

Center for AI and Digital Policy (CAIDP)

Statement to the G& Digital Ministers

for the 2023 G7 Hiroshima Summit

28 April 2023

The Center for AI and Digital Policy (CAIDP) welcomes the opportunity to provide this statement to the G7 Digital Ministers for the upcoming 2023 G7 Hiroshima Summit under the presidency of Japan. We have closely followed the work of the G7 and the Digital Ministers over several years.¹ We commend the G7 for its efforts to ensure human-centric and trustworthy AI and to promote fairness, accountability, and transparency in digital technologies. We applaud the adoption of an action plan on Artificial Intelligence in line with international standards to promote the responsible use of AI and advance fundamental rights, rule of law, and democratic values.

We support the work of the G7 on digital policies. CAIDP is a member of the Civil 7 (C-7) Open and Resilient Societies Working Group (ORSWG). We contributed to the C7 Communique, with a focus on human rights-based technology, surveillance tech, privacy, and protection of children and youth rights in the digital space. We also expressed our support for the Digital Free Flows with Trust (DFFT) initiative for its commitment to privacy protection.² We have submitted previous statements for the G7 in 2021 and again in 2022.³

At the 2021 Summit, the G7 Digital Ministers committed to building a “values-driven digital ecosystem for the common good that enhances prosperity in a way that is sustainable, inclusive, transparent, and human-centric.”⁴ They declared that the G7 countries “will continue to make concerted efforts to maintain a free, global, open, interoperable, reliable and secure Internet that supports innovation and strengthens respect for democratic values and universal human rights.”⁵

We recognize the leading role of the G7 in the formulation of principles for the responsible use of AI that resulted in the OECD Guidelines on Artificial Intelligence and therefore commend the Digital Ministers for continuing to address the impact of AI on society and the imperative of promoting human-centered, trustworthy AI systems.

¹ Center for AI & Digital Policy, *G7 Japan 2023 Resource Page*, (2023), <https://www.caidp.org/resources/g7-japan-2023/>

² Center for AI and Digital Policy, *Statement to the G7 on Artificial Intelligence, Data Protection, and Digital Free Flows with Trust*. (Feb 24, 2023), <https://www.caidp.org/app/download/8443723563/CAIDP-Statement-G7-DFFT-24022023.pdf?t=1681217488>

³ Center for AI and Digital Policy, *Statement to the G7 on Artificial Intelligence*, (May 18, 2022), <https://www.caidp.org/app/download/8392171163/CAIDP-Statement-G7-18052022.pdf?t=1660245988>

⁴ G7 Germany, *G7/8 Digital and Technology Ministers, Ministerial Declaration: G7 Digital Ministers' Meeting* (May 11, 2022), <http://www.g8.utoronto.ca/ict/2022-declaration.html>

⁵ Id

We urge you now to ensure the protection of fundamental rights, democratic values, and the rule of law, and specifically to implement policies and practices to ensure that AI systems are human-centric and trustworthy.

About CAIDP

CAIDP is a non-profit global research organization, incorporated in Washington, DC, established “to promote a better society, more fair, more just — a world where technology promotes broad social inclusion based on fundamental rights, democratic institutions, and the rule of law.”⁶ CAIDP currently serves as an advisor on AI policy to the Council of Europe Committee on AI, the OECD, the Global Partnership on AI, the European Parliament, UNESCO, and other national and international organizations.

CAIDP publishes annually the *Artificial Intelligence and Democratic Values (AIDV) Index*, a comprehensive review of AI policies and practices worldwide, based on a rigorous methodology and 12 metrics established to assess alignment with democratic values. The AIDV combines detailed narrative reports with a methodology that produces human rights, rule of law, and democratic governance metrics. The *2022 Index* covers 75 countries, with metrics encompassing endorsement and implementation of the OECD/G20 AI Principles, UNESCO recommendations on AI Ethics, opportunities for public participation in formulation of national AI policy, creation of independent agencies to address AI challenges.⁷ In our 2022 Index, we highlighted the role of the G7 and the leadership of Japan as critical for AI policy development.⁸ Japan was among the highest-ranked countries in our review of national AI policies and practices, for its endorsement and implementation of key AI policy frameworks and its commitment to principles such as transparency, fairness, and accountability.⁹

