual
- Purpose
- Proportionality
- Models
- Accountability
- Explainability
- Challenge
- Legal Responsibilities

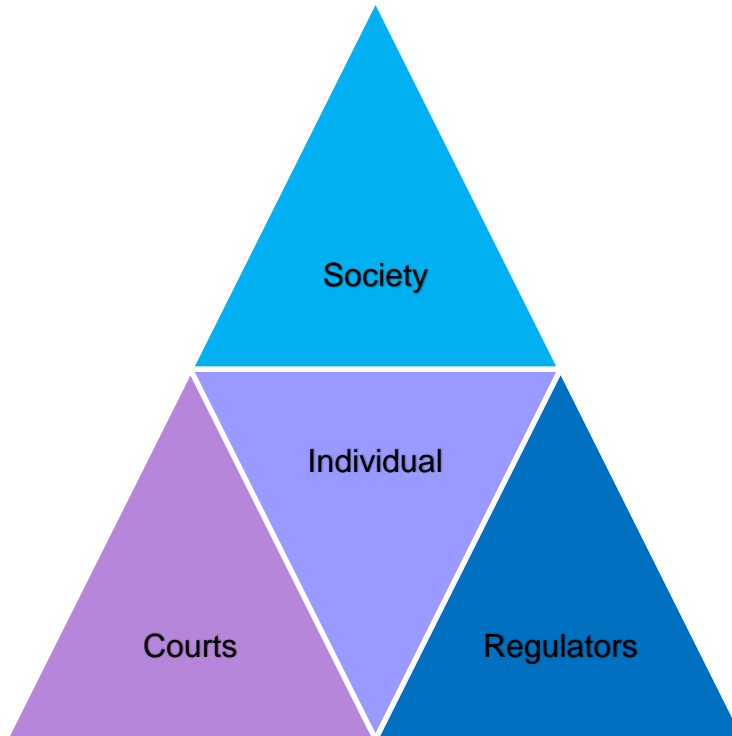
Ethical Innovation for Artificial Intelligence

<https://ei4ai.wordpress.com/>

Multiple jurisdictions and perspectives add to the complexity of compliance:

- United Nations
- European Union
- UK
- Canada
- USA
- China
- India
- Local/State

Legislation and Societal Context



Intersection of:

- Legislation
- Case law
- Regulators
- Best practice

Public versus Private Law

➤ Differing evidential standards

Warfare

Legislation

- Prescriptive- thou shalt
- Balancing competing considerations

Avoiding negative impacts

- Impact of Breaches
- Financial
- Harm
- Damage

Providing for rights and freedoms

Universal Declaration of Human Rights - 1948

- Article 7 – all equal before the law
- Article 12 – right to privacy
- Article 17 – right to property
- Article 18 – right to freedom of thought
- Article 19 – right to freedom of expression
- Article 27 - right to the protection of the moral and material interests resulting from any scientific, literary or artistic production

EU Charter of Fundamental Rights
(Article 21)

UK Equality Act 2010

USA Civil Rights Act

➤ Protected Characteristics

Age, Disability, Gender Reassignment,
Marriage and Civil Partnership,
Pregnancy and maternity, Race,
Religion or Belief, Sex, Sexual
orientation, Genetics, Language.

➤ Direct, Indirect, Associative, Perceptive Discrimination

Intellectual Property Rights

- Patents
 - Industrial Design
 - Trade secrets and 'know how'
 - Trade Marks
 - Brand
 - Copyright – needs human creator
 - Digital Rights Management
 - Software, Database Rights etc
-
- Legislated for in different ways
 - Last for different times
 - Differ internationally

Intellectual Property Rights

Provides for:

