



DEMOCRACY, HUMAN RIGHTS, AND THE RULE OF LAW BY DESIGN FOR ARTIFICIAL INTELLIGENCE

BY PAUL NEMITZ , PRINCIPAL ADVISER,
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#AI

Facebook, Inc. (FB) [★ Add to watchlist](#)

NasdaqGS - NasdaqGS Real Time Price. Currency in USD

159.69 0.00 (0.00%)**170.91** +11.22 (7.03%)

At close: April 25 4:00PM EDT

Pre-Market: 7:25AM EDT

Indicators Comparison Date Range 1D 5D 1M 3M **6M** YTD 1Y 2Y 5Y Max Interval 1D Line Draw

FB 180.8700 X

Open	178.8700
High	179.5000
Low	178.1000
Close	178.7400
Volume	10.05M
% Change	4.77%



In partnership with ChartIQ

YAHOO FINANCE, FACEBOOK INC., APRIL 26 2018,

[HTTPS://FINANCE.YAHOO.COM/QUOTE/FB/CHART?P=FB#EYJPBNRLCNZHBCI6IMRHESISINBLCMLVZGLJAXR5IJOXLCJJYW5KBGVXAWR0ACI6OS4ZMIWIDM9SDW1LVW5KZXJSYXKIONRYDWUSIMFKAI16DHJ1ZSWIY3JVC3NOYWLYIJP0CNVLLCJJAGFYDFR5CGUIOIJSW5LIIWI](https://finance.yahoo.com/quote/fb/chart?p=fb#EYJPBNRLCNZHBCI6IMRHESISINBLCMLVZGLJAXR5IJOXLCJJYW5KBGVXAWR0ACI6OS4ZMIWIDM9SDW1LVW5KZXJSYXKIONRYDWUSIMFKAI16DHJ1ZSWIY3JVC3NOYWLYIJP0CNVLLCJJAGFYDFR5CGUIOIJSW5LIIWI)

THE GEOSTRATEGY OF ARTIFICIAL INTELLIGENCE

	U.S.A	E.U.	China
MARKET SITUATION FOR MAJOR AI SYSTEM INTEGRATION	OLIGOPOLY		OLIGOPOLY
CONTROL OF PERSONAL DATA	CORPORATE	INDIVIDUALS BASED ON GDPR	GOVERNMENT CONTROLS PEOPLE THROUGH SCORING
REGULATION	SELF REGULATION ETHICS CODES	PARLIAMENTARY LAW BASED ON ETHICS AND FUNDAMENTAL VALUES	GOVERNMENT

VALUES SET OUT IN ART. 2 OF THE TREATY ON EUROPEAN UNION

Article 2

The Union is founded on the values of respect for human **dignity**, **freedom**, **democracy**, **equality**, the **rule of law** and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which **pluralism**, **non-discrimination**, **tolerance**, **justice**, **solidarity** and **equality** between women and men prevail.

Brussels, 25.4.2018
COM(2018) 237 final

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE EUROPEAN COUNCIL, THE COUNCIL, THE EUROPEAN
ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE
REGIONS**

Artificial Intelligence for Europe

{SWD(2018) 137 final}

CHAPTER 3.3. ENSURING AN APPROPRIATE ETHICAL AND LEGAL FRAMEWORK

[...] "This is essential as **citizens and businesses alike need to be able to **trust** the technology they interact with, have a **predictable legal environment** and rely on **effective safeguards protecting fundamental rights and freedoms.** "** [...]

- EU Charter of Fundamental Rights
- EU Standards in terms of safety and product liability
- EU Rules on network and information systems security
- EU Rules on protection of personal data

The General Data Protection Regulation (GDPR)

- Limits to **decision-making** based solely on **automated processing** and profiling (Art.22)
- Right to be provided with **meaningful information** about the **logic** involved in the decision (Art.13 (2) f. and 15 (1) h)

To further strengthen trust, people also need to understand how the technology works, hence the importance of research into the **explainability of AI systems**. Indeed, in order to increase transparency and minimise the risk of bias or error, AI systems should be developed in a manner which allows humans to understand (the basis of) their actions.

