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EUROPE
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The March of the Machines – Legal and Ethical Issues

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AI and law – for the people, by the people?

What many talk about: AI and biased decision making
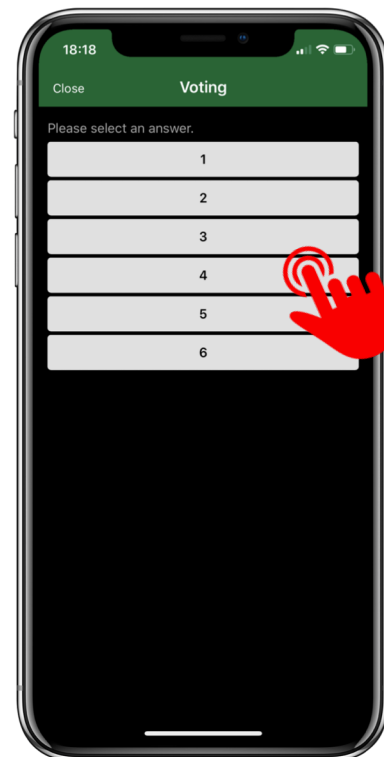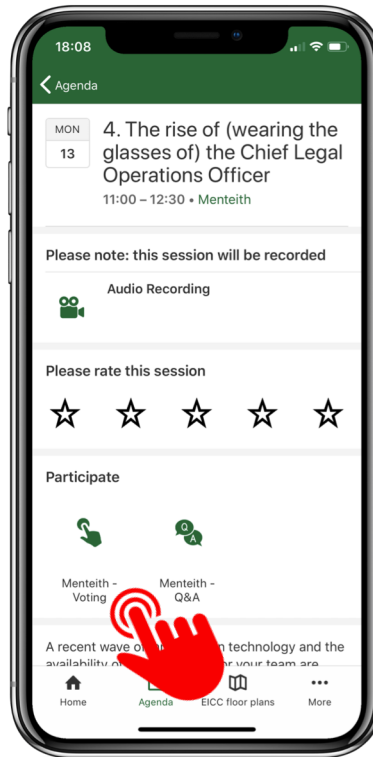
What not enough people talk about: AI and exclusion

Whose laws?
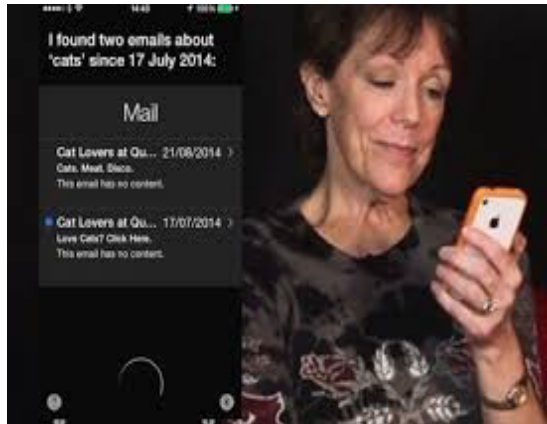
Regulators v's the machines

Voting

▸ Tap on the voting button from the session you are attending to vote

▸ Tap on the number corresponding to your choice

If you had a choice of the following, which would you choose:

1. An AI based system which gave you 99% accuracy of potential cancers, but could not explain how it assessed it data and came to conclusions

2. A system which had 70% accuracy but was able to describe how it came to its conclusions.

A facial recognition system will detect anyone on your street who is known to have escaped from prison, but in doing so needs to scan the faces of everyone who walks by. Are you happy to have your face scanned and data stored?

