

## *The AI Social Contract Index 2020*

### Mexico

#### *National Strategy*

In 2018, Mexico became the first Latin American country to announce a national AI strategy. *Towards an AI Strategy in Mexico: Harnessing the AI Revolution* was commissioned by the United Kingdom's Embassy in Mexico City in collaboration with the Office of the Mexican President under the Peña Nieto administration.

The AI Strategy report provides a preliminary outline of how Mexico should become a leader in AI. Mexico's manufacturing-centric economy, the report argues, faces grave risks amid growing automation and should take a clear, strategic position in developing AI. The AI Strategy sets out six thematic areas: governance, government, and public services; research and development; capacity, skills, and education; data infrastructure; and ethics and regulation. Within the category of ethics and regulation, the report recommends that the Mexican government bring data assets inside the scope of Mexican competition law (COFECE) in recognition of the fact that data is a competitive asset. The report also called for the creation of an AI Ethics Council which would "set guidelines and limits which reflect Mexican Values" and "award a quality mark for AI companies who abide by the standards."<sup>619</sup>

The AI Strategy report set out five key actions for the Mexican government: develop an inclusive governance framework; identify the needs of AI in industry; open the recommendations of the Policy Report for public consultation; support Mexico's AI leadership in international forums; and promote continuity through changing administrations, by working with all interested stakeholders towards an official AI National Policy.<sup>620</sup>

#### *Implementation of the National AI Strategy*

The AI strategy for Mexico was initially published in 2018 under the former Peña Nieto presidential administration, which ended that same year. The current government administration under President López

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<sup>619</sup> Oxford Insights, *Towards an AI Strategy in Mexico: Harnessing the AI Revolution* (June 2018) <https://www.oxfordinsights.com/mexico>

<sup>620</sup> CAF- Development Bank of Latin America, *Mexico: the story and lessons behind Latin America's first AI strategy* (June 2020) <https://www.cminds.co/reports>

## *Artificial Intelligence and Democratic Values*

Obrador (2018-2024) has neither implemented the OECD AI principles nor any of the goals originally outlined in the AI strategy of 2018. There are no current government metrics or identifiable progress made on the achievement of AI policies under the current government administration. No recent information regarding AI is available on any official website of the federal government. The only publicly available information from the government is a blog post announcing the publication of the National Strategy posted during the previous administration.<sup>621</sup> The federal government has reoriented its policy priorities away from AI and has cut the funding allotted to the implementation of the National Strategy.

In late 2020 a statement appeared on the IA2030Mx website, “Congratulations to IA Mexico for having been selected as Coordinating Institution 2021-2022. Soon we will be sharing more information about what this change of Coordination implies.”<sup>622</sup>

### *Public Participation*

The effort to maintain momentum for increased AI development and policymaking is spearheaded by Coalition IA2030Mx, a multisectoral coalition made up of professionals, academic institutions, companies, startups, public agencies and other key actors of the digital ecosystem and Artificial Intelligence in Mexico.<sup>623</sup> The IA2030Mx goals include (1) the participation of all member states of Mexico, (2) the creation of a National AI agenda for 2030, and (3) the promotion of the OECD AI Principles. The IA2030Mx said “The members of this movement have been working since the beginning of 2018 under a philosophy of co-responsibility of government, academia, industry and civil society, seeking that Mexico does not lag behind in the 4th Industrial Revolution, strategically take advantage of the benefits of AI and mitigate the possible ethical and social risks.”