DRAFT AI ETHICS GUIDELINES

As a first step to address ethical concerns, draft AI ethics guidelines will be developed by the end of the year, with due regard to the Charter of Fundamental Rights of the European Union.

The draft guidelines will address issues such as the

- Future of work
- Fairness
- Safety
- Security
- Social inclusion and
- Algorithmic transparency

DRAFT AI ETHICS GUIDELINES

- Impact on fundamental rights:
 - Privacy
 - Dignity
 - Consumer protection
 - Non-discrimination

ETHICS GUIDELINES WILL BUILD ON :

- European Group on Ethics in Science and New Technologies statement on AI
- other similar efforts - Alan Wienfield's list of AI ethics codes

Companies, academic institutions, and other organisations from civil society bodies will be **invited to contribute**.

In parallel, the Commission will continue its work towards progress on ethics at international level. The European Commission's International Dialogue on Bioethics and Ethics in Science and New Technologies brings together the National Ethics Councils of EU Member States and of third countries, to work together on those matters of common concern.

While self-regulation can provide a first set of benchmarks against which emerging applications and outcomes can be assessed, public authorities must ensure that the regulatory frameworks for developing and using of AI technologies are in line with these values and fundamental rights. The Commission will monitor developments and, if necessary, review existing legal frameworks to better adapt them to specific challenges, in particular to ensure the respect of the Union's basic values and fundamental rights.

SAFETY

[...] Given AI's widespread uses, both horizontal and sectoral rules may need to be reviewed.

The EU safety framework already addresses the intended use and foreseeable (mis)use of products when placed on the market. This has led to the development of a solid body of standards in the area of AI-enabled devices that is continuously being adapted in line with technological progress..

The further development and promotion of such safety standards and support in EU and international standardisation organisations will help enable European businesses to benefit from a competitive advantage, and increase consumer trust. Standards also cover interoperability, which is crucial for offering consumers greater choices and ensuring fair competition. [...]

ALAN WINFIELD'S LIST OF ETHICS CODES

- Asimov's three laws of Robotics (1950)
- Murphy and Wood's three laws of Responsible Robotics (2009)
- EPSRC Principles of Robotics (2010)
- Future of Life Institute Asilomar Principles for beneficial AI (Jan 2017)
- The ACM US Public Policy Council Principles for Algorithmic Transparency and Accountability (Jan 2017)
- Japanese Society for Artificial Intelligence (JSAI) Ethical Guidelines (Feb 2017)
- Draft Principles of the Future Society's Science, Law and Society Initiative (Oct 2017)
- Montréal Declaration for Responsible AI draft principles (Nov 2017)
- IEEE General Principles of Ethical Autonomous and Intelligent Systems (Dec 2017)
- UNI Global Union Top 10 Principles for Ethical AI (Dec 2017)

European Group on Ethics in
Science and New Technology
(EGE) Statement on Artificial
Intelligence, Robotics and
"Autonomous" systems
(9 March 2018)

PROGRAMMERS –IMPLEMENT !

DEMOCRACY, HUMAN RIGHTS, AND THE RULE
OF LAW

BY DESIGN IN ARTIFICIAL INTELLIGENCE

IF AI SETS THE RULES LIKE A LAW.....

.....AI WILL HAVE TO BE
CHECKED LIKE A LAW

- In a Democratic Process
 - -Against Higher Law

RULE OF LAW V. RULE OF AI

No action which is illegal if
committed by a human can be
legal if committed by AI

GOOGLE: IT'S NOT US, IT IS THE ALGORITHM

- Argument rejected by European Court of Justice in the Google Right to be forgotten Judgement
- AI can neither lead to interrupt the chain of **responsibility** nor undermine **rights** of individuals

"BY DESIGN" AND "BY DEFAULT"
ART 25 §1 GDPR

FINES: UP TO 2% – AND IN REPEAT
CASE UP TO 4% - OF WORLD
TURNOVER

ART 83 GDPR

EU GENERAL DATA PROTECTION REGULATION GDPR

**REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL**

of 27 April 2016

**on the protection of natural persons with regard to the processing of personal data and on the
free movement of such data, and repealing Directive 95/46/EC (General Data Protection
Regulation)**

