Symposium AI and Law

30-11 / 01-12-2023

ABSTRACTS

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Josh KROOK
University of Southhampton

Title: AI Governance and Public Policy

Artificial intelligence (AI) is playing a fundamental role in reshaping various industries, from media and communications to healthcare and law. Autonomous systems are beginning to act without, and beyond, human control, raising a variety of questions in ethics, law, and governance. The European Union (EU) has passed various new regulations to attempt to prevent socio-economic harms, particularly in the form of anti-discrimination and harms to minorities. The Digital Markets Act (DMA) and Digital Services Act (DSA) have been hailed as landmark pieces of legislation in this respect, however the exact manner of their implementation and oversight remains underdeveloped. The Artificial Intelligence Act, in its proposed form, likewise faces problems of implementation, with software companies arguing that ML creates a "black box" effect, making it impossible to comply with transparency obligations. In healthcare, AI has the potential to drastically reduce the time taken to diagnose certain diseases, via autonomous diagnosis. At the same time, these systems pose risks and biases, including biasing outcomes according to demographic data, such as race, gender, and ethnicity. Gichoya et al.'s paper in The Lancet on racial data in medical imagery revealed the significance of the risk of discrimination in data collection and processing, where demographic data may incorrectly end up biasing autonomous decisions. Responding to this paper, I have received grant funding to work with researchers at John Hopkins and the University of Austin to work on a follow-up study, comparing chest X-ray data from the US with chest X-ray data from the COVID-19 NHS dataset, to understand data bias.

Kristof MEDING
Data Protection Authority Baden-Württemberg

Title: Blurring the boundaries: Computational law as intersection of law and AI

In recent years, AI has been successfully applied in various domains, from image processing to language systems. Interdisciplinary work on the intersection of AI and law is, in contrast, still in its infancy. However, legal questions become genuinely relevant when we combine them with state-of-the-art AI. On the one hand, I will demonstrate how we can use AI for applications in law. Preliminary data from our study indicates that we can gain insights into court rulings using large language models, which is impossible with traditional approaches. On the other hand, law regulates the use of AI. To some extent, legal scholars and computer scientists use the same words (such as fairness in the GDPR or the upcoming AI Act), but they don't have the same meaning. For example, in a recent study, we highlighted the difficulty of determining fairness. I will give a perspective on how we can close the gap between legal requirements and applications of AI. For both directions, law for AI and AI for law, computational law blurs the boundaries of traditional legal research with computation-oriented approaches.

Daniel BRAUN
University of Twente

Title: Enforcing Consumer Rights with AI

AI has the power to broaden the access to services that were previously expensive and restricted, like access to knowledge or translation services. In the legal domain, most of the existing tools focus on the needs of big companies and law firms. This talk will present the results of the AGB-Check project as an example for consumer-focused legal AI. Within the project we developed a system that can semantically analyse and legally asses clauses in terms and conditions of online shops with an accuracy of 0.9. Additionally, future research areas for socially aware legal AI will be outlined.

Alina WERNICK
University of Helsinki

Title: Is it the time for human rights-based approaches to regulate AI?

Human and fundamental rights are acknowledged as critical normative values governing AI both in the academic community and by legislators. Drawing from earlier research, the presentation will discuss:

- why and how human rights may play a role in the development and governance of AI systems, and
- the compliance with human and fundamental rights under emerging and competing approaches to regulating AI
- the relevance of the temporal dimension in the research on law and AI.

On this basis, the presentation will propose avenues for further research and collaboration at the CZS Institute on the viability, execution and shortcomings of the human rights-based approaches to regulating AI.

Emre BAYAMLIOGLU
Tilburg Law School

Title: A wider view of AI transparency and the ensuing research ideas

My doctoral research, titled '*Transparency for contesting automated decisions: Impediments and affordances under EU Law',* comprises four peer-reviewed articles. The initial paper provides a conceptualization of "transparency" in automated decision-making as a *due process* (rule of law) problem. Next, in two separate papers, the thesis *first* constructs a theoretical framework laying out the required forms and degrees of transparency necessary to contest automated decisions.[1] *Second*, it examines how the relevant provisions of the GDPR could accommodate these transparency requirements. This part of the research concludes that transparency, aiming to render automated decisions contestable, could not be confined to access and disclosure in the conventional sense but rather entails the deployment of further technical and administrative measures/tools. Based on this, the final paper provides a comprehensive analysis of the relevant intellectual property (IP) types to identify how IP protection could impede the implementation of transparency in automated decision-making (ADM) systems.

In light of the above, potential research ideas and trajectories that could be pursued include:

- Refining the *transparency model* from my PhD thesis to develop a procedural scheme enabling contestation across diverse legal grounds and contexts.
- Analysing Chat-GPT and similar generative models regarding their capacity to provide "explanations" to AI based decisions.
- Mapping of the relevant EU *acquis* (e.g., AI Act, Data Act, Data Governance Act, Digital Services Act, and Digital Markets Act) across different types of transparency measures and mechanisms.
- Copyright and other IP challenges associated with the development and deployment of Chat-GPT and similar *large language models.*

[1] Emre Bayamlıoğlu "Contesting automated decisions: A view of transparency implications", EDPL (2018), 4(4), 433-446. https://doi.org/10.21552/edpl/2018/4/6