In 2019, the IA2030 coalition conducted a mass survey to determine the major areas of concern in Mexico regarding AI.<sup>624</sup> This knowledge was then mobilized in the creation of a 2020 National Agenda for AI. The central

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<sup>621</sup> Enrique Zapata, *Estrategia de Inteligencia Artificial MX 2018* (Mar. 18, 2018) <https://datos.gob.mx/blog/estrategia-de-inteligencia-artificial-mx-2018>

<sup>622</sup> IA2030Mx, <https://www.ia2030.mx/>

<sup>623</sup> IA2030Mx, *Artificial Intelligence in Mexico: A National Agenda* (Nov. 2020) (English translation), <https://www.ia2030.mx/>

<sup>624</sup> IA2030Mx, *Artificial Intelligence in Mexico: A National Agenda* (Nov. 2020) (English translation), <https://www.ia2030.mx/>

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themes of the agenda are data, digital infrastructure, and cybersecurity; ethics; governance, government, and public services; capabilities and education; and the collaboration of Mexicans outside of the Republic. This agenda was created with the input of over 400 different actors but had no collaboration by the federal government. Different levels of government, like the state of Jalisco and some Senatorial committees, have expressed interest in AI governance and have participated in projects with C Minds on the matter; however, non-state actors have been the major participants in shaping the future of AI in Mexico.

### *Global Partnerships: OECD, G20, GPAI, and COMEST*

Mexico has taken an active role in pursuing international cooperation for the ethical development of AI. The Mexican government endorsed the OECD AI Principles in 2019 as well as the G20's and is one of the founding members of the Global Partnership on AI (GPAI), the world's first international AI initiative.<sup>625</sup> Mexico is also represented in UNESCO's World Commission on the Ethics of Scientific Knowledge and Technology (COMEST). COMEST produced a preliminary study on the ethics of AI, which has now become the foundation of UNESCO's Recommendation on the Ethics of AI which will be elaborated between 2019 and 2021.<sup>626</sup>

### *Data Protection*

The National Institute for Transparency, Access to Information and Personal Data Protection (INAI) was one of the national DPA's that sponsored the Global Privacy Assembly's Resolution on Accountability in the Development and Use of Artificial Intelligence of October 2020.

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<sup>625</sup> OECD, *OECD to host Secretariat of new Global Partnership on Artificial Intelligence* (June 15, 2020) <https://www.oecd.org/going-digital/ai/oecd-to-host-secretariat-of-new-global-partnership-on-artificial-intelligence.htm>; Gobierno de México, *Declaración Conjunta de los miembros fundadores de la Alianza Global sobre la Inteligencia Artificial* (June 15, 2020) <https://www.gob.mx/sre/prensa/declaracion-conjunta-de-los-miembros-fundadores-de-la-alianza-global-sobre-la-inteligencia-artificial>

<sup>626</sup> UNESCO, *Elaboration of a Recommendation on the ethics of artificial intelligence* (2020) <https://en.unesco.org/artificial-intelligence/ethics#recommendation>, COMEST: <https://en.unesco.org/themes/ethics-science-and-technology/comest/members>

## *Artificial Intelligence and Democratic Values*

The Ibero-American Data Protection Network (RIPD),<sup>627</sup> a group of experts on data protection and access to information currently, is composed of 34 entities, including 14 federal and state access to information and data protection authorities of Latin America and countries of the Caribbean, which includes Mexico's INAI. In 2019, the RIPD adopted "Specific Guidelines for Complying with the Principles and Rights Governing Personal Data Protection in Artificial Intelligence Projects."<sup>628</sup> The AI Guidelines provide a common framework for the entities in the RIPD. The AI Guidelines are based on the Standards for Personal Data Protection for the Iberoamerican States approved in 2017.<sup>629</sup> The AI Guidelines provide recommendations for the processing of personal data for AI systems.

Although, there is now the RIPD reference framework for the processing of personal data for AI systems, the INAI has not yet developed national policies for the protection of personal data in AI systems. INAI is currently part of an ongoing initiative sponsored by Facebook, C-Minds, the Interamerican Development Bank (IDB) and the BID LAB, which will gather a number of companies that currently use AI in their products and services across Mexico. The main purpose of this initiative is to facilitate and test public policies for the governance of AI systems and provide for transparency and accountability practices for data protection during 2020 and 2021. The outcome of this initiative will be a report with public policy recommendations for INAI and other data protection agencies in Latin America. Likewise, the report will serve as a basis for the development of a Framework and Manual of T&E of AI Systems for Mexico and will be presented by the INAI in collaboration with the PPP of Mexico, C-Minds and the IDB Group during 2021.<sup>630</sup>