(Text with EEA relevance)

ART.22 GDPR

Article 22

Automated individual decision-making, including profiling

1. The data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her.
2. Paragraph 1 shall not apply if the decision:
 - (a) is necessary for entering into, or performance of, a contract between the data subject and a data controller;
 - (b) is authorised by Union or Member State law to which the controller is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests; or
 - (c) is based on the data subject's explicit consent.
3. In the cases referred to in points (a) and (c) of paragraph 2, the data controller shall implement suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision.
4. Decisions referred to in paragraph 2 shall not be based on special categories of personal data referred to in Article 9(1), unless point (a) or (g) of Article 9(2) applies and suitable measures to safeguard the data subject's rights and freedoms and legitimate interests are in place.

February 27, 2018

The GDPR: An Artificial Intelligence Killer?

Todd Wright and Mary Beth Ainsworth



(EtiAmmos/Shutterstock)

- productivity.
- By 2025, the artificial intelligence market will surpass \$100 billion.

If anyone has doubts regarding the wave toward artificial intelligence, a quick read of [this post](#) from CMO.com should erase those doubts.

Consider some highlights:

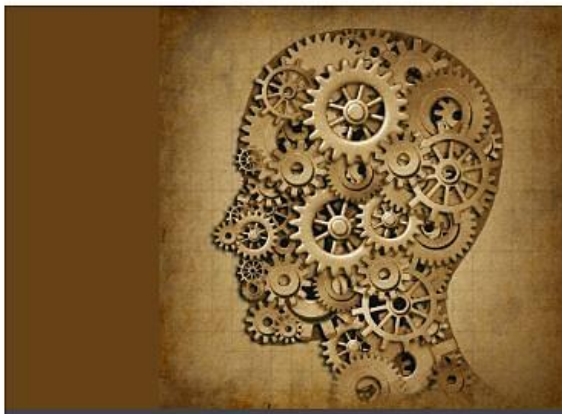
In the immediate future, execs are looking for AI to alleviate repetitive, menial tasks, such as paperwork (82 percent), scheduling (79 percent) and timesheets (78 percent).

Eighty percent of executives believe AI boosts

But with all the excitement regarding the potential of AI, there are concerns. One of the primary ones is how to address data privacy. In no other place is the concern between data privacy and artificial intelligence more pronounced than the European Union's General Data Protection Regulation (GDPR).

What does GDPR and the 'right to explanation' mean for AI?

Security teams increasingly rely on machine learning and artificial intelligence to protect assets. Will a requirement to explain how they make decisions make them less effective?

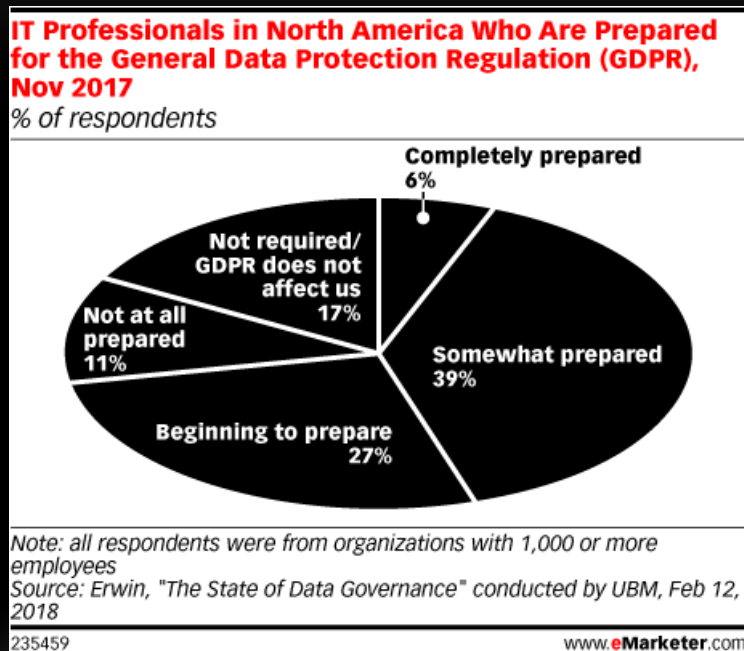


GDPR IN AMERICA 2016 – 2017: ADAPTATION TO EU GDPR STANDARDS A PRIORITY FOR US COMPANIES

*Pulse Survey: US Companies ramping up General
Data Protection Regulation (GDPR) budgets*