1. Yes
2. No

Commission on the use of AI in the criminal justice system

Competing values – multi dimensional

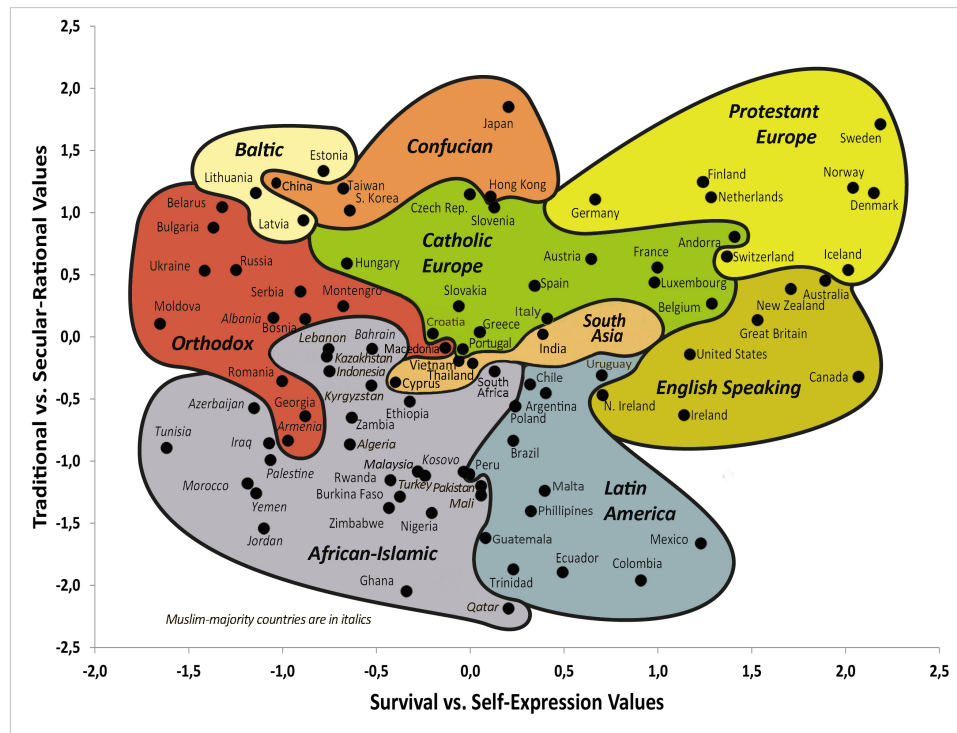Quality of services **vs** privacy **vs** efficiency

Personalisation **vs** solidarity and citizenship vs privacy

Convenience **vs** dignity **vs** privacy **vs** efficiency

Privacy **vs** transparency

Accuracy **vs** explainability **vs** Fairness

Balancing values, rights, trade offs

Key issues to keep in mind

Values are not static

Key issues to keep in mind

Values are local v tech is global

What is the desired outcome?

Concepts lack clarity and consensus

i.e. a mathematicians bias is not the same as the lawyers

To regulate or not to regulate ……
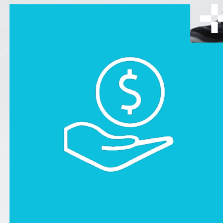# That is the question?

Film: Good in the Machine

Bias

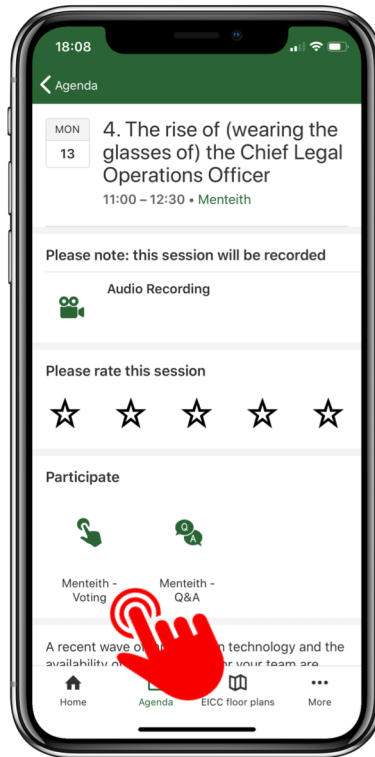Transparency and accountability: Explainability and choice

Jobs/economy

Voting

▸ Tap on the voting button from the session you are attending to vote

▸ Tap on the number corresponding to your choice

By the year 2030, AI technology will have displaced over 50% of legal jobs as they exist today:

1. Agree
2. Disagree

Technology for good
Solving societies biggest problems through innovation and collaboration