- CAIDP supports the DFFT initiative, based on high standards for data protection, and encouraged the G7 to establish actionable standards
- CAIDP supports the C7 Communique and specifically the recommendations concerning transparent and ethical AI, establishing a moratorium on surveillance technology, and children’s rights and access to digital literacy.
- CAIDP endorsed the G7 statement on algorithmic bias and urged the identification of key principles to minimize bias and risks in algorithmic decision-making systems.¹⁰

The G7 and AI

⁶ Center for AI & Digital Policy, *About Us*, <https://www.caidp.org/>

⁷ CAIDP, *AI and Democratic Values Index*. <https://www.caidp.org/reports/>

⁸ Center for AI and Digital Policy, *2022 Artificial Intelligence and Democratic Values (AIDV) Index*, (G7, p.28) Apr 6,2023), <https://www.caidp.org/reports/aidv-2022/>

⁹ Id (Japan, p.497) Apr 6,2023), <https://www.caidp.org/reports/aidv-2022/>

¹⁰ Center for AI and Digital Policy, *Statement to the G7 on Artificial Intelligence*, (p.4), (May 18, 2022), <https://www.caidp.org/app/download/8392171163/CAIDP-Statement-G7-18052022.pdf?t=1660245988>

The G7 Digital Ministers have recognized the urgency for human-centric technology emphasizing privacy protection and transparency. At the 2021 Summit, the G7 Digital Ministers committed to building a “values-driven digital ecosystem for the common good that enhances prosperity in a way that is sustainable, inclusive, transparent, and human-centric.”¹¹ The Digital Ministers declared that the G7 countries “will continue to make concerted efforts to maintain a free, global, open, interoperable, reliable and secure Internet that supports innovation and strengthens respect for democratic values and universal human rights.”¹²

The G7 Action Plan

CAIDP supports the draft declaration issued by the G7 Digital Ministers towards the adoption of an action plan to promote the responsible use of artificial intelligence.¹³ G7 nations have made clear the risks of AI and the Data Protection and Privacy Authorities of the G7 countries have expressed their commitment to “democratic principles and fundamental human rights in the digital world” in line with prevailing international commitments frameworks and approaches.¹⁴

AI Governance

We applaud the G7 priority to build on the OECD AI Principles, promote transparency for AI systems, and establish metrics to evaluate outcomes. Our *AI Index* provides a good baseline for these plans, as the first global survey to assess progress toward trustworthy AI published since 2020

AI Transparency, Traceability, and Accuracy

We support the regulation of AI that ensures transparency, traceability, and accuracy to safeguard against the destructive reinforcement of bias in generative AI algorithms. CAIDP advises the G7 Ministers to include in the AI Action plan an “evidence-informed risk and human rights impact assessment framework” applicable across the AI pipeline, before the development, deployment, and use of AI.¹⁵ We express support for ex-ante human-rights impact assessments,

¹¹ G7 Germany, *G7/8 Digital and Technology Ministers, Ministerial Declaration: G7 Digital Ministers’ Meeting* (May 11, 2022), <http://www.g8.utoronto.ca/ict/2022-declaration.html>

¹² G7 Germany. *G7/8 Digital and Technology Ministers, Ministerial Declaration: G7 Digital Ministers’ Meeting* (May 11, 2022), <http://www.g8.utoronto.ca/ict/2022-declaration.html>

¹³ The Asahi Shimbun, *G-7 Ministers work on action plan to achieve ‘Responsible AI’*, para 11, (Apr 22, 2023), <https://www.asahi.com/ajw/articles/14891599>

¹⁴ Center for AI and Digital Policy, *Statement to the G7 on Artificial Intelligence, Data Protection, and Digital Free Flows with Trust*. (Feb 24, 2023), <https://www.caidp.org/app/download/8443723563/CAIDP-Statement-G7-DFFT-24022023.pdf?t=1681217488>