[HTTPS://WWW.PWC.COM/US/EN/INCREASING-IT-EFFECTIVENESS/PUBLICATIONS/ASSETS/PWC-GDPR-SERIES-PULSE-SURVEY.PDF](https://www.pwc.com/us/en/increasing-it-effectiveness/publications/assets/pwc-gdpr-series-pulse-survey.pdf)

GDPR IN AMERICA 2016 – 2017: ADAPTATION TO EU GDPR STANDARDS A PRIORITY FOR US COMPANIES



GDPR ON ITS WAY TO A GLOBAL STANDARD 2016 - 2018



GDPR will set new standard for global privacy contracting

🕒 Oct 28, 2016

💾 Save This



Europe's new data protection rules export privacy standards worldwide

New regulations offer EU citizens sweeping new powers over how their data can be collected, used and stored.

By **MARK SCOTT AND LAURENS CERULUS** | 1/31/18, 12:00 PM CET | Updated 2/6/18, 4:50 AM CET

IAPP; GDPR WILL SET NEW STANDARD FOR GLOBAL PRIVACY CONTRACTING, OCT. 28 2016, [HTTPS://IAPP.ORG/NEWS/A/GDPR-WILL-SET-NEW-STANDARD-FOR-GLOBAL-PRIVACY-CONTRACTING/](https://iapp.org/news/a/gdpr-will-set-new-standard-for-global-privacy-contracting/)

POLITICO, EUROPE'S NEW DATA PROTECTION RULES EXPORT PRIVACY STANDARDS WORLDWIDE BY [MARK SCOTT](#) AND [LAURENS CERULUS](#) 1/31/18, [HTTPS://WWW.POLITICO.EU/ARTICLE/EUROPE-DATA-PROTECTION-PRIVACY-STANDARDS-GDPR-GENERAL-PROTECTION-DATA-REGULATION/](https://www.politico.eu/article/europe-data-protection-privacy-standards-gdpr-general-protection-data-regulation/)

GDPR IN AMERICA 2018 – FACEBOOK – CAMBRIDGE ANALYTICA DESASTER MAKES GDPR A GLOBAL STANDARD

Facebook's Zuckerberg Pledges Worldwide GDPR Compliance

Second Congressional Hearing Probes Privacy Issues

Marianne Kolbasuk McGee ([Twitter](#) HealthInfoSec) · April 11, 2018 · 0 Comments

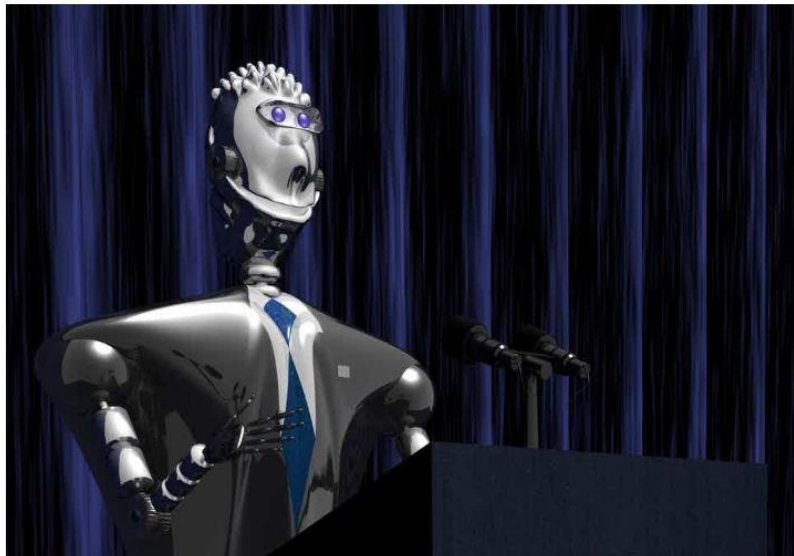
Zuckerberg says Facebook will offer GDPR privacy controls everywhere