Data insight and predictive analytics
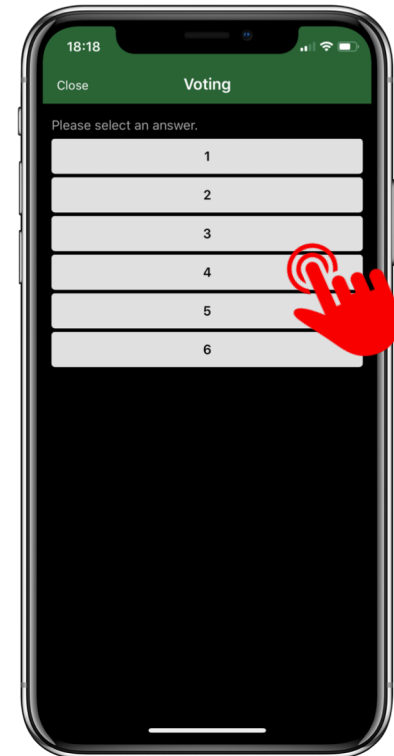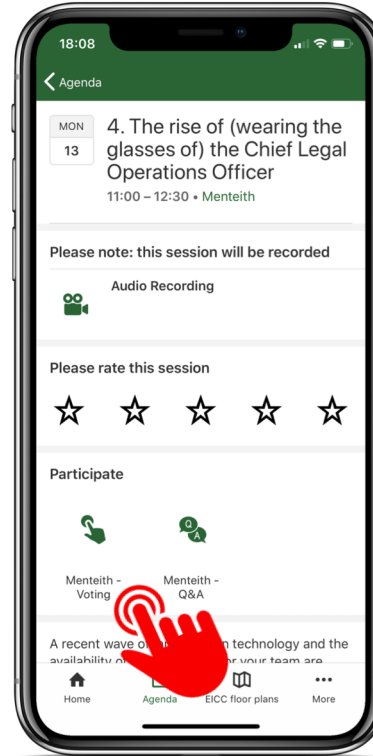Industry, society and government working together

Doing good
IS good business

Voting

▸ Tap on the voting button from the session you are attending to vote

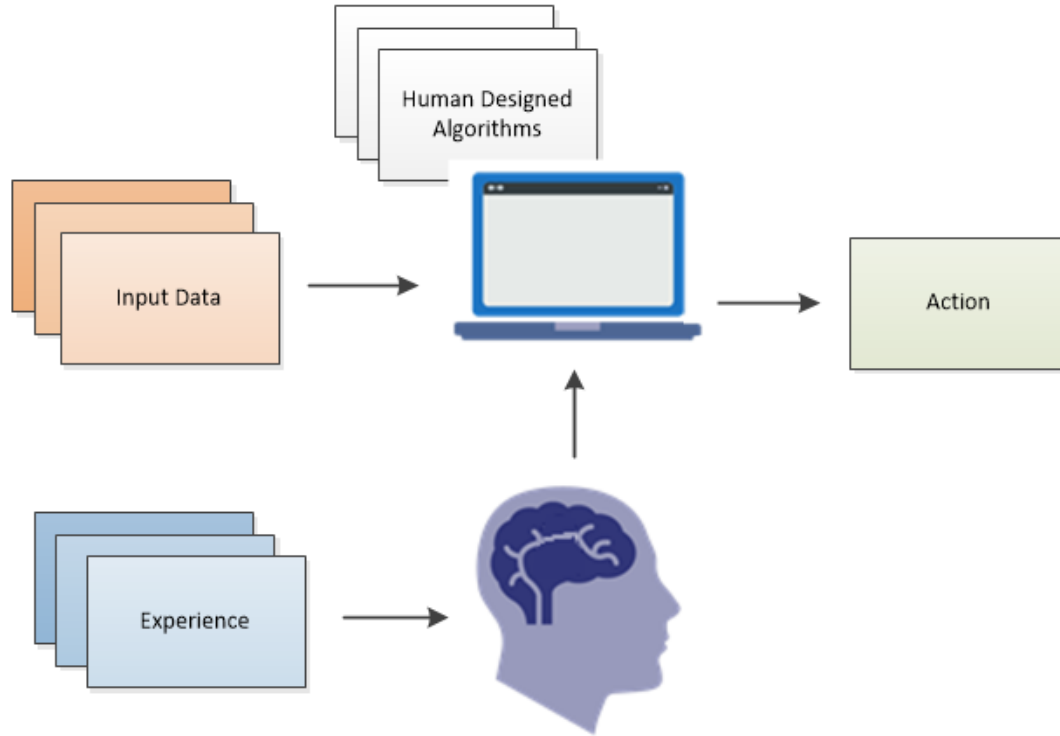▸ Tap on the number corresponding to your choice

How would you react if your court decision had been made by an algorithm not a judge?

