

10 May 2021

Department of International Law
Secretariat for Legal Affairs (SLA)
Organization of American States
Corner of 19th Street and Constitution Ave., N.W.
Washington, D.C., 20006

Dear Members of the Interamerican Juridical Committee,

We write to you, on behalf of the Center for AI and Digital Policy (CAIDP), regarding the OAS Updated Principles on Privacy and Personal Data Protection.

The CAIDP is an independent non-profit organization, established to advise national governments and international organizations on AI and digital policy. We have provided recommendations to the European Parliament, the G20 nations, the United States National Security Commission on AI, the government of Colombia, and others. We have recently published *Artificial Intelligence and Democratic Values*, a report providing a rigorous assessment of AI policies and practices in 30 countries, undertaken by a team of international experts. These policies and practices were evaluated to determine whether they align with values of fairness, transparency, and accountability as well as the protection of fundamental human rights.

We write to express our support for the Updated Principles for Privacy and Personal Data Protection.¹ We are monitoring privacy data protection developments within the Americas with great care and admire the OAS' long-established work on this topic. Given the OAS' four pillars of democracy, human rights, security, and development, we endorse your efforts to ensure that these foundational values are incorporated in the work of the OAS Member States.

We believe that the application of the Unified Principles is of great significance for the protection of democratic norms in the region, particularly within the realm of digital technologies. The Unified Principles are well aligned with the rule of law, fundamental rights, and support for democratic institutions. However, as technology develops rapidly and artificial intelligence raises new challenges, we recommend that the OAS Principles be directed toward AI policy. The Updated Principles provide an excellent base to build regulations and principles for AI. The inclusion of AI within the scope of the Unified Principles should be addressed as soon as possible.

¹ The Inter-American Juridical Committee, UPDATED PRINCIPLES ON PRIVACY AND PROTECTION OF PERSONAL DATA, WITH NOTES (April 2021) http://www.oas.org/en/sla/iajc/docs/CJI-doc_638-21_EN.pdf



Marc Rotenberg, President

As the Committee continues its important work, we would welcome a focus on AI, whether as part of the topic of Personal Data Protection as it relates to the use of data in AI algorithms or as an independent topic. AI policy merits the level of careful consideration that the OAS has given to Personal Data Protection. We recommend the creation of documents such as the Unified Principles or the 2015 Legislative Guide on Privacy and the Protection of Personal Data in the Americas,² but with a specific thematic focus on the issue of AI.

Should OAS decide to integrate AI into its areas of focus, we would welcome the opportunity to provide recommendations that we have developed through extensive research. Through our evaluation of AI policies and practices in different countries, the CAIDP developed five broad recommendations for the development of AI policy:

- Countries must establish national policies for AI that implement democratic values.
- Countries must ensure public participation in AI policymaking and also create robust mechanisms for independent oversight of AI systems.
- Countries must guarantee fairness, accountability, and transparency in all AI systems.
- Countries must commit to these principles in the development, procurement, and implementation of AI systems for public services.
- Countries must halt the use of facial recognition for mass surveillance.

Finally, the Center for AI and Digital Policy offers its assistance for the work of creating artificial intelligence and digital policies which promote a better, fairer, and more just and accountable society in which technology promotes broad social inclusion based on fundamental rights, democratic institutions, and the rule of law. In this regard, we would be pleased to offer our advice and expertise and would be available to discuss further and answer any inquiries you may have.

Thank you for your consideration. We look forward to future communications.

ATTACHMENTS

- AISCI report

² The Inter-American Juridical Committee, Legislative Guide on Privacy and the Protection of Personal Data in the Americas (2015), http://www.oas.org/en/sla/iajc/docs/personal_data_protection_CJI_Legislative_Guide_2015.pdf