Josh Constine @JoshConstine / Apr 4, 2018

BIG NEWS: GDPR IS NOT ONLY ABOUT PRIVACY

**GDPR APPLIES TO ALL AI WHICH
PROCESSES PERSONAL DATA, THUS
DATA WHICH IDENTIFIES A PERSON
OR MAKES IT POSSIBLE TO
IDENTIFY A PERSON.**

THAT IS BIG !



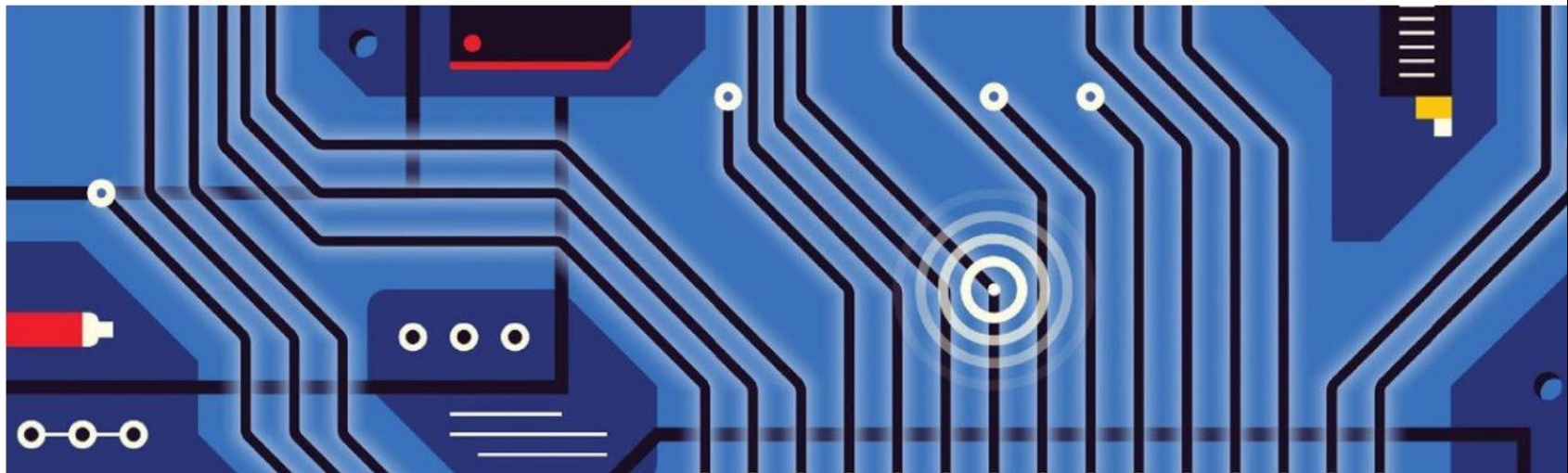
A robot for an MP – who'd vote for that? Shutterstock/Mombo

Can we replace politicians with robots?

Frank Mols and Jonathan Roberts

March 28, 2016 8.46am AEDT

HEAR ME OUT: LET'S ELECT AN AI AS PRESIDENT



WIRED, MAY 18 2017, [HTTPS://WWW-WIRED-COM.CDN.AMPPROJECT.ORG/V/S/WWW.WIRED.COM/2017/05/HEAR-LETS-ELECT-AI-PRESIDENT/AMP?AMP_JS_V=0.1&USQP=MQ331AQGCAEYASGB#ORIGIN=HTTPS%3A%2F%2FWWW.GOOGLE.BE&PRERENDERSIZE=1&VISIBILITYSTATE=PRERENDER&PADDINGTOP=54&P2R=0&HOR](https://www-wired-com.cdn.ampproject.org/v/s/www.wired.com/2017/05/HEAR-LETS-ELECT-AI-PRESIDENT/AMP?AMP_JS_V=0.1&USQP=MQ331AQGCAEYASGB#ORIGIN=HTTPS%3A%2F%2FWWW.GOOGLE.BE&PRERENDERSIZE=1&VISIBILITYSTATE=PRERENDER&PADDINGTOP=54&P2R=0&HOR)