1. Fine by me
2. Not at all
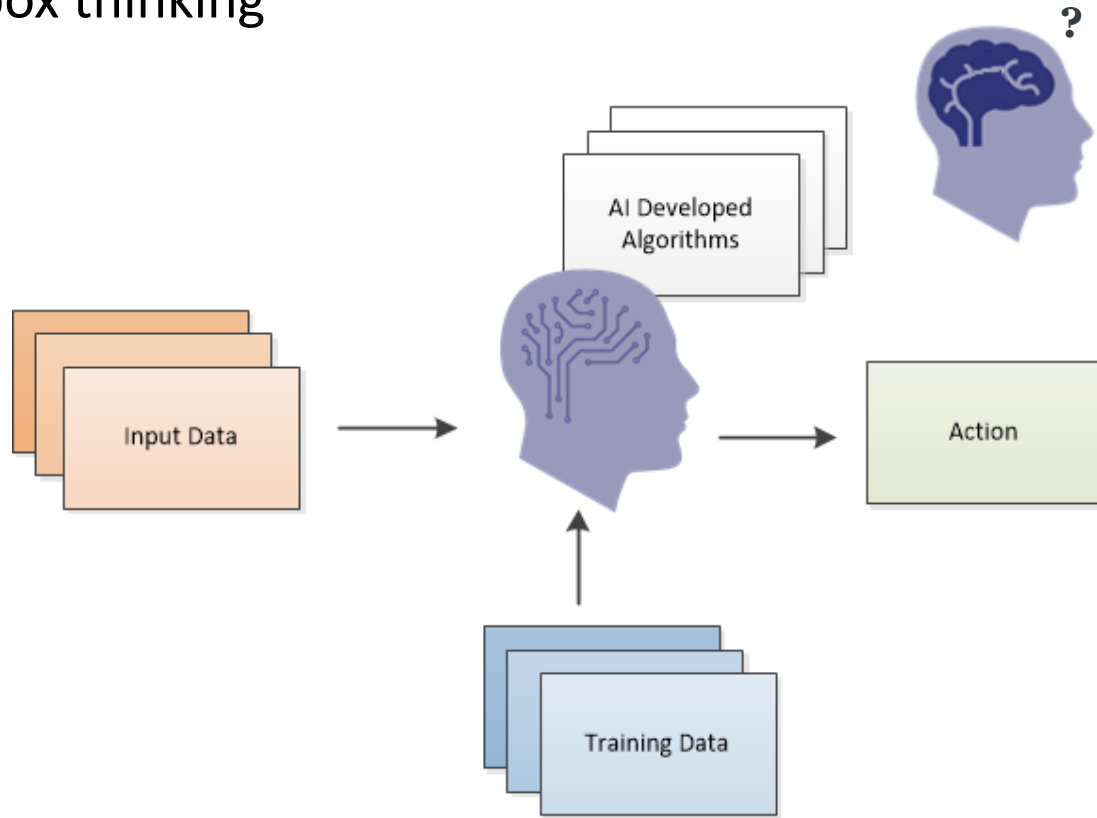
Does AI pose new legal challenges?
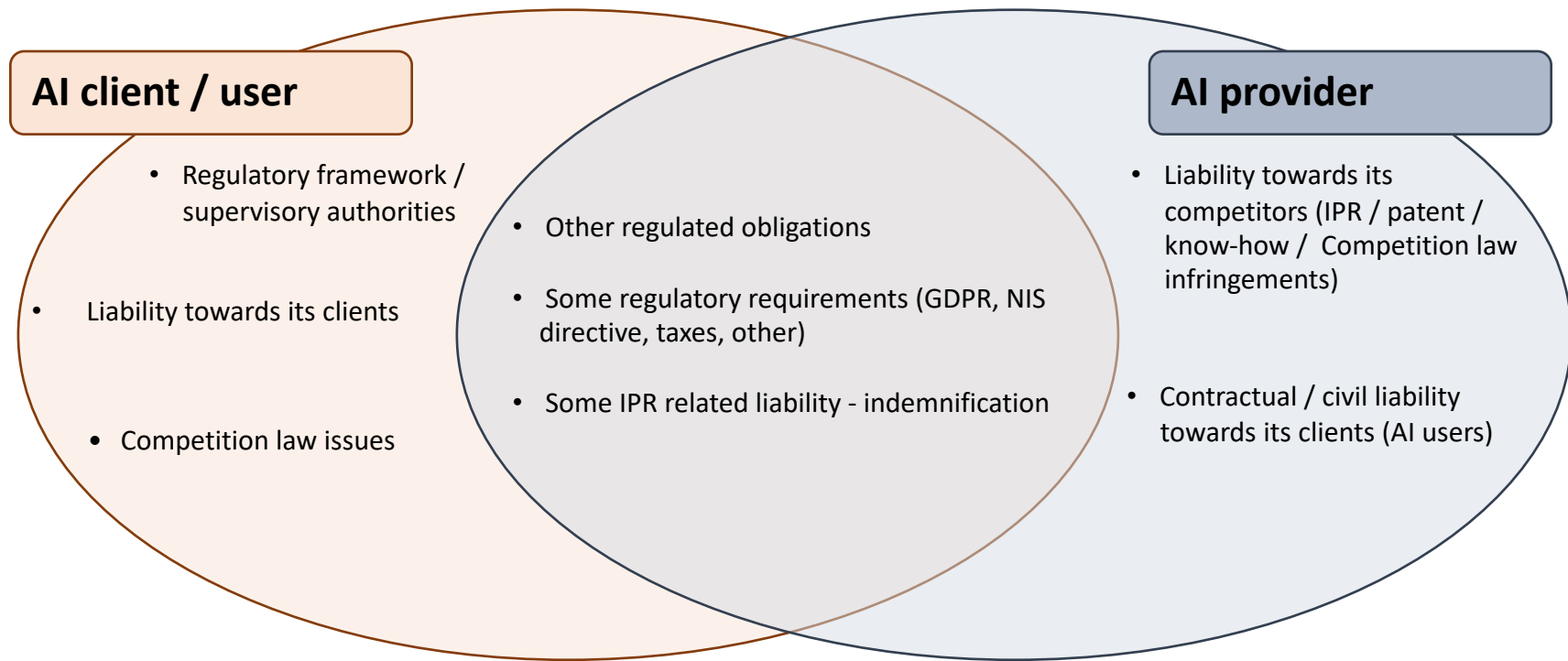## Human designed software

