

10 Recommendations for Global Al Regulation

Principle and Outcome-Based Rules

Create a flexible and adaptable framework that defines the outcomes to be achieved, rather than prescribing details of how to achieve them.

To be effective, AI regulations must be able to remain relevant as technology advances. AI regulations must be technology neutral, principle- and outcomebased and provide as much certainty as possible regarding the scope of application.

Adopt a risk-based approach that considers risks and benefits holistically.

A risk-based AI framework would provide non-exhaustive criteria to assist organizations to determine the likelihood and severity of any harm resulting and the measures required to mitigate it. Assessing the potential impact of their AI applications allows organizations to tailor their mitigations to the actual risks and avoid the implementation of unnecessary measures.

Build on existing hard and soft law foundations.

A flexible and adaptable AI regime should build on existing legal frameworks, including regulations and legislation ("hard laws") and "soft law" (e.g., the OECD AI Principles). Where there are gaps concerning AI-related risks, they should be closed with targeted regulatory and co-regulatory intervention, prioritizing sectors where existing regulations do not apply. Empower individuals through transparency, explainability, and mechanisms for redress.

For AI to be trustworthy and beneficial to all, regulations, coregulatory frameworks, and industry practices must empower individuals through transparency, explainability, and user feedback and redress.



Where it is not possible to provide meaningful transparency and explainability to users, it may be appropriate to urge parties to explore alternatives to the use of AI, depending on the context and relevant risks of the use case.

Demonstrable Organizational Accountability

5 Make organizational accountability a central element of AI regulations.

Accountability must be built into and implemented across all stages of the Al lifecycle and the Al "technology stack", including Al data center infrastructure, models and applications. Organizations also need to be able to demonstrate accountability internally - to their C-Suite and corporate Boards, as well as externally - to shareholders, investors, regulators and the general public. CIPL's Accountability Framework provides a useful model for organizations to follow.

> Advance adoption of accountable Al governance practices.

Beyond a core set of accountability practices, policy makers and regulators should proactively encourage and incentivize broader accountability practices, frameworks, tools and technologies. The goal should be to create an environment wherein organizations see adoption of welldeveloped accountability frameworks as differentiators for creating value and deepening customers' trust, not just means of fulfilling baseline legal and regulatory obligations. Apportion liability carefully, with a focus on the party most
closely associated with generating harm.

Assigning liability can be complex. In principle, liability should be assigned to the party most closely associated with generating the harm in question. Depending on the circumstances, liability might be assigned to the developer, the deployer, end users, or some combination. Contracts will play an important role in apportioning the responsibilities and liabilities of parties in the AI development and deployment lifecycle.



Robust and Smart Regulatory Oversight

Create mechanisms for cooperation across regulatory bodies.

Al requires streamlined collaboration across existing authorities. While each regulator should maintain competence over its own remit, a standing coordination body or ad hoc forum could be created to facilitate alignment, regulatory coordination, and joint action, where necessary.

This body can provide regulators with a space in which to discuss trade-offs between policy objectives and clarity on where parties should turn for guidance in specific circumstances within the AI lifecycle.



Institute cooperation-based regulatory oversight and enable ongoing regulatory innovation.

As technology continues to evolve, regulators, regulatory techniques, and tools need to evolve as well.

The 3 core pillars of regulatory techniques for AI are:

- Regulators should take a risk-based approach in order to be strategic and effective.
- chective.
- Recognition that traditional oversight mechanisms based exclusively or primarily on ex post enforcement may no longer be sufficient.
- Innovative regulatory tools, such as sandboxes and policy prototyping, can be effective for regulatory oversight of new technology such as AI.

10 Strive for global interoperability.

No government can satisfactorily address AI policy and regulation in isolation. Cooperation at the international level is essential to ensure that people globally can rely on the benefits of trustworthy and accountable AI and that new risks are assessed and mitigated on an ongoing basis.

International cooperation can foster interoperability of AI policies and regulation. While, jurisdictions will have their own priorities, legal traditions and existing regulation, they may be able to coalesce around core principles regarding AI policy and regulation.

CIPL Accountable AI Project



Centre for Information Policy Leadership

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CIPL's Accountable AI project seeks to engage with policymakers and regulators about AI and related innovations in order to develop a more practical understanding of AI and its benefits, and address technical and ethical challenges. The project will enhance information sharing among CIPL member companies around AI and facilitate the deployment of this new technology in ways that builds trust among regulators, policymakers and the public.

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