JOHN PERRY BARLOW

Declaration of the
independence of Cyberspace

JOHN PERRY BARLOW (OCTOBER 3, 1947 – FEBRUARY 7, 2018)

A Declaration of the Independence of Cyberspace

by John Perry Barlow

Governments of the Industrial World, you weary giants of flesh and steel, I come from Cyberspace, the new home of Mind. On behalf of the future, I ask you of the past to leave us alone. You are not welcome among us. You have no sovereignty where we gather.

We have no elected government, nor are we likely to have one, so I address you with no greater authority than that with which liberty itself always speaks. I declare the global social space we are building to be naturally independent of the tyrannies you seek to impose on us. You have no moral right to rule us nor do you possess any methods of enforcement we have true reason to fear.

Governments derive their just powers from the consent of the governed. You have neither solicited nor received ours. We did not invite you. You do not know us, nor do you know our world. Cyberspace does not lie within your borders. Do not think that you can build it, as though it were a public construction project. You cannot. It is an act of nature and it grows itself through our collective actions.

OBLIGATION TO GIVE REASONS

Art. 296 Treaty on the functioning of the European Union

Legal acts shall **state the reasons** on which they are based [...]

OBLIGATION TO PROVIDE MEANINGFUL INFORMATION - ART. 15 GDPR

Article 15

Right of access by the data subject

1. The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:

[...]

(h)

the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and, at least in those cases,

meaningful information about the logic involved, as well as the significant and the envisaged consequences of such processing for the data subject.

[...]