¹⁵ Civil7, *Communiqué 2023, Design and Implement Sustainable Policies for Peace, Prosperity, and Transparency* (prepared for the 2023 G7 Summit in Hiroshima, Japan), https://civil7.org/wpC7/wp-content/uploads/2023/04/C7_communique2023_0412.pdf

with clear methodology, including in cases of the use of AI for national security purposes, whereby impacts on human rights, civic freedoms, and democracy are evaluated.¹⁶

Further, we strongly advise the adoption of standards to ensure that providers of AI technologies conduct human rights due diligence impact assessments. The G7 AI Action Plan can include mandatory ex-ante human rights impact assessments or the introduction of liability for surveillance tech and AI upon private entities responsible for the development and distribution of spyware and artificial intelligence technology.¹⁷

CAIDP recommends the inclusion of transparency obligations and accountability, in line with global guidelines for high-risk AI systems. In line with the Universal Guidelines for AI (UGAI), we recommend that “where high-risk AI systems generate unacceptable risks to fundamental rights, or if human control of the system is no longer possible, Providers and Users should have an affirmative obligation to terminate the system. As such, the kill switches should be a key design requirement for high-risk AI systems.¹⁸

AI Red Lines

CAIDP strongly agrees that the G7 should oppose the use of AI to threaten democratic values and human rights, specifically the use of AI for mass surveillance. We applaud the G7 Ministers for taking a strong stance against the abuse of AI to infringe on human rights through more intense monitoring of people’s activities.¹⁹ Facial surveillance technology is now deployed for human identification, behavioral assessment, and predictive analysis, with far-reaching impact, due to its lack of regulation. Facial surveillance technology is capable of scrutinizing entire urban areas, capturing the identities of tens or hundreds of thousands of people at any one time.²⁰

CAIDP supports a ban on the use facial recognition for mass surveillance. In 2022, we led a campaign to ban facial surveillance technology for its role in oppressing minorities and limiting political freedoms.²¹ This technology is currently deployed for predictive analysis and behavioral assessment. This collection of facial images increases the risk of bias, coercion, and fraud.²²

¹⁶ Center for AI and Digital Policy, *Statement on the Council General Approach*, (Feb 13, 2023), <https://www.caidp.org/app/download/8442646963/CAIDP-Statement-EU-AIA-13022023.pdf>

¹⁷ Civil7, *Communiqué 2023, Design and Implement Sustainable Policies for Peace, Prosperity, and Transparency* (prepared for the 2023 G7 Summit in Hiroshima, Japan), https://civil7.org/wp-content/uploads/2023/04/C7_communique2023_0412.pdf

¹⁸ The Public Voice, *Universal Guidelines for Artificial Intelligence*, <https://thepublicvoice.org/ai-universal-guidelines/>

¹⁹ The Japan News, *G7 Digital Ministers to Adopt Action Plan on AI*, April 19, 2023, <https://japannews.yomiuri.co.jp/politics/politics-government/20230419-104447/>

²⁰ Center for AI and Digital Policy, *Ban Facial Surveillance Technology and Other Forms of Mass Biometric Identification*, (October 2022), <https://www.caidp.org/statements/ban-facial-surveillance-technology/>

²¹ Id

²² Id

We expressed in our statement of May 2022 to the G7 the imperative of ‘red lines’ to safeguard fundamental rights amid the controversial uses of AI for mass surveillance and facial recognition in public spaces.”²³ These practices have raised concerns among civil society organizations and demand actions to establish clear prohibitions.

