



Center for AI and  
Digital Policy

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## CAIDP Update 5.19

*May 15, 2023*

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Welcome to this week's edition of the CAIDP Update, where we bring you the latest AI policy news and CAIDP actions.

In this edition, we discuss the EU's Internal Market and Civil Liberties Committees voting overwhelmingly in favor of the world's first-ever rules on AI, CNIL imposing a €5.2 million penalty on Clearview AI, Amnesty International's report on facial recognition fueling apartheid against Palestinians, OpenAI CEO Sam Altman's upcoming congressional testimony, and the establishment of Japan's AI Strategy Council. We also cover the Ibero-American Data Protection Network's coordinated inquiry into OpenAI's ChatGPT and U.S. Senator Michael Bennet's proposal for an AI task force for democratic governance, and more.

In CAIDP's actions this week, we highlight our leaders' proactive call to the Judiciary Committee, urging a comprehensive review of the AI and Democratic Values report ahead of a critical Senate hearing on AI oversight. They recommend considering the Universal Guidelines for AI as a cornerstone for upcoming legislation and insist on the examination of our recent complaint about OpenAI to the FTC. Furthermore, we highlight CAIDP Executive President Marc Rotenberg's involvement in a panel discussing key AI policies at the State of the Union event. This week, we also delve deeper into CAIDP's Artificial Intelligence and Democratic Values Index (AIDV), which evaluates AI policies and practices across 75 countries.

Stay tuned for more updates on AI policy news and the CAIDP's ongoing advocacy for responsible AI governance and development.

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**AI POLICY NEWS**

## European Union: AI Act Moves Forward After Joint Committee Vote

In a groundbreaking decision, the Internal Market Committee and the Civil Liberties Committee of the EU



have voted overwhelmingly in favor (84 votes for, 7 against, and 12 abstentions) to adopt a draft mandate on the world's first-ever rules on AI. These rules aim to foster human-centric, safe, transparent, traceable, non-discriminatory, and environmentally friendly AI systems. The legislation employs a risk-based approach, strictly prohibiting AI systems that pose an unacceptable risk to people's safety, fundamental rights, or the environment. The Committees adopted recommendations made by CAIDP and others, including bans on biometric categorization, predictive policing, and emotion recognition.

Furthermore, the mandate imposes specific obligations on providers of foundation models like GPT. These providers are required to ensure robust protection of fundamental rights, health, safety, and the environment, as well as democracy and rule of law. Additionally, providers must assess and mitigate risks, comply with design, information, and environmental requirements, and register in the EU database. However, before formal negotiations can commence on the final form of the law, this draft negotiating mandate must be endorsed by the entire Parliament. The vote for this endorsement is anticipated to occur during the session on June 12-15.

[CAIDP, EU AI Act](#)

## CNIL Hits Clearview AI with €5.2M Fine in Facial Recognition Case

The French privacy authority CNIL has imposed a €5.2 million penalty on Clearview AI for failure to comply with an order related to its controversial facial recognition technology. The US-based company, known for collecting images from various online sources to



offer a searchable database to law enforcement, was previously fined €20 million in October 2022. Clearview AI was instructed not to collect and process data on individuals located in France without legal grounds and to delete such data upon request. However, upon failing to provide proof of compliance within the stipulated two-month period, the CNIL imposed the additional overdue penalty. In the report *AI and Democratic Values*, CAIDP found that facial surveillance by companies such as Clearview was among the most controversial uses of AI.

[CAIDP, AI Frameworks](#)

## AI Policy: Did You Know?

### The UNESCO Recommendation on AI Ethics is the most comprehensive global framework for AI

UNESCO's Recommendation on the Ethics of Artificial Intelligence represents a historic and unique agreement of 193 Member States. According to UNESCO, the "historical text defines the common values and principles which will guide the construction of the necessary legal infrastructure to ensure the healthy development of AI." The Recommendation sets out four values: respect, protection and promotion of human rights and fundamental freedoms and human dignity; environment and ecosystem flourishing; ensuring diversity and inclusiveness; living in peaceful, just and interconnected societies. The Recommendation also introduces red-lines to unacceptable AI practices. For example, it states that "AI systems should not be used for social scoring or mass surveillance purposes."

### Amnesty: Facial Recognition Fuels Apartheid Against Palestinians

Amnesty International has issued a report detailing how facial recognition technology is being deployed extensively



by Israeli authorities to perpetuate their control over Palestinians in the Occupied Palestinian Territories (OPT). The technology, particularly used at checkpoints, is seen as a tool of consolidation for discriminatory policing, segregation, and restriction of movement. This practice continues a record of inhuman and discriminatory acts that underpin a system of apartheid.

Amnesty International argues that these activities infringe upon basic Palestinian rights.

