'Mallet against machine': Regulating the AI landscape

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Available at: https://works.bepress.com/subhajitbasu/97/
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• “Google AI invents its own cryptographic algorithm; no one knows how it works”
• When ‘artificial’ outweighs ‘intelligence’, it presents (AI and machine learning) a range of legal issues relating to privacy and data protection, consumer protection, anti-discrimination and liability issues.
The use of personal data in AI and the issue of privacy

- Privacy no longer exists? Privacy paradox is that users must agree to sacrifice some degree of privacy.
- ‘The freedom to think with data’. AI and machine learning applications usually depend on access to, and use of, large amounts of data in a ‘life cycle’.
- The privacy implications of AI stem from its ability to recognise patterns and increasingly ‘derive the intimate from the available’.
- The issue of Consent: Algorithmic transparency means you can see how the decision is reached.
Trust is a must: principle of accountability

• “The algorithms and datasets behind them will become black boxes that offer us no accountability, traceability, or confidence” Viktor Mayer-Schönberger and Kenneth Cukier

• The Internet of ‘Intelligent Things’: when everything is connected, Everyone is vulnerable?
  • Ashley Maddison incident in 2015
  • Google DeepMind Royal Free Hospital “Streams” app
  • Facebook / Cambridge Analytica

• ‘Right to an explanation?’
• Is it possible to combine AI and data protection?
• The ‘black box’ meets the principle of ‘transparent processing’
• Artificial intelligence is addressed to some degree in Article 22 (“Automated individual decision-making, including profiling”), which says:

    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 [unless explicit consent is provided].
Conclusion

- Innovation or / (‘and’) protection of fundamental rights: this unsavoury choice – that should not be a choice at all

- AI is the ultimate threat to Privacy?

- GDPR will enhance the rights of individuals. Is it part of the solution?
  - Privacy by design
  - There is an abundance of data, do we need to redefine privacy?