



ARTIFICIAL INTELLIGENCE AND HUMAN RIGHTS

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SENATE JUDICIARY COMMITTEE
Human Rights and the Law Subcommittee

June 13, 2023

Chairman Ossoff, Ranking Member Blackburn, and members of the Subcommittee on Human Rights and the Law, thank you for the opportunity to submit a statement for the record for the hearing on “Artificial Intelligence and Human Rights.”¹

The Center for AI and Digital Policy is an independent research organization. The mission of CAIDP is to promote fundamental rights, democratic institutions, and the rule of law. We appreciate the significance of the hearing today. In our statement, we set out several recommendations for the U.S. Senate concerning AI and Human Rights. We have previously testified on AI policy before the House Oversight Committee.² We look forward to the opportunity to testify at a future hearing before this committee.

Assessing the impact of AI on human rights is fundamental to our organization’s work. For the last several years, we have published a comprehensive report – the **AI and Democratic Values Index** – that evaluates national AI policies and practices around the world, based on a dozen key indicators.³ We look at whether countries comply with the Universal Declaration for Human Rights, whether they have established a legal right of algorithmic transparency, and whether they ensure meaningful opportunities for public participation in the development of national AI policies.⁴ From this evaluation, involving a research network of over 500 people in 60 countries, we rate and rank national AI policies and practices.⁵

¹ Senate Judiciary Committee, Subcommittee on Human Rights and the Law, *Artificial Intelligence and Human Rights*, (June 13, 2023), <https://www.judiciary.senate.gov/committee-activity/hearings/artificial-intelligence-and-human-rights>

² Testimony and statement for the record of CAIDP President Merve Hickok, *Advances in AI: Are We Ready For a Tech Revolution?* House Committee on Oversight and Accountability: Subcommittee on Cybersecurity, Information Technology, and Government Innovation (Mar. 8, 2023), https://oversight.house.gov/wp-content/uploads/2023/03/Merve-Hickok_testimony_March-8th-2023.pdf

³ *Artificial Intelligence and Democratic Values* (CAIDP 2023)

⁴ Marc Rotenberg, *Time to Assess National AI Policies*, BLOG@CACM (Nov. 24, 2020),

⁵ The summary Evaluation for the United States is attached. The complete report is available online.

We also advise many governments and international organizations on AI policy, including the Council of Europe, the European Parliament,⁶ the G7,⁷ the OECD, the Trade and Technology Council,⁸ UNESCO,⁹ and the United Nations. For the United Nations, we recommended the establishment of new reporting requirements so that countries could assess the impact of AI on human rights.¹⁰

We routinely recommend clear prohibitions on AI practices that violate human rights, and we propose mechanisms for accountability and transparency.¹¹ Much of our work is based on the **Universal Guidelines for AI**, a human rights framework for the governance of AI that is widely supported across the technical and legal communities.¹²

Over the last several years, we have seen the adoption of important governance frameworks for AI, such as the OECD AI Principles and UNESCO Recommendation on AI Ethics. We have also seen the rapid deployment of AI systems, with little oversight or accountability, that pose new threats to human rights. There is great urgency in this moment, particularly in the United States, where the policy process has lagged developments in other parts of the world.¹³

Recommendations

Based on our review of national AI policies and our work with many international organizations on the development of governance structures for AI, we recommend:

1) *Establish clear prohibitions on AI techniques that violate human rights, such as mass surveillance and social scoring*

The former chair of the UN High Commissioner for Human Rights made the point directly. Michelle Bachelet called for a moratorium on the sale and use of AI that pose a serious

⁶ CAIDP, EU Artificial Intelligence Act, <https://www.caidp.org/resources/eu-ai-act/>

⁷ CAIDP, *G7 and Artificial Intelligence*, <https://www.caidp.org/resources/g7-japan-2023/>

⁸ CAIDP, *EU-US Trade and Technology Council*, <https://www.caidp.org/resources/trade-and-technology-council/>

⁹ CAIDP Update 2.41, *UNESCO Adopts Landmark Global Agreement on AI* (Nov 25, 2021),

<https://www.caidp.org/app/download/8358106563/CAIDP-Update-2.41.pdf>

¹⁰ CAIDP Statement to the UN on AI and the Protection of Fundamental Rights (Dec. 9, 2022),