Jointly with our colleagues of the C7 ORSWG Working Group, in the Communique to the G7 Ministries, we support a ban on technologies that violate fundamental human rights. We specifically recommended a moratorium on the use, export, sale, and transfer of surveillance technology -including facial recognition and spyware technology- until authorities and organizations can demonstrate compliance with privacy and human rights, and remove discriminatory impacts on civil society.²⁴

We also urge the G7 to ban the controversial uses of AI for the social scoring of citizens, predictive policing, criminal sentencing, hiring decisions, or access to credit and social services.²⁵ We have proposed prohibitions to pseudoscientific and discriminatory AI systems and practices, a ban on emotion recognition systems, and biometric categorization systems, as well as a ban on predictive policing. The scientific validity of AI systems should be required to ensure accuracy, representativeness, robustness, and cybersecurity.²⁶

Interoperability

CAIDP notes some concerns about the use of the term "interoperable" in the context of complying with legal obligations. We believe fundamental rights are universal and that trans-border data flows require high standards for data protection. As such, countries must be expected to comply with these requirements to enable the free flow of data with trust. “Interoperability” is an appropriate concept for system design, but it is inappropriate in the realm of legal compliance. “Interoperability,” in the context of transborder data border data flows, stands opposed to protection of fundamental rights, the rule of law and democratic values.

Privacy and Data Free Flows with Trust

CAIDP expressed strong support for the work of the G7 in advancing Data Free Flows with Trust (DFFT) that safeguard personal data while promoting the free trans-border flow of non-

²³ Center for AI and Digital Policy, *Statement to the G7 on Artificial Intelligence* (May 18, 2022),

<https://www.caidp.org/app/download/8392171163/CAIDP-Statement-G7-18052022.pdf>

²⁴ Civil7, *Communiqué 2023, Design and Implement Sustainable Policies for Peace, Prosperity, and Transparency* (prepared for the 2023 G7 Summit in Hiroshima, Japan), https://civil7.org/wpC7/wp-content/uploads/2023/04/C7_communique2023_0412.pdf

²⁵ Center for AI and Digital Policy, *Statement to the G7 on Artificial Intelligence* (May 18, 2022),

<https://www.caidp.org/app/download/8392171163/CAIDP-Statement-G7-18052022.pdf>

²⁶ Center for AI and Digital Policy, *Statement on the Council General Approach*, p.2. (Feb 13, 2023)

<https://www.caidp.org/app/download/8442646963/CAIDP-Statement-EU-AIA-13022023.pdf>

personal information.²⁷ In 2022, The G7 Ministers stated: “We welcome the intention of the Japanese G7 Presidency in 2023 to continue work on the basis of this declaration on online safety and DFFT, including promoting regulatory cooperation for DFFT, in particular through roundtable discussions of data protection and privacy authorities.”²⁸ We advised on the need to build the DFFT upon principles of privacy protection, data minimization and privacy-enhancing technologies (PETs), and human-centric AI.

We urge G7 to integrate concrete actions for the creation of a Secretariat to provide information about best practices for DFFT that safeguard privacy and data protection.²⁹ We reaffirm our support for an action plan that includes concrete measures to protect privacy as a key to ensuring human dignity, safety, and self-determination.

Generative AI

CAIDP agrees with the G7 on the need to the “rapid spread of ChatGPT and other generative AI technology.”³⁰ We strongly recommend the establishment of guardrails to safeguard human rights and protect public safety.³¹

The maturity achieved by conversational AI increases the dangers of personalized manipulation, persuasion, and coercion.³² The AI technologies behind Large Language Models (LLM), can target specific communities and individuals with misinformation, influencing their trust in institutions. Generative AI tools can keep track of conversations, emulating human language in a “seemingly rational and surprisingly authoritative” manner. “The ability of [language models] to pick up on both subtle biases and overtly abusive language patterns in training data, leads to risks of harms (...) reproduc[ing] racist, sexist, ableist, extremist or other harmful ideologies reinforce through interactions with synthetic language”.³³

²⁷ Center for AI and Digital Policy, *Statement to the G7 on Artificial Intelligence, Data Protection, and Digital Free Flows with Trust*. (Feb 24, 2023), <https://www.caidp.org/app/download/8443723563/CAIDP-Statement-G7-DFFT-24022023.pdf>