[CAIDP, Ban Facial Surveillance Technology](#)

### OpenAI CEO to Face Congressional Inquiry Amid Rising AI Concerns

Washington Post reports that Sam Altman, CEO of OpenAI, the company behind AI chatbot ChatGPT, is set

to testify before Congress this week. His appearance comes amidst escalating scrutiny of artificial intelligence technologies in Washington. Altman will present before a Senate panel discussing potential regulatory measures for AI, as concerns mount over the rapid proliferation of generative AI tools like ChatGPT. The hearing signifies growing governmental efforts to understand and regulate the transformative yet potentially disruptive power of AI technology.



[CAIDP, In the Matter of OpenAI \(FTC 2023\)](#)

### Japan's Prime Minister Sets Up AI Strategy Council

Nikkei reports that Prime Minister Fumio Kishida of Japan has announced the creation of an "AI Strategy Council" to address the

challenges and opportunities posed by AI. Composed of government officials and AI experts, the council aims to prepare an interim report by June, which will influence the country's basic economic and fiscal management reform policy. The council's primary focus will include the regulation and promotion of AI development, including generative AI technologies like ChatGPT. The announcement was made during a roundtable discussion with AI specialists, underscoring Kishida's commitment to keeping pace with rapid advancements in AI technology.



nikkei.com

### **Ibero-American Data Protection Network Begins Coordinated Inquiry into OpenAI's ChatGPT**



The Ibero-American Data Protection Network (RIPD) has announced a coordinated

investigation into OpenAI's ChatGPT service, citing concerns over potential risks to user rights regarding personal data processing. The RIPD, comprised of 16 data protection authorities from 12 countries, has highlighted issues including potential unauthorized third-party data transfers, inadequate age control measures, and uncertainties over the service's security measures for data protection. Additional risks identified involve misinformation, as responses generated by ChatGPT are derived from vast internet data, which could potentially lead to culturally, racially, or gender-biased responses, or even false information.

CAIDP, In the Matter of OpenAI (FTC 2023)

### **Senator Bennet Proposes AI Task Force for Democratic Governance**



U.S. Senator Michael Bennet from Colorado is advocating for a federal task force to ensure the government's

application of artificial intelligence (AI) aligns with democratic values. Bennet recently introduced the Assuring Safe, Secure, Ethical, and Stable Systems for AI (ASSESS AI) Act, aimed at reviewing existing AI policies and leading the way for responsible AI use. He proposes a task force to generate regulatory and legislative recommendations to ensure AI tools respect civil liberties, privacy, and due process. Furthermore, Bennet discussed the necessity of a federal body that would negotiate with tech giants on behalf of the American people to protect their interests, including mental health, national security, and privacy rights.



## **Ambit Launches a Public Call on Ethics, Safety, and Governance of AI in the Philippines**

The Ambit Coalition, a global civic and social organization emphasizing ethical AI governance in Majority

World nations, has called upon Philippine lawmakers to establish comprehensive, inclusive legislation surrounding the use of AI. The coalition, through its founding chapter, The Ambit Philippines, criticized the current approach to AI legislation as insufficient, advocating for a robust and integrated policy framework. Key recommendations include making the National AI Strategy publicly accessible, creating a National AI Ethics, Safety, and Governance Committee, adopting the UNESCO Recommendation on the ethics of AI, and initiating an AI literacy and upskilling program for the Filipino population.



## **Join the movement & empower the AI policy change-makers**

You can make a significant impact in inspiring, empowering, and connecting AI policy change-makers worldwide to address the most pressing and critical challenges of our time.

Your contribution enables free AI policy training for future leaders in 60+ countries, AI & Democratic Values Index report, weekly updates on global AI policy news, and CAIDP's engagement with policymakers worldwide.

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## CAIDP ACTIONS

### CAIDP Asks US Senate to Review AI Policy Initiatives as Work on AI Legislation Begins

In advance of a Senate hearing on "Oversight of A.I.: Rules for Artificial Intelligence," CAIDP leaders **Merve**

**Hickok**, **Lorraine Kisselburgh**, and **Marc Rotenberg** have asked the Judiciary Committee to review the *AI and Democratic Values* report, consider the Universal Guidelines for AI as a basis for legislation, and review CAIDP's recent complaint to FTC concerning OpenAI. Noting that CAIDP has written extensively about the need for the United States to develop a "strong, nonpartisan legislative framework for the governance of Artificial Intelligence," the CAIDP letter expressed support for the Senate hearing and encourage US lawmakers to build on these earlier initiatives.



[CAIDP, In the Matter of OpenAI \(FTC 2023\)](#)



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#transparency #AIGuardrails**

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PROTECTING AMERICA'S CONSUMERS**

**#OpenTheInvestigation**  
[CAIDP.org/cases/OpenAI](https://caidp.org/cases/OpenAI)

## CAIDP's Letter to The Economist

"We share your assessment that Britain's "light-touch" approach to regulating AI is unlikely to establish the necessary guardrails to make it

safe and reliable. In our comprehensive survey of national AI policies and practices, the *Artificial Intelligence and Democratic Values index*, we found that countries favour greater regulation as they develop a deeper understanding of the uses of AI. This is true not only in the EU and China, but also in America, where Joe Biden has recently stated that companies should not release commercial AI products that are not safe. The White House has called for an AI bill of rights, and federal agencies, including the Federal Trade Commission, have issued a joint declaration on enforcement efforts against discrimination and bias in automated systems. Chuck Schumer, the leader of the Senate, has made AI a legislative priority.