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<sup>627</sup> *The Ibero-American Data Protection Network (Red Iberoamericana de Protección de Datos (RIPD))*, <https://www.redipd.org/>

<sup>628</sup> Red Iberoamericana de Protección de Datos (RIPD), *Orientaciones Específicas para el Cumplimiento de los Principios y Derechos que Rigen la Protección de los Datos Personales en los Proyectos de Inteligencia Artificial* (June 21, 2019), [http://inicio.inai.org.mx/nuevo/RIPD\\_orientaciones\\_especificas\\_de\\_proteccion\\_de\\_datos\\_en\\_ia.pdf](http://inicio.inai.org.mx/nuevo/RIPD_orientaciones_especificas_de_proteccion_de_datos_en_ia.pdf)

<sup>629</sup> Red Iberoamericana de Protección de Datos (RIPD), *Estándares de Protección de Datos Personales para los Estados Iberoamericanos*. (June 20, 2017), [https://www.redipd.org/sites/default/files/inlinefiles/Estandares\\_Esp\\_Con\\_logo\\_RIPD.pdf](https://www.redipd.org/sites/default/files/inlinefiles/Estandares_Esp_Con_logo_RIPD.pdf)

<sup>630</sup> CMINDS, *Prototipo de Políticas Públicas. Transparencia y explicabilidad de sistemas de IA*, <https://www.cminds.co/prototipo-politica-ia>

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### *Algorithmic Transparency*

In November 2018, the Mexican government published general principles for the development and use of systems based on AI in Mexico's federal government.<sup>631</sup> The key principles are:

- Monitor and evaluate the impacts of AI systems in order to ensure that they achieve the expected results
- Promote transparency, by explaining to the users that interact with AI systems the decision process taken by such systems, the expected benefits as well as the potential risks derived from using such systems
- Protect privacy, by incorporating mechanisms of control and consent for the use of personal data during the design of AI systems
- Foster equality, by reducing risks of discriminatory biases derived from the utilized data
- Due process, by allowing individuals to dispute decisions made by AI systems.

The US Library of Congress noted this summer that “the presidential administration that adopted this strategy and its guiding principles ended on November 30, 2018. No information could be located on whether the new administration (which commenced on December 1, 2018) will continue with this strategy and its principles or initiate a similar effort.”<sup>632</sup>

### *Human Rights*

Freedom House gives Mexico a “partly free” (62/100) rating for political rights and civil liberties. According to Freedom House, “Mexico has been an electoral democracy since 2000, and alternation in power between parties is routine at both the federal and state levels. However, the country suffers from severe rule of law deficits that limit full citizen enjoyment of political rights and civil liberties.”

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<sup>631</sup> Principles for the Administration of Artificial Intelligence (Nov. 2018), [https://www.gob.mx/cms/uploads/attachment/file/415644/Consolidado\\_Comentarios\\_Consulta\\_IA\\_\\_1\\_.pdf](https://www.gob.mx/cms/uploads/attachment/file/415644/Consolidado_Comentarios_Consulta_IA__1_.pdf)

<sup>632</sup> US Library of Congress, *Regulation of Artificial Intelligence: The Americas and the Caribbean* (July 24, 2020), <https://www.loc.gov/law/help/artificial-intelligence/americas.php>

## *Artificial Intelligence and Democratic Values*

### *Evaluation*

Mexico launched an ambitious strategy for AI in 2018 and identified key ethical considerations for the deployment of AI systems. Mexico also endorsed the OECD and the G20 AI Principles, is a founding member of the GPAI, and worked with UNESCO on the development of recommendations for AI. But there has been little activity on AI policy since 2018. Consistent with its international commitments, Mexico should develop the legal frameworks necessary for AI oversight prior to the deployment of AI systems.