²⁸ G7 Germany 2022, *Roundtable of G7 Data Protection and Privacy Authorities, Communiqué* (Sept. 8, 2022), https://www.bfdi.bund.de/SharedDocs/Downloads/EN/G7/Communiqué-2022.pdf?__blob=publicationFile&v=1

²⁹ Center for AI and Digital Policy, *Statement to the G7 on Artificial Intelligence, Data Protection, and Digital Free Flows with Trust*. (Feb 24, 2023), <https://www.caidp.org/app/download/8443723563/CAIDP-Statement-G7-DFFT-24022023.pdf?t=1681217488>

³⁰ The Japan News, *G7 Digital Ministers to Adopt Action Plan on AI*, (April 19, 2023) <https://japannews.yomiuri.co.jp/politics/politics-government/20230419-104447/>

³¹ Center for AI and Digital Policy, *Statement on the Council General Approach*, p. 6 (Feb 13, 2023), <https://www.caidp.org/app/download/8442646963/CAIDP-Statement-EU-AIA-13022023.pdf?t=1682357691>

³² Louis Rosemberg, *The profound danger of conversational AI*. (Feb 4, 2023). <https://venturebeat.com/ai/the-profound-danger-of-conversational-ai/>

³³ Emily M. Bender, Timit Gebru, Angelina McMillan-Major, and Shmargaret Shmitchell. 2021. On the Dangers of Stochastic Parrots: Can Language Models Be Too Big? In proceedings of the 2021 ACM Conference on Fairness, Accountability and Transparency (FAccT '21). Association for Computing Machinery, New York, NY USA, 610-623, <https://dl.acm.org/doi/10.1145/3442188.3445922>

A number of countries have started investigations on concerns for generative AI and the risks of misinformation, privacy violations, and unlawful discrimination. Italy launched an investigation in regard to suspected breaches of EU data protection rules by ChatGPT.³⁴ In Canada, the Office of the Privacy Commissioner initiated an investigation into the operator of ChatGPT for the “collection, use, and disclosure of personal information without consent.”³⁵ In France and Australia, public complaints about ChatGPT’s misrepresentation of information and defamation have led authorities to initiate probes into the AI operator. Spain opened an investigation due to a potential data breach.³⁶ ChatGPT is already banned in China, Iran, North Korea, and Russia.³⁷

CAIDP has raised these concerns as a formal complaint before the Federal Trade Commission (FTC) in the United States.³⁸ We have stated explicitly that:

OpenAI, Inc., a California-based corporation, has released a product GPT-4 for the consumer market that is biased, deceptive, and a risk to privacy and public safety. The outputs cannot be proven or replicated. No independent assessment was undertaken prior to deployment. OpenAI has acknowledged the specific dangers of “Disinformation and influence operations,” “Proliferation of conventional and unconventional weapons,” and “Cybersecurity.” OpenAI has warned that “AI systems will have even greater potential to reinforce entire ideologies, worldviews, truths and untruths, and to cement them or lock them in, foreclosing future contestation, reflection, and improvement.” The company already disclaims liability for the consequences that may follow.³⁹

And we have reminded the US federal agency responsible for consumer protection that:

The Federal Trade Commission has declared that the use of AI should be “transparent, explainable, fair, and empirically sound while fostering accountability.” OpenAI’s product GPT-4 satisfies none of these requirements. It is time for the FTC to act. There should be independent oversight and evaluation of commercial AI products offered in the United States.⁴⁰

³⁴ Garante Per La Protezione Dei Dati Personali (GDPD), *Artificial intelligence: stop to ChatGPT by the Italian SA. Personal data is collected unlawfully, no age verification system is in place for children*, Press Release, (March 31, 2023), <https://www.garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/9870847#english>

³⁵ Office of the Privacy Commissioner of Canada, *OPC launches investigation into ChatGPT*, (Apr. 4, 2023) https://www.priv.gc.ca/en/opc-news/news-and-announcements/2023/an_230404/

