

The Future of Innovation and Digital Transformation:  
Exploring Societal Impacts

Remarks of Marc Rotenberg, CSISAC, EPIC

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Thank you for the opportunity to speak with you today. We have worked closely with the OECD over many years on many important projects and many significant policy frameworks.

Shortly after EPIC was founded in 1994, we established the Public Voice to encourage civil society participation in decisions concerning the future of the Internet. Among the first issues we considered was a key question facing OECD members countries -- the regulation of encryption technology. Justice ministries and intelligence agencies sought to limit the use of encryption, fearing it would make crime difficult to detect and prevent.

The Public Voice brought cryptography experts and legal scholars to meet with the OECD members and to explain the importance of encryption for the future of the Internet economy and the protection of human rights. And the OECD later adopted policy guidelines for cryptography that recognized the legitimate concerns of law enforcement agencies but also established policy guidance that would enable innovation and growth.

The work of the Public Voice with the OECD continued over the next decade as we took on new challenges, including ecommerce, cyber security, and consumer protection. At the OECD Ministerial conference in Seoul in 2008, civil society put forward a declaration outlining a dozen principles across a wide range of policy issues, from copyright and Internet access to cultural diversity and media pluralism.

And we sought formal recognition by the OECD Secretariat. We noted that the OECD had included trade unions and business groups in the OECD's structure at the outset. We said in Seoul that civil society as well as technical organizations should be formal participants in the work of the OECD, particularly as Internet policy assumed an increasingly important role for economic growth. And we are grateful that the OECD Secretary General and the OECD member countries welcomed the Civil Society Advisory Council ("CSISAC") to the OECD in 2008.

Over the past decade, civil society groups have continued to participate in a wide range of activities at the OECD. At the Ministerial conference in Cancun, CSISAC organized a conference "Toward an Inclusive, Equitable, and Accountable Digital Economy." And this past week, civil society representative from South America, North America, and Europe, supported by colleagues in Asia, expressed views on issues ranging from the safety of children online to broadband deployment and new metrics to assess the impact of data breaches.

We have collaborated with the OECD on projects with UNESCO, the IGF, and G-20. And we promote the work of the OECD with our constituencies and our national governments. The

reports of the OECD contribute to evidence-based policy decisions. And the OECD policy frameworks promote human rights and democratic values, as well as economic development and cooperation. The OECD Privacy Guidelines of 1980 provides the most enduring example of a forward-looking policy framework that promotes economic development and protects fundamental rights in the digital economy. And civil society has long been a zealous defender.

Technology was always for us an opportunity to promote privacy and security. We see in new technology methods to minimize privacy risks while providing for Internet-based services. There are also methods that will help companies comply with the GDPR, to link records without compromising privacy, and that will enable research and innovation. Jeff Jonas, a research scientist, is among those on the cutting edge of efforts to safeguard privacy in our digital age.

But perhaps today the single most significant technology opportunity is the widespread investment in Artificial Intelligence and the adoption of AI techniques. The hope, of course, is that AI will help solve many of the world's greatest challenges, from climate change and resource scarcity to medical breakthroughs and sustainable development. Civil society fully supports these goals.

But we also believe that the public must be given the opportunity to participate in the development of AI policy. And there should be guidelines at the outset that safeguard democratic values and human rights. These are the civil society "red lines" for AI policy that should not be crossed whatever the promised benefits.

Our concerns are shared by many others. The professional computing societies including the ACM and the IEEE, have adopted proposals that address these concerns. Both the European Commission and the Council of Europe have established expert groups to assess AI policy. Last week in Paris, President Macron called for the establishment of a new international commission on AI, similar to the IPCC for climate change.

The concerns about AI are pervasive. In the United States, the Pew Center, a distinguished research center that has helped assess public attitudes about new technologies and inform the development of public policy, warned of widespread concerns about AI systems that make opaque and often unaccountable decisions. According to the report released on Friday, "Americans express broad concerns over the fairness and effectiveness of computer programs making important decisions in people's lives." A majority of Americans favor limitations on criminal risk assessments, automated resume screening, and financial scoring.

Public participation in AI policy remains a primary goal. EPIC, joined by many of the leading scientific and computing organizations in the United States, urged the US Office of Science and Technology Policy to ensure that there was an opportunity for public comment on the US National AI Strategic Plan. A nation's AI policy should not be based simply on the views of government and industry.

And so we are pleased to report that the US did conduct a formal comment process and that many citizens organizations as well as technical societies expressed their views. What should a nation's AI policy address? We have attempted to answer that question, after extensive

consultation with leading experts, human rights advocates, and civil society leaders. Our recommendation are set out in the Universal Guidelines for AI, the first human rights framework for Artificial intelligence. The Guidelines were endorsed by over 50 NGOs and 200 experts, including the American Association for the Advancement of Science, the world's largest scientific society, as well as Garry Kasparov, the human rights advocate, former world chess champion, and expert in the development of AI systems.

I won't attempt to detail all of the AI Guidelines today. Many are familiar and follow the goals of fairness, accountability, and transparency in automated decision-making. Others address particular challenges of AI, including the need to prevent secret profiles and to terminate systems over which it is no longer possible to maintain human control.

But perhaps the most important principle is the recommendation to prohibit unitary scoring by national governments. As a leading AI expert wrote last week for Bloomberg News, "The ubiquitous social credit score monitors how people behave on the train, whether they pay their bills on time, and whether they participate in undesirable organizations." Cathy O'Neil warns "The potential accuracy and reach of government surveillance will only increase as the data pile up and the technology improves — particularly in places such as China, where there are few if any privacy protections."

The OECD must address the urgency of this challenge. It will be too easy to adopt these systems for the scoring and evaluation of individuals. The logic of the technology will almost require it. And as AI systems are adopted, they will become more difficult to assess and to control. Already many organizations have turned over decision making to systems they do not fully understand.

There is great promise in AI. But if we do not stand today in defense of democratic values and human rights, foundational principles for the OECD, the promise of AI could become a nightmare. A technology to empower us could also enslave us. It must therefore be the work of the OECD to ensure that innovation and the protection of fundamental rights are jointly pursued.

Thank you for your attention.

## ABOUT EPIC

The Electronic Privacy Information Center is a non-partisan research and advocacy center, based in Washington, DC in 1994. EPIC's mission is to focus public attention on emerging privacy and civil liberties issue. EPIC engages in wide range of activities, including policy research, advocacy, litigation, and public education. EPIC also works in close association with many national and international organizations. The EPIC Advisory Board includes distinguished experts I law, technology, and public policy.

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