



U.S. Department of Justice

Criminal Division

Office of the Assistant Attorney General

Washington, D.C. 20530

FEB 24 2023

Mr. Marc Rotenberg
CAIDP President
Center for AI and Digital Policy
1100 13th Street, NW
Suite 800
Washington, DC 20005

Dear Mr. Rotenberg:

Thank you for your letter dated January 25, 2023. Civil society organizations and private sector voices have been critical to the development of policies on artificial intelligence, including in the Council of Europe, and we greatly value your input. The Department of Justice (“DOJ”) appreciates your concerns and addresses each in turn.

First, the U.S. delegation to the Council of Europe Convention on Artificial Intelligence, Human Rights, Democracy, and the Rule of Law (“AI Convention”) is taking positions, consistent with its negotiating authority, that the interagency process has vetted. The delegation works closely with the interagency, including with multiple offices in the White House. Hence, the delegation represents the larger U.S. government, and its negotiating authority and input from the interagency bind the delegation.

Furthermore, DOJ greatly values civil society and private sector input for both domestic and international policy issues. Civil society and private sector actors actively participate in the AI policy space, including in the Council of Europe treaty negotiations. Civil society and private sector actors have been and will continue to be in every plenary of the negotiation of the convention, which is where text will be adopted. These groups will continue to have ample opportunity to provide their views on the text under consideration, which we welcome.

The Council of Europe AI Convention is not a merely aspirational statement of principles, but rather a binding multilateral convention creating legal obligations. For the United States to negotiate in good faith, it must advocate for obligations that the United States would be able to implement fully under law. For the United States to become party to the Council of Europe AI Convention, it must be able to fully implement the obligations of the convention to the satisfaction of the White House and the United States Senate.

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Second, with regard to CAIDP's FOIA request dated December 4, 2022, the request was received by the Office of Information Policy ("OIP") on December 6, 2022, and redirected to the Criminal Division FOIA/PA Unit for handling on December 7, 2022. The request was assigned tracking number CRM-301787294. A search for records responsive to CAIDP's request has been initiated. At this time, that search is still pending. The Criminal Division informed OIP that it estimates completing CAIDP's request by August 2024. If you have any questions regarding the status of this request or wish to discuss reformulation or an alternative time frame for the processing of its request, you may contact the FOIA/PA Unit by telephone at (202) 616-0307, by email at crm.foia@usdoj.gov, or by mail at the Criminal Division, U.S. Department of Justice, Room 803, Keeney Building, NW, Washington, DC 20530-0001.

We thank you again for your input and for voicing your concerns, and we look forward to further collaborations with you as the Council of Europe AI Convention progresses.

Sincerely,

Jessica H.
Kim

Digitally signed by Jessica
H. Kim
Date: 2023.02.24
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Jessica H. Kim
Acting Chief of Staff