Meaningful information and the right to explanation

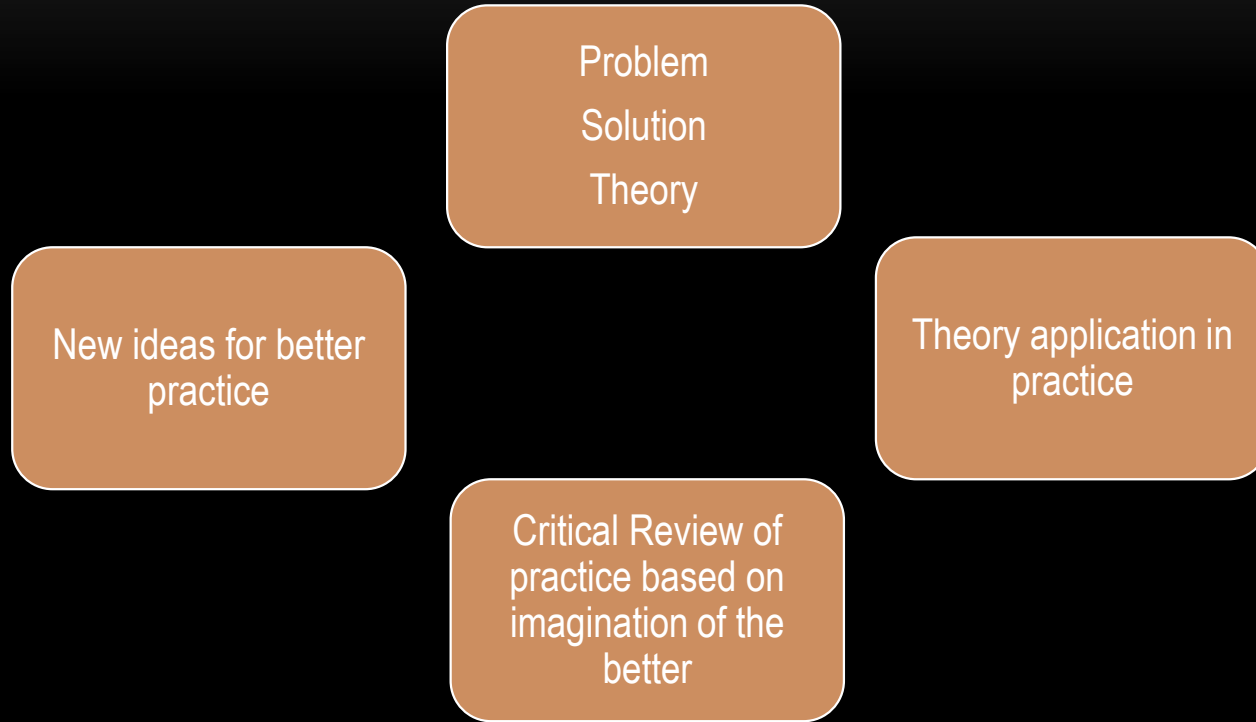
Andrew D Selbst Julia Powles

International Data Privacy Law, Volume 7, Issue 4, 1 November 2017, Pages 233–242, <https://doi.org/10.1093/idpl/idx022>

Published:

19 December 2017

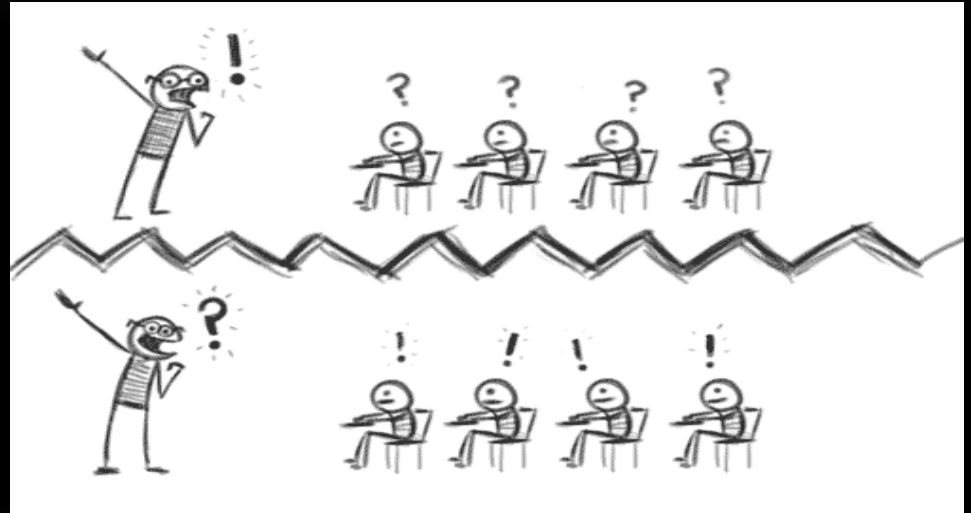
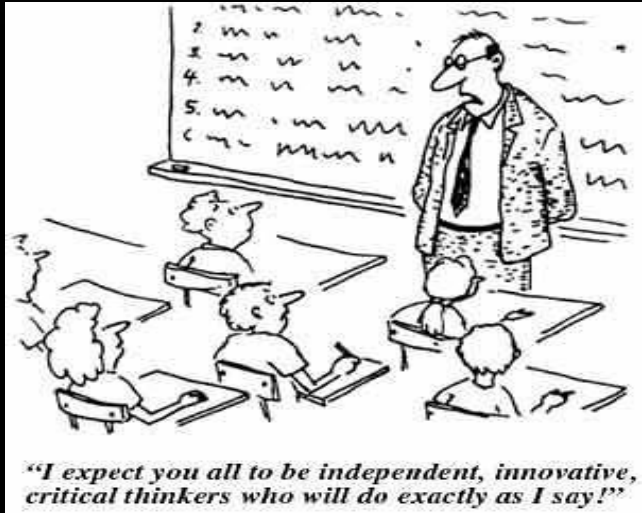
THE IMAGINATION AND CRITICISM GAP OF AI



HUME'S LAW:

"You can't derive an *ought* from an *is*, moral conclusions from non-moral premises."

FROM KANT WE LEARN – CRITICAL THINKING AND THE CATEGORICAL IMPERATIV





THANK YOU !
BE IN TOUCH !
TALK WITH EUROPE !
ABOUT AI !

#AI

#Europe

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