³⁶ Euronews, *Spain opens an investigation into OpenAI's ChatGPT over a potential data breach*, (Apr 14, 2022) <https://www.euronews.com/next/2023/04/14/spain-opens-an-investigation-into-openais-chatgpt-over-a-potential-data-breach>

³⁷ Id

³⁸ Center for AI and Digital Policy, *In the Matter of OPEN AI (FTC 2023)*, <https://www.caidp.org/cases/openai/>

³⁹ Center for AI and Digital Policy (CAIDP), *Complaint and Request for Investigation, Injunction, and Other Relief, Submitted to the Federal Trade Commission (p.1)*, March 30, 2023, <https://www.caidp.org/app/download/8450269463/CAIDP-FTC-Complaint-OpenAI-GPT-033023.pdf?t=1680174598>

⁴⁰ Id, at p.1

We have urged the FTC to open an investigation into OpenAI, enjoin further commercial releases of GPT-4, and ensure the establishment of necessary guardrails to protect consumers, businesses, and the commercial marketplace.

Subsequent to the filing of our complaint, President Biden told his top science advisors that company should not release unsafe AI products in the commercial marketplace.⁴¹ Also, four U.S. federal agencies, including the FTC released a joint statement pledging to dedicate efforts against bias and discrimination in AI systems, including the use of legal authority to protect citizens from these threats.⁴²

Digital Monopolies

CAIDP agrees with the G-7 warning of "digital monopolies" and applauds the plans of G7 of a joint declaration to “deal with possible monopolization of the digital market by information technology giants”⁴³ and the concrete monitoring actions of fair business competition at the Member Nation’s level.

We urge the G7 to establish actionable standards that prevent the “consolidation of knowledge”, which some tech leaders see as their goal.⁴⁴ We note the risks of escalating this problem, because of the cost and authority of foundational models for generative AI.⁴⁵ CAIDP calls attention to the need to create policies and strategies that foster true open-source AI technologies, free of commercial influence and overseen by NGOs, universities, non-for-profit bodies, and supranational entities. Hence, we reaffirm our support for a G7 AI Action plan that advances research and the non-commercial use of digital technologies.

Engagement with Civil Society Organizations

⁴¹ The White House, *Remarks by President Biden in meeting with the President's Council of Advisors on Science and Technology*, (April 4, 2023),

[https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/04/04/remarks-by-presid\[...\]-e-presidents-council-of-advisors-on-science-and-technology/](https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/04/04/remarks-by-presid[...]-e-presidents-council-of-advisors-on-science-and-technology/)

⁴² Federal Trade Commission, *FTC Chair Khan and Officials from DOJ, CFPB and EEOC Release Joint Statement on AI*, (Apr 25, 2023)

<https://www.ftc.gov/news-events/news/press-releases/2023/04/ftc-chair-khan-officials-doj-cfpb-eec-release-joint-statement-ai>

⁴³ The Asahi Shimbun, *G-7 Ministers work on action plan to achieve ‘Responsible AI’*, para 11, (Apr 22, 2023),

<https://www.asahi.com/ajw/articles/14891599>

⁴⁴ Henry Kissinger, Eric Schmidt and Daniel Huttenlocher, *ChatGPT Heralds an Intellectual Revolution* *Generative artificial intelligence presents a philosophical and practical challenge on a scale not experienced since the start of the Enlightenment*, Wall Street Journal, Feb. 24, 2023, <https://www.wsj.com/articles/chatgpt-heralds-an-intellectual-revolution-enlightenment-artificial-intelligence-homo-technicus-technology-cognition-morality-philosophy-774331c6>

⁴⁵ Marc Rotenberg, *on the Asahi Shimbun article on G7 Digital Ministers*, (Mar 26, 2023),

<https://www.linkedin.com/feed/update/urn:li:activity:7056275373902237697/>

CAIDP supports the recommendations to the G7 Ministers prepared by our colleagues and allies in the C7 (the civil society engagement group for the G7) "Communiqué 2023, Design and Implement Sustainable Policies for Peace, Prosperity, and Transparency (