Why does AI pose new legal challenges?

Black box thinking

Liability matrix

AI client / user

- Regulatory framework / supervisory authorities

- Liability towards its clients

- Competition law issues

- Other regulated obligations

- Some regulatory requirements (GDPR, NIS directive, taxes, other)

- Some IPR related liability - indemnification

AI provider

- Liability towards its competitors (IPR / patent / know-how / Competition law infringements)

- Contractual / civil liability towards its clients (AI users)
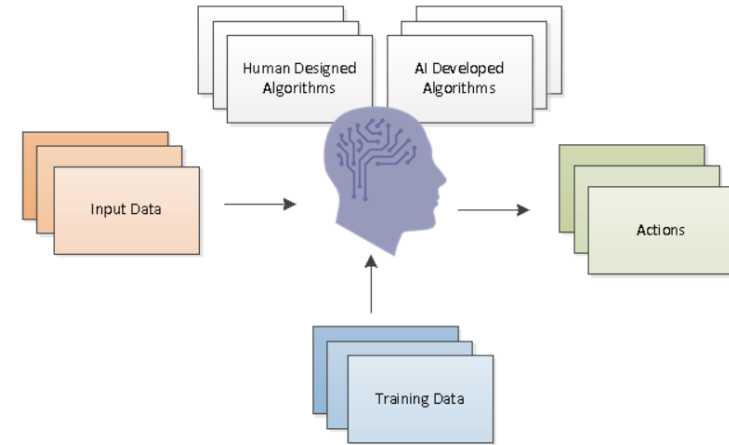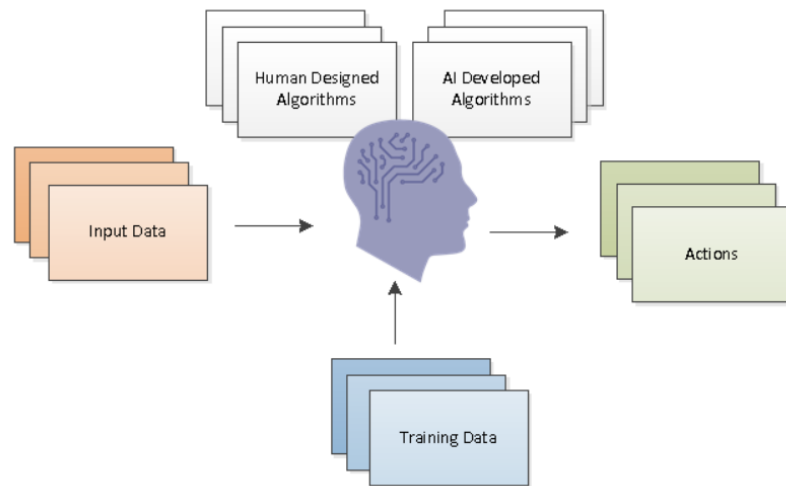
AI and Liability
Who is to blame?

- AI is not a person so not itself to blame.

- In "traditional" software errors can be attributed.

- Machine Learning techniques mean attribution of fault is difficult.

- May not be clear **why** a decision was made.

- An unusual decision may not be an error at all.

AI and Liability

What to expect

- Customers will expect suppliers to take responsibility.

- Suppliers might be unwilling to give "traditional" software warranties – they might not be responsible for the decision.

- Attribution of fault.

- Could the "black box" be made transparent?

- Insurance?

THANK YOU