<https://www.caidp.org/app/download/8429077463/CAIDP-AI-UNOHCHR-09122022.pdf>

¹¹ See, e.g., CAIDP, Statement on the EU Council's General Approach On the EU Artificial Intelligence Act (Feb. 13, 2023), <https://www.caidp.org/app/download/8442646963/CAIDP-Statement-EU-AIA-13022023.pdf>

¹² **Universal Guidelines for AI** (2018), <https://thepublicvoice.org/ai-universal-guidelines/>

¹³ Marc Rotenberg and Merve Hickok, *Artificial Intelligence and Democratic Values: Next Steps for the United States* (Aug. 22, 2022), <https://www.cfr.org/blog/artificial-intelligence-and-democratic-values-next-steps-united-states>

risk to human rights until adequate safeguards are put in place.¹⁴ “Artificial intelligence can be a force for good, helping societies overcome some of the great challenges of our times,” she acknowledged. “But AI technologies can have negative, even catastrophic, effects if they are used without sufficient regard to how they affect people’s human rights,” Bachelet warned.

In the **Universal Guidelines for AI**, there are explicit prohibitions on the use of AI for mass surveillance and unitary scoring, also described as “social scoring.” The UNESCO Recommendation on AI Ethics, adopted by 193 nations, adopted these two prohibitions. Currently, the European Parliament has proposed several AI prohibitions in the EU AI Act, including social scoring, predictive policing, biometric categorization and emotion detection.

As the legislative process goes forward in Congress, we urge the members of this Subcommittee, whose jurisdiction is precisely “enforcement and implementation of human rights laws,” to establish clear prohibitions on AI systems that violate human rights.¹⁵

2) Mandate human rights impact assessments for high-risk AI systems

Critical to the establishment of necessary guardrails for AI systems is the need to mandate independent impact assessment prior to the deployment of AI systems. The United States already requires privacy impact assessments across the federal government for the development of new information systems.¹⁶ But those requirements were established more than twenty years ago and do not take account of the unique challenges of machine learning techniques, nor does the impact assessment requirement cover private sector systems.

We urge you to establish impact assessment requirements so that human rights risks can be identified prior to deployment. At the point that harms emerge, it may already be too late.¹⁷

3) Make transparency meaningful – Limit or prohibit machine learning techniques that impact fundamental rights.

European courts are already considering whether certain AI techniques and human rights can coexist. In a remarkable decision last year, the Court of Justice of the European Union stated that machine learning techniques -- the use of statistical inference to make decisions

¹⁴ U.N. official calls for moratorium on artificial intelligence tools that breach human rights, The Washington Post (Sept. 15, 2021), <https://www.washingtonpost.com/world/2021/09/15/un-ai-moratorium/>

¹⁵ Senate Judiciary Committee, Subcommittee on Human Rights & the Law, Jurisdiction, <https://www.judiciary.senate.gov/about/subcommittees>

¹⁶ The E-Government Act of 2002, Section 208, requires federal agencies to conduct privacy impact assessments (PIAs) for electronic information systems. Privacy impact assessments for private sector information systems are required by the General Data Protection Regulation, Art. 22.

¹⁷ Marc Rotenberg and Merve Hickok, *Regulating A.I.: The U.S. Needs to Act*, The New York Times (Mar. 6, 2023).

about people -- were incompatible with the protection of human rights.¹⁸ The reason is not difficult to understand. Without the ability to trace the basis of a decision, there is no meaningful opportunity to contest an adverse decision and ensure procedural fairness. Machine learning techniques are black boxes, producing results that cannot be proven or replicated.

In the human rights realm, AI transparency must be meaningful. It is not sufficient to simply announce that a decision was produced by an AI system. If AI-based decisions impact human rights, then individuals must have the ability to contest an adverse decision. And if they do not, the AI system should not be deployed.

4) *Ensure that the US supports a comprehensive international AI Treaty that protects human rights in both public and private sector AI systems*

We have worked with the Council of Europe on the development of the first global treaty for AI since 2019. This is a vital undertaking that builds upon earlier AI governance frameworks and seeks to ensure the protection of human rights, democratic institutions and the rule of law.¹⁹

Council of Europe conventions are open for ratification by both member and non-member states. As such, the United States takes a direct interest in Council of Europe proceedings. The United States supported the Council of Europe Cybercrime Convention and worked for comprehensive scope and effective enforcement.

