SCL Student Bytes: AI and the Law

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Introductions

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AI and the Law

What is Artificial Intelligence?

No fixed legal (or non-legal) definition…

- EU AI Act proposed definition: "'*artificial intelligence system' (AI system) means software that is developed with one or more of the techniques and approaches listed in Annex I and can, for a given set of human-defined objectives, generate outputs such as content, predictions, recommendations, or decisions influencing the environments they interact with.*"

What is Machine Learning?

Tom Mitchell's 1997 engineering definition:

- "*A computer program is said to learn from experience **E** with respect to some class of tasks **T** and performance measure **P**, if its performance at tasks in **T**, as measured by **P**, improves with experience **E**.*"

How can we translate this for non-engineers?

Bias and Discrimination in AI

Data and Bias in Machine Learning

- **Why is data essential to machine learning models?**

    - Where does that data come from?

    - How was the data prepared?

    - How do we manage changes over time and keep the model relevant?

- **What do data scientists mean by "bias"?**

    - Bias is (roughly) the difference between the prediction and the correct value.

    - It results from assumptions and simplifications needed to build the model.

    - It's frequently the result of a trade-off against other design considerations.

    - Remember - bias has a different meaning to non-statisticians.

- **So machine learning predictions don't always get things right...**

    - Does this matter, and if so, what are the legal implications?

Discrimination

- What is discrimination?

- What is the connection between bias and discrimination?

- Examples of where AI bias has caused unlawful discrimination:
  - Facebook
  - Amazon
  - *Loomis*

Discrimination: thoughts on the essay topic

- Current protection from the law against discrimination:
  - What is "law"?
  - Is the protection "adequate"?
  - What should the protection protect?
  - What redress should there be against discrimination?

- Consider descriptive and normative positions i.e. what protection there currently is and what protection there should be. Take into account the particular features of AI.

Q&A

Thank you