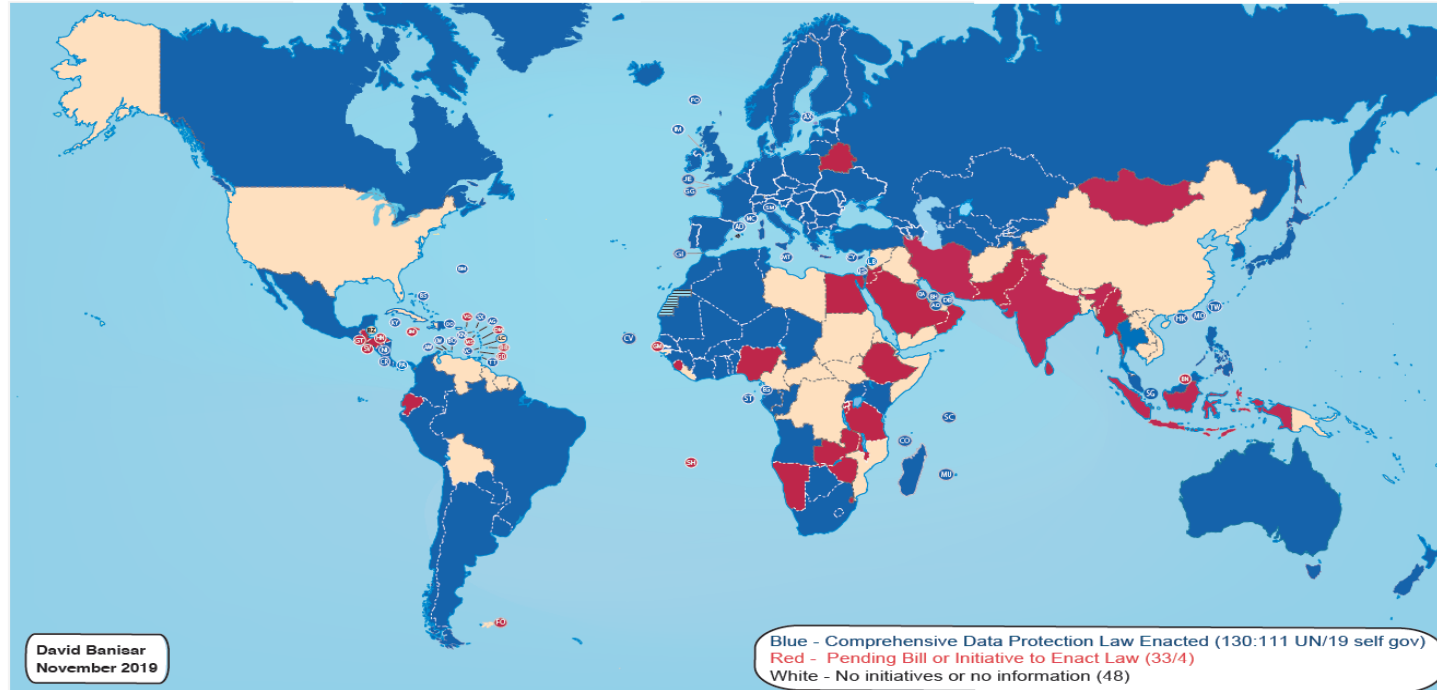
- Control
- Collaboration Frameworks
- Commoditization
- Monopolies
- Protection
 - Software is protected by copyright law – provides paternity and moral rights
 - Fair Dealing vs Fair Use
 - Inventions related to software are protected by patents
 - Trade secrets – contracts/NDAs

“Our mission is to lead the **development of a balanced and effective** international IP system that enables **innovation and creativity** for the **benefit of all**. Our mandate, governing bodies and procedures are set out in the WIPO Convention, which established WIPO in 1967.”

<https://www.wipo.int/about-wipo/en/>

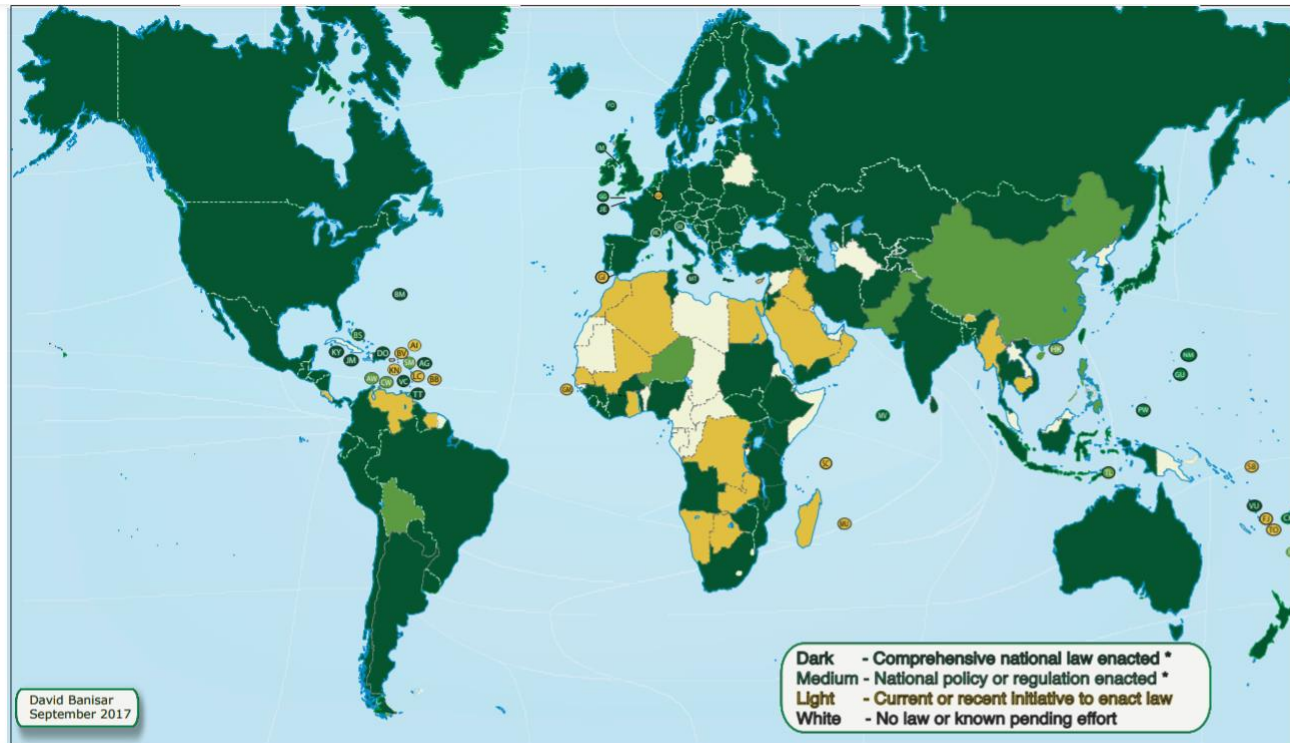
Privacy and Personal Data: Mapping of information privacy regimes

National Comprehensive Data Protection/Privacy Laws and Bills 2019



This image is produced with permission of David Banisar. See https://www.researchgate.net/publication/337060085_National_Comprehensive_Data_ProtectionPrivacy_Laws_and_Bills_-_November_2019

Mapping of information access regimes



This image is produced with permission of David Banisar. See https://www.researchgate.net/publication/256010224_National_Right_to_Information_Laws_Regulations_and_Initiatives_2017_Map

Activities and Reading

Activity: Mapping out the legislative and regulatory landscape

To map out the legislative context either for your organization or an organization you are familiar with. Consider:

- What is the broad legislative context?
- Who are the regulators?
- How/where/why might AI be developed/deployed?
- Who are the stakeholders?
- What could be the benefits of AI in this context?
- What might be the risks taking into account any issues around potential harm or damage or rights infringements?

Part 1 - Readings

Read **Chapter 3** on ‘Who bears responsibility for the threats, risks, harms and wrongs posed by advanced digital technologies?’, in Yeung, K. ed. (2019) *Responsibility and AI: a study of the implications of advanced digital technologies (including AI systems) for the concept of responsibility within a human rights framework*. Strasbourg: Council of Europe. Available at: <https://rm.coe.int/responsability-and-ai-en/168097d9c5> (Accessed 1 July 2021)