As for the principles-based approach you propose, one possibility is the Universal Guidelines for Artificial Intelligence, a foundational framework for AI policy that outlines rights and responsibilities for the development and deployment of AI systems to maximise the benefits and minimise the risks."

Merve Hickok, Lorraine Kisselburgh, Marc Rotenberg



## Marc Rotenberg Discusses Key AI Policies at State of the Union Event"

**Marc Rotenberg**,  
Executive President of  
CAIDP,



recently participated in the State of the Union event at the European University in Florence. Joined by a panel of experts including **Francisco De Abreu Duarte**, **Deirdre Curtin**, **Madalina Busuioc**, **Sofia Ranchordas**, and MEP **Brando Benifei**, they delved into key issues surrounding AI policy. The discussion encompassed topics such as the EU AI Act, the use of AI by public agencies, and the OECD AI Principles. Additionally, the panelists addressed the UNESCO Recommendation on AI Ethics, the US AI Bill of



Rights, the intricacies of machine learning systems, the necessity for AI accountability, and the potential for transatlantic policy convergence.

### **A Deep Dive into the Global AI Policy Landscape through CAIDP's AIDV**

Continuing from last week, our attention remains on the CAIDP's recent unveiling of the **Artificial**



**Intelligence and Democratic Values Index (AIDV)**. This comprehensive index, which assesses AI policies and practices across 75 nations, recognized Canada, Japan, Korea, and Colombia for their exceptional efforts in AI governance, data privacy, and ethics. The AIDV has prompted critical discussions among AI law and policy experts, emphasizing the need for effective and responsible AI regulation in a world where the stakes have never been higher. The year 2022 was highlighted as a pivotal moment in global AI policy, setting the tone for future decisions in the AI industry.

Various key initiatives were spotlighted, including the UNESCO Recommendation on the Ethics of AI, the US's Blueprint for an AI Bill of Rights, the EU AI Act negotiations, the Council of Europe's Convention on AI, the African Union's Data Policy Framework, and China's new data protection laws. These developments underscore a global trend towards comprehensive AI governance, though some concerns were raised regarding potential bias and misuse, particularly in areas like facial recognition technology and AI registries by public administrations.

The 2023 edition of the AIDV introduced new metrics, notably the implementation of the UNESCO Recommendation on AI Ethics, and the Implementation of the OECD AI Principles. The report also incorporated updates on AI-related Global Privacy Assembly resolutions and human rights implementation based on Freedom House classifications. The AIDV is a collaborative effort, with nearly 200 researchers from over 60 countries contributing to the report, which aspires to guide nations towards developing trustworthy, human-centric AI. The CAIDP plans to extend the scope of the AIDV in future editions, addressing AI's impact on additional areas such as immigration and criminal justice.

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## **AI POLICY CLINICS**

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- For our Spring 2023 cohort, we had over 250 participants, representing more than 60 nationalities.

**Applications for the Fall 2023 Research semester is now closed. Thank you to all who applied.**

## GLOBAL ACADEMIC NETWORK (GAN)

**Emma Ruttkamp-Bloem** is professor and head of the Department of Philosophy, Faculty of Humanities at the University of Pretoria. She is the coordinator of the Ethics of Artificial Intelligence Research Group at the Centre for Artificial Intelligence Research (CAIR) in South Africa, and chair of the Steering Committee for the Southern African Conference for AI Research (SACAIR).



## Legislative Proposal Aims to Harmonize EU Criminal Evidence Standards

A



groundbreaking [proposal](#) from the European Law Institute (ELI) seeks to guide future legislative action in the European Union (EU) by standardizing the admissibility of evidence, including electronic evidence, across member states in criminal proceedings. The proposal, which was developed in collaboration with top academics and legal professionals including [Valsamis Mitsilegas](#), a CAIDP GAN member, is intended to strengthen the principle of mutual recognition in criminal matters and ensure the protection of human rights. Currently, each EU member state adheres to its own rules on evidence gathering in criminal investigations, resulting in disparities in admissibility standards. The ELI's initiative is a direct response to the urgent need for clear rules governing the mutual admissibility of cross-border evidence.

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## AI POLICY EVENTS

- [Computers, Privacy, and Data Protection](#), Brussels, May 24-26, 2023
- [Committee on Artificial Intelligence Plenary meeting](#), Council of Europe, Strasbourg, May 31-June 2, 2023
- [Committee on Artificial Intelligence Plenary meeting](#), Council of Europe, Strasbourg, September 13-15, 2023
- [Global Privacy Assembly](#), Bermuda, October 15-20, 2023

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