Regrettably, the US delegation to Strasbourg has taken a different approach with the AI treaty, seeking to limit the scope of the treaty and its enforcement.²⁰ This is another matter that falls squarely in the jurisdiction of this Subcommittee. The United States should be at the forefront of efforts to safeguard human rights in the era of Artificial Intelligence. Leadership in Artificial Intelligence will not be measured solely in terms of market share or patents issued. We urge committee Members to convey their concerns to the Administration and support a comprehensive global treaty for Artificial Intelligence.

Thank you for your attention to the statement of the Center for AI and Digital Policy. We would welcome the opportunity to testify at a future hearing on AI and human rights.

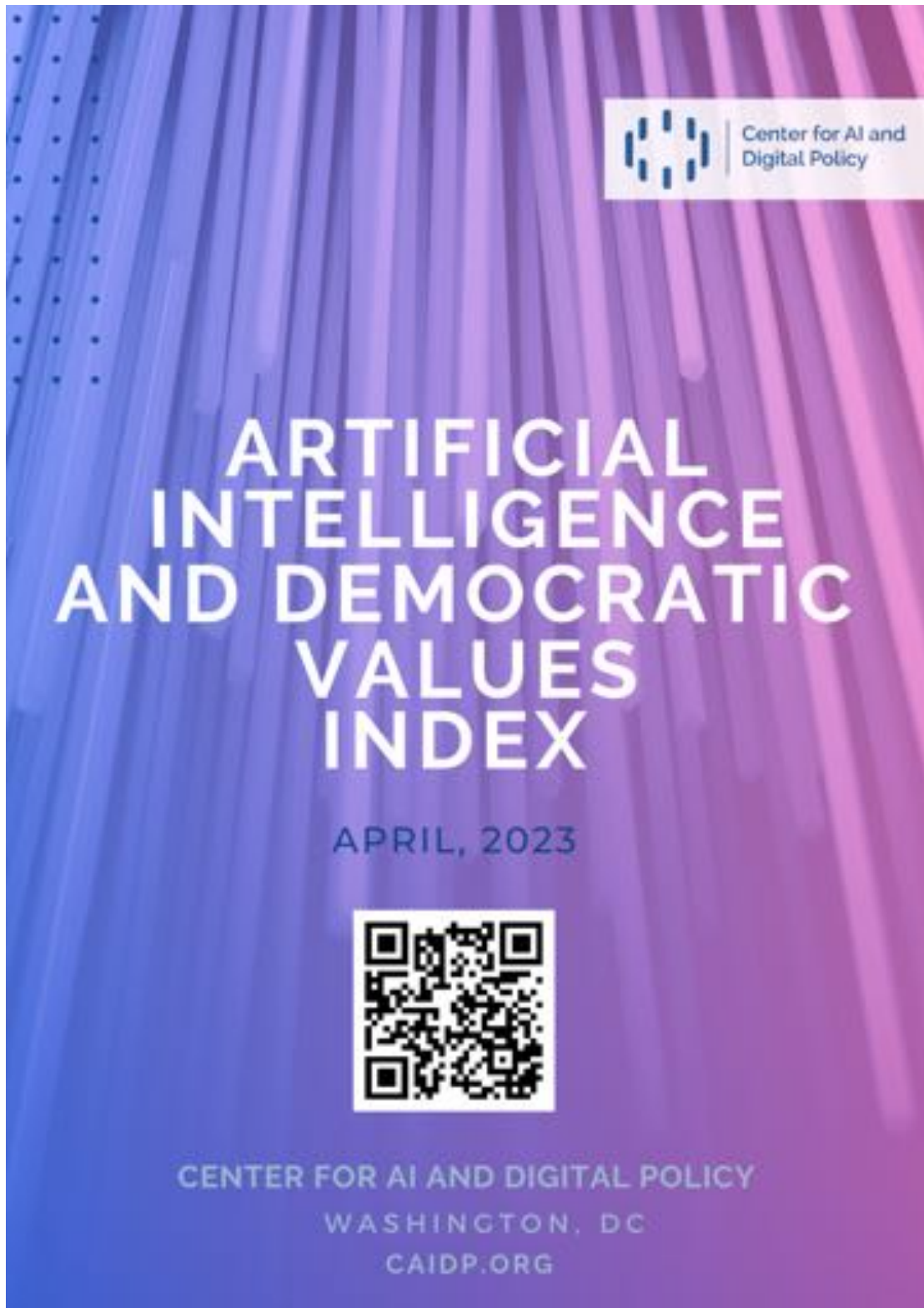
¹⁸ Marc Rotenberg, *The Law of Artificial Intelligence and the Protection of Fundamental Rights*, European Law Institute (July-Aug 2022).

¹⁹ CAIDP, *Council of Europe AI Treaty*, <https://www.caidp.org/resources/coe-ai-treaty/>

²⁰ Euractiv, *EU's AI ambitions at risk as US pushes to water down international treaty* (June 6, 2023), <https://www.euractiv.com/section/artificial-intelligence/news/eus-ai-ambitions-at-risk-as-us-push-to-water-down-international-treaty/>; Euractiv, *US obtains exclusion of NGOs from drafting AI treaty* (Jan. 17, 2023), <https://www.euractiv.com/section/digital/news/us-obtains-exclusion-of-ngos-from-drafting-ai-treaty/>



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Artificial Intelligence and Democratic Values 2022
Center for AI and Digital Policy

AI back in 2019—the first set of intergovernmental principles on the topic—and the launch of the Global Partnership on AI in 2020, laid a foundation for the world to build on.”⁴⁸⁰⁴

UNESCO Recommendation on the Ethics of Artificial Intelligence

The United States is not a UNESCO member state and has, therefore, not endorsed the UNESCO Recommendation on the Ethics of AI.⁴⁸⁰⁵

Evaluation

The U.S. lacks a unified national policy on AI but President Biden, and his top advisors, has expressed support for AI aligned with democratic values. The United States has endorsed the OECD/G20 AI Principles. The White House has issued two Executive Orders on AI that reflect democratic values, a federal directive encourages agencies to adopt safeguards for AI. The most recent Executive Order also establishes a process for public participation in the development of federal regulations on AI though the rulemaking has yet to occur. The overall U.S. policy-making process remains opaque and the Federal Trade Commission has failed to act on several pending complaints concerning the deployment of AI techniques in the commercial sector. But the administration has launched new initiatives and encouraged the OSTP, NIST, and other agencies to gather public input. The recent release of the Blueprint for an AI Bill of Rights by the OSTP represents a significant step forward in the adoption of a National AI Policy and in the U.S.’s commitment to implement the OECD AI Principles. There is growing opposition to the use of facial recognition, and both Facebook and the IRS have cancelled facial recognition systems, following widespread protests. But concerns remain about the use of facial surveillance technology across the federal agencies by such U.S. companies as Clearview AI. The absence of a legal framework to implement AI safeguards and a federal agency to safeguard privacy also raises concerns about the ability of the U.S. to monitor AI practices.

⁴⁸⁰⁴ U.S. Department of State, *Secretary Antony J. Blinken at OECD Opening and Keynote Address* (Oct. 5, 2021), <https://www.state.gov/secretary-antony-j-blinken-at-oecd-opening-and-keynote-address/>, <https://www.state.gov/secretary-antony-j-blinken-at-oecd-opening-and-keynote-address/>; see CAIDP Update 2.38, <https://www.caidp.org/app/download/8352772763/CAIDP-Update-2.38.pdf>

⁴⁸⁰⁵ UNESCO, *Member State List*, <https://en.unesco.org/countries/u>



UNIVERSAL GUIDELINES FOR AI

- RIGHT TO TRANSPARENCY**
All individuals have the right to know the basis of an AI decision that concerns them. This includes access to the factors, the logic, and techniques that produced the outcome.
- RIGHT TO HUMAN DETERMINATION**
All individuals have the right to a final determination made by a person.
- IDENTIFICATION OBLIGATION**
The institution responsible for an AI system must be made known to the public.
- FAIRNESS OBLIGATION**
Institutions must ensure that AI systems do not reflect unfair bias or make impermissible discriminatory decisions.
- ASSESSMENT AND ACCOUNTABILITY**
An AI system should be deployed only after an adequate evaluation of its purpose and objectives, its benefits, as well as its risks. Institutions must be responsible for decisions made by an AI system.
- ACCURACY, RELIABILITY, AND VALIDITY**
Institutions must ensure the accuracy, reliability, and validity of decisions.
- DATA QUALITY**
Institutions must establish data provenance, and assure quality and relevance for the data input into algorithms.
- PUBLIC SAFETY**
Institutions must assess the public safety risks that arise from the deployment of AI systems that direct or control physical devices, and implement safety controls.
- CYBERSECURITY**
Institutions must secure AI systems against cybersecurity threats.
- PROHIBITION ON SECRET PROFILING**
No institution shall establish or maintain a secret profiling system.
- PROHIBITION ON UNITARY SCORING**
No national government shall establish or maintain a general-purpose score on its citizens or residents.
- TERMINATION OBLIGATION**
An institution that has established an AI system has an affirmative obligation to terminate the system if human control of the system is no longer possible.

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The New York Times

OPINION
LETTERS

Regulating A.I.: The U.S. Needs to Act



Representative Ted Lieu met in January with the head of OpenAI, the lab that developed ChatGPT. Alyssa Schukar for The New York Times

To the Editor:

Re "[A.I. Regulation Can Be Puzzle to Lawmakers](#)" (front page, March 4):

The recent coverage of Washington's response to artificial intelligence is a welcome shift toward an overdue policy debate. But the challenge ahead is not so much about educating lawmakers about new technology — technologies are always changing — as it is about establishing the necessary safeguards to protect the public.

At the [Center for A.I. and Digital Policy](#), we have [closely examined](#) A.I. policies and practices around the world. Europe has taken the lead with the proposed European Union A.I. act. The [Council of Europe](#) is drafting the first global convention on A.I.

UNESCO, with widespread global support, is beginning the implementation of the [Recommendation on the Ethics of Artificial Intelligence](#). China is moving forward with both an aggressive research agenda and a comprehensive regulatory strategy. Most countries have established national A.I. strategies.

In contrast, the absence of a coherent national policy for A.I. in the United States is striking. While President Biden has taken several steps to promote cooperation among democratic nations on A.I. policy and establish rules to govern A.I., Congress appears to be taking a wait-and-see attitude, holding closed-door meetings without public hearings that could explore the challenges ahead.

This strategy poses a real risk to principles of fairness and accountability, public safety and national security. Lawmakers need to act now to protect the public from the dangers of unregulated A.I.

We need to prioritize laws that promote algorithmic transparency and limit algorithmic bias. We need to ensure fairness, accountability and traceability across the A.I. life cycle. With A.I.'s ability to amplify risk to a catastrophic scale, waiting until harms emerge may be too late.

Marc Rotenberg

Merve Hickok

Washington

Mr. Rotenberg is president and founder of the Center for A.I. and Digital Policy, a global research organization. Ms. Hickok is the chair and research director of the center.

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from Net Politics, Digital and Cyberspace Policy Program, *and* Renewing America

Artificial Intelligence and Democratic Values: Next Steps for the United States

China and the European Union have both moved to create comprehensive artificial intelligence policy. U.S. policymakers should move forward the AI Bill of Rights to keep pace.



U.S. Secretary of State Antony Blinken speaks in the White House on March 3, 2021. Andrew Caballero-Reynolds/Reuters

Blog Post by Marc Rotenberg and Merve Hickok, Guest Contributors

August 22, 2022 4:01 pm (EST)

More than fifty years after a research group at Dartmouth University launched work on a new field called “Artificial Intelligence,” the United States still lacks a national strategy on

artificial intelligence (AI) policy. The growing urgency of this endeavor is made clear by the rapid progress of both U.S. allies and adversaries.

Europe is moving forward with two initiatives of far-reaching consequence. The EU Artificial Intelligence Act will establish a comprehensive, risk-based approach for the regulation of AI when it is adopted in 2023. Many anticipate that the EU AI Act will extend the “Brussels Effect” across the AI sector as the earlier European data privacy law, the General Data Privacy Regulation, did for much of the tech industry.

The Council of Europe is developing the first international AI convention aiming to protect fundamental rights, democratic institutions, and the rule of law. Like the Council of Europe Convention on Cybercrime (COE) and the Privacy Convention, the AI Convention will be open for ratification by member and non-member states. The COE remains influential, as Canada, Japan, the United States, and several South American countries have signed on to the COE.

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China is also moving forward with an aggressive regulatory strategy to complement its goal to be the “world leader in AI by 2030.” China recently matched the GDPR with the Personal Information Protection Law and a new regulation on recommendation algorithms with similar provisions to the EU’s Digital Services Act. The Chinese regulatory model will likely influence countries in Africa and Asia, part of the Belt and Road

Initiative, and give rise to a possible “Beijing Effect.”

The United States has done an admirable job maintaining a coherent policy in the Executive Branch over the Obama, Trump, and Biden administrations, highlighting key values and promoting an aggressive research agenda. In the 2019 Executive Order on Maintaining American Leadership in AI, the United States said it would “foster public trust and confidence in AI technologies and protect civil liberties, privacy, and American values in their application.” Promoting the Use of AI in the Federal Government established the principles for the “development and use of AI consistent with American values and are beneficial to the public.”

The United States also played a leading role at the Organization for Economic Cooperation and Development (OECD) with the development and adoption of the OECD AI Principles, the first global framework for AI policy. Those principles, which emphasize “human-centric and trustworthy” AI, were later adopted by the G-20 nations, and are now endorsed by more than 50 countries, including Russia and China.

But the United States was out of the loop when the UN Educational, Scientific, and Cultural Organization (UNESCO) adopted the Recommendation on AI Ethics, now the most comprehensive framework for global AI policy which addresses emerging issues, such as AI and climate and gender equity.

“Democratic values” is a key theme as the United States seeks to draw a sharp distinction between the deployment of technologies that advance open, pluralist societies and those that centralize control and enable surveillance. As Secretary Blinken explained last year, “More than anything else, our task is to put forth and carry out a compelling vision for how to use technology in a way that serves our people, protects our interests and upholds our democratic values.” But absent a legislative agenda or clear statement of principles, neither allies nor adversaries are clear about the U.S. AI policy objectives.

The United States has run into similar problems with the Trade and Technology Council (TTC), an effort to align U.S. and EU tech policy around shared values. The inaugural Joint Statement laid a foundation for cooperation on AI for the EU and the United States in the fall of 2021, but Ukraine has upended transatlantic priorities, and it remains unclear at this point whether the TTC will regain focus on a common AI policy.

A similar challenge confronts EU and U.S. leaders on new rules for transatlantic data flows. After two earlier decisions from the high court in Europe, finding that the United States lacked adequate privacy protection for the transfer of personal data, lawmakers on both sides of the Atlantic worried that data flows could be suspended, as the Irish privacy commissioner has recently threatened. President Biden and President von der Leyen announced an agreement in principle in May, but several months later there is still no public text for review.


To restore leadership in the AI policy domain, the United States should move forward the policy initiative launched last year by the Office of Science and Technology Policy (OSTP). The science office outlined many of the risks of AI, including embedded bias and widespread surveillance, and called for an AI Bill of Rights. OSTP said, “Our country should clarify the rights and freedoms we expect data-driven technologies to respect.” The White House supported the initiative and encouraged Americans to “Join the Effort to Create A Bill of Rights for an Automated Society.”

We strongly support this initiative. After an extensive review of the AI policies and practices in 50 countries, we identified the AI Bill of Rights as possibly the most significant AI policy initiative in the United States. But early progress has stalled. The delay has real consequences for Americans who are subject to automated decision-making in their everyday lives, with little transparency or accountability. Foreign governments are also looking for U.S. leadership in this rapidly evolving field. Progress on the AI Bill of Rights initiative will help build trust and restore U.S. leadership.



Last year, the Office of Science and Technology Policy stated clearly, "Powerful technologies should be required to respect our democratic values and abide by the central tenet that everyone should be treated fairly." That should be the cornerstone of a U.S. national AI policy, and that policy will advance international norms for the governance of AI.

Marc Rotenberg is President of the Center for AI and Digital Policy (CAIDP), author the forthcoming Law of Artificial Intelligence (West Academic 2023), and a Life Member of CFR. Merve Hickok is the Research Director of CAIDP and founder of the AIethicist.org

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In a remarkable judgment earlier this year, the Court of Justice found that certain Artificial Intelligence (AI) techniques may be incompatible with the protection of fundamental rights. *Ligue des droits humains*, C-813/19, concerned the processing of passenger records to identify serious threats to public safety.⁷ Human rights groups objected that the Passenger Name Record (PNR) Directive authorized mass surveillance that was incompatible with the Charter. The Court's ruling upheld a narrowed version of the Directive but also drew a red line for machine learning techniques, which typically rely on statistical inferences to make decisions about people. "Given the opacity which characterises the way in which artificial intelligence technology works," the Court explained, "it might be impossible to understand the reason why a given program arrived at a positive match."⁸ The practical consequence would be to deny individuals the right to an effective judicial remedy.

The *Ligue des droits humains* case is a timely reminder of the growing importance of legal review of the new technologies that shape our lives. While AI techniques have brought forward innovations in medical

science, language translation, and image recognition, these same techniques also raise new challenges when decisions are made concerning border crossings, employment, education, public administration, and credit scoring. Fairness, accountability, and transparency must therefore be coded into the design of these systems to ensure that automated decision systems are non-discriminatory. And courts must look closely at these systems to assess their impact on fundamental rights and public safety.

The ELI's Guiding Principles set out 12 principles to assist developers, courts, and lawmakers in understanding and assessing the use of AI techniques.⁹ The Guiding Principles are similar to an earlier framework – the Universal Guidelines for AI – that set out the rights and responsibilities for the use of AI systems.¹⁰ But the Guiding Principles provide more focus and practical application. These Principles also fill in gaps left open in other areas of EU law, such as Article 22 of the GDPR and the Digital Services Act. Returning to the *Ligue des droits humains* case, we can see the particular relevance of the Principles concerning Traceable Decisions and Reasoned Decisions.

The Traceability Principle is not equivalent to the well-known Principle of Transparency.¹¹ Traceability focuses on the concrete path of a particular decision.¹² The ELI Paper explains that AI systems must include traceability by design. The Traceable Decisions Principle, and the subtle distinction with transparency, aligns perfectly with the Opinion of the Advocate General Pinzella in *Ligue des droits humains* who wrote of the PNR Directive that algorithms "must function transparently, and that the result of their application must be traceable."¹³ Machine learning systems

The ELI Guiding Principles also help inform the rapidly evolving field of AI policy frameworks.

Marc Rotenberg

Spotlight

may provide impressive results, but their legal status will remain unclear until traceability is established.

The Reasoned Decision Principles provides further insight into the assessment of AI techniques. Here the ELI advises that the complexity and opacity of algorithms should not render decisions that are ‘unreasoned, arbitrary, or unfounded.’⁹ This understanding is also reflected in the *Ligue des droits humain* judgment and the Court’s specific concern about the modification of assessment criteria without human intervention.

The ELI Guiding Principles also help inform the rapidly evolving field of AI policy frameworks. In 2019, the OECD member countries set out


the AI Principles, the first global framework for AI policy.¹⁰ The OECD AI Principles emphasized human-centric and trustworthy AI. In 2021, 193 nations backed the UNESCO Recommendation on AI Ethics, the most comprehensive approach to date for the governance of AI. Now the EU is pursuing the AI Act, and the Council of Europe is developing a Convention on AI.

A clear articulation of foundational principles for AI systems provides direction for lawmakers who develop new frameworks to govern AI and courts that examine disputes arising from the deployment of AI techniques. The ELI Guiding Principles are a major milestone in the development of the field of AI law.

The ELI Guiding Principles are a major milestone in the development of the field of AI law.

Marc Rotenberg

The Author



Marc Rotenberg is the President and founder of the Center on AI and Digital Policy, and Adjunct Professor at Georgetown Law. His expertise includes data protection, Internet policy, open government, and AI policy.

He has served on expert panels for the OECD, UNESCO, the UN, among others. He has published in the *Economist*, the *European Data Protection Law Review*, the *European Law Journal*, the *Financial Times*, the *Harvard International Review*, *Japan Economic Forum*, the *New York Times*, *Scientific American*, the *Stanford Technology Law Review*, among others. Marc is a graduate of Harvard College, Stanford Law School, and Georgetown Law.

¹ Marc Rotenberg is President and Founder of the Center for AI and Digital Policy in Washington, DC. He is the editor of *The AI Policy Sourcebook* (2020), and author of the forthcoming *Law of Artificial Intelligence* (West Academic 2023).
² CJEU – C-817/19 – *Ligue des droits humains v Conseil des Ministres*, Judgement, 21 June 2022.
³ Par 195.
⁴ ELI, *Guiding Principles for Automated Decision-Making in the EU* (May 2022).
⁵ The Public Voice, *The Universal Guidelines for AI* (2018).
⁶ Marc Rotenberg, *Artificial Intelligence and the Right to Algorithmic Transparency* in Information Technology, Life Sciences, and Human Rights (CUP 2022).
⁷ ELI Guiding Principles at 18.
⁸ CJEU – C-817/19 – *Ligue des droits humains v Conseil des Ministres*, Opinion, 21 June 2022, par 228.
⁹ ELI Paper at 19.
¹⁰ OECD, *Recommendation of the Council on Artificial Intelligence*, 21 May 2019.