

Towards an AI Bill of Rights

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This document is a compilation of efforts by

- the [Canadian government](#)
- the [European Union](#)
- the [government of the United States](#) (the clearest)

to create an AI (Artificial Intelligence) Bill of rights to protect citizens from unethical uses of data, from the creation and propagation of misinformation and, as the [signatories of a public letter in support of the Canadian government bill say](#), mitigate potential harms that include

... discrimination, bias, misinformation, impacts on mental health (namely children) and disruptions to the labor market. And ... other critical risks [that] will most likely arise, while current ones may significantly increase.

Here is a round-up from Reuters of what other jurisdictions have in the works:

[Factbox: Governments race to regulate AI tools](#), June 2, 2023

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Canada

The Artificial Intelligence and Data Act (AIDA)

In June 2022, the Government of Canada tabled the [Artificial Intelligence and Data Act \(AIDA\)](#) as part of [Bill C-27, the Digital Charter Implementation Act, 2022](#).

The framework proposed in the AIDA is the first step towards a new regulatory system designed to guide AI innovation in a positive direction, and to encourage the responsible adoption of AI technologies by Canadians and Canadian businesses. The Government intends to build on this framework through an open and transparent regulatory development process. ...

The AIDA proposes the following approach:

1. Building on existing **Canadian consumer protection and human rights law**, AIDA would ensure that **high-impact AI systems** meet the same expectations with respect to safety and human rights to which Canadians are accustomed. Regulations defining which systems would be considered high-impact, as well as specific requirements, would be developed in consultation with a broad range of stakeholders to ensure that they are effective at protecting the interests of the Canadian public, while avoiding imposing an undue burden on the Canadian AI ecosystem.
2. The Minister of Innovation, Science, and Industry would be empowered to administer and enforce the Act, **to ensure that policy and enforcement move together as the technology evolves**. An office headed by a new AI and Data Commissioner would be created as a centre of expertise in support of both regulatory development and administration of the Act. The role would undergo gradual evolution of the functions of the commissioner from solely education and assistance to also include compliance and enforcement, once the Act has come into force and ecosystem adjusted.

3. **Prohibit reckless and malicious uses of AI** that cause serious harm to Canadians and their interests through the creation of new criminal law provisions.

The AIDA would ensure accountability for risks associated with high-impact AI systems used in the course of international and interprovincial trade and commerce. It identifies activities involved in the lifecycle of a high-impact AI system and imposes obligations for businesses carrying out those activities in order to ensure accountability at each point where risk may be introduced.

from [The Artificial Intelligence and Data Act \(AIDA\) – Companion document](#)

retrieved on June 3, 2023

The proposed Artificial Intelligence and Data Act will introduce new rules to strengthen Canadians' trust in the development and deployment of AI systems, including:

- protecting Canadians by ensuring high-impact AI systems are developed and deployed in a way that identifies, assesses and mitigates the risks of harm and bias;
- establishing an AI and Data Commissioner to support the Minister of Innovation, Science and Industry in fulfilling ministerial responsibilities under the Act, including by monitoring company compliance, ordering third-party audits, and sharing information with other regulators and enforcers as appropriate; and
- outlining clear criminal prohibitions and penalties regarding the use of data obtained unlawfully for AI development or where the reckless deployment of AI poses serious harm and where there is fraudulent intent to cause substantial economic loss through its deployment.

from [Bill C-27 summary: Digital Charter Implementation Act, 2022](#)

retrieved June 3, 2023

The bill has passed second reading and is [now in committee hearings](#).

Here is what Michael Geist has to say about AIDA:

Bill C-27 is really three bills in one: major privacy reform, the creation of a new privacy tribunal, and AI regulation. ...

...The bill is seemingly based on the premise that we need to “do something” even if that something contains little actual detail on what that something is. AIDA was so lacking in detail that the government issued a companion document that sought to provide more information on the government’s intent. That document is welcome, but is not a substitute for good legislation, even one that is “directionally sound.” ...

...the government should do what it should have done from the start: launch a real consultation and public discussion on what we think AI regulation should prioritize, what principles should serve as the foundation for such regulation, how to develop effective administration and oversight, and how to ensure that the law keeps pace with a rapidly changing technology environment that has huge human rights and economic implications.

from [*Why the Government Should Hit the Regenerate Button on its AI Bill*](#)

April 19, 2023 retrieved on June 3, 2023

Here are the [guidelines that the Government of Canada](#) has set up for its own use of AI:

To ensure the effective and ethical use of AI the government will:

1. **understand and measure** the impact of using AI by developing and sharing tools and approaches
2. **be transparent** about how and when we are using AI, starting with a clear user need and public benefit
3. **provide meaningful explanations** about AI decision making, while also offering opportunities to review results and challenge these decisions
4. **be as open as we can** by sharing source code, training data, and other relevant information, all while protecting personal information, system integration, and national security and defence
5. **provide sufficient training** so that government employees developing and using AI solutions have the responsible design, function, and implementation skills needed to make AI-based public services better

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The European Union

On May 11, 2023, the EU Internal Market Committee and the Civil Liberties Committee adopted a draft negotiating mandate on the first ever rules for Artificial Intelligence. The [European Commission's original proposal](#) was based on these objectives:

- ensure that AI systems placed on the Union market and used are safe and respect existing law on fundamental rights and Union values;
- ensure legal certainty to facilitate investment and innovation in AI;
- enhance governance and effective enforcement of existing law on fundamental rights and safety requirements applicable to AI systems;
- facilitate the development of a single market for lawful, safe and trustworthy AI applications and prevent market fragmentation.

The **amendments** aim to ensure that AI systems are **overseen by people, are safe, transparent, traceable, non-discriminatory, and environmentally friendly**. They also want to have a uniform definition for AI designed to be technology-neutral, so that it can apply to the AI systems of today and tomorrow.

Under the proposals, **AI tools will be classified according to their perceived level of risk, from low to unacceptable**. Governments and companies using these tools will have different obligations, depending on the risk level. **AI systems with an unacceptable level of risk to people's safety would be strictly prohibited**, including systems that deploy subliminal or purposefully manipulative techniques, exploit people's vulnerabilities or are used for social scoring (classifying people based on their social behaviour, socio-economic status, personal characteristics). For example, the rules ban the use of facial recognition in public spaces, predictive policing tools, and impose new transparency measures on generative AI applications like OpenAI's ChatGPT where Companies deploying generative AI tools, such as ChatGPT, will have to disclose any copyrighted material used to develop their systems.

from

- [EU Artificial Intelligence Act](#), Center for AI and Digital Policy, May 11, 2023
- [AI Act: a step closer to the first rules on Artificial Intelligence](#), European Parliament, May 5, 2023
- [EU lawmakers' committees agree tougher draft AI rules](#) by Foo Yun Chee, Martin Coulter and Supantha Mukherjee (Reuters), May 11, 2023
- [EU proposes new copyright rules for generative AI](#), by Foo Yun Chee, Martin Coulter and Supantha Mukherjee (Reuters), April 28, 2023

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United States

[The Blueprint for an AI Bill of Rights](#) is a set of five principles and associated practices to help guide the design, use, and deployment of automated systems to protect the rights of the American public in the age of artificial intelligence. Developed through extensive consultation with the American public, these principles are a blueprint for building and deploying automated systems that are aligned with democratic values and protect civil rights, civil liberties, and privacy.

The framework is accompanied by *From Principles to Practice*—a handbook for anyone seeking to incorporate these protections into policy and practice, including detailed steps toward actualizing these principles in the technological design process.

The 5 Principles

Safe and Effective Systems

You should be protected from unsafe or ineffective systems. Automated systems should be developed with consultation from diverse communities, stakeholders, and domain experts to identify concerns, risks, and potential impacts of the system. ...

Algorithmic Discrimination Protections

You should not face discrimination by algorithms and systems should be used and designed in an equitable way. Algorithmic discrimination occurs when automated systems contribute to unjustified different treatment or impacts disfavoring people based on their race, color, ethnicity, sex (including pregnancy, childbirth, and related medical conditions, gender identity, intersex status, and sexual orientation), religion, age, national origin, disability, veteran status, genetic information, or any other classification protected by law. ...

Data Privacy

You should be protected from abusive data practices via built-in protections and you should have agency over how data about you is used. You should be protected from violations of privacy through design choices that ensure such protections are included by default, including ensuring that data collection conforms to reasonable expectations and that only data strictly necessary for the specific context is collected. ...

Notice and Explanation

You should know that an automated system is being used and understand how and why it contributes to outcomes that impact you. Designers, developers, and deployers of automated systems should provide generally accessible plain language documentation ...

Human Alternatives, Consideration, and Fallback

You should be able to opt out, where appropriate, and have access to a person who can quickly consider and remedy problems you encounter. You should be able to opt out from automated systems in favor of a human alternative, where appropriate.

Appropriateness should be determined based on reasonable expectations in a given context and with a focus on ensuring broad accessibility and protecting the public from especially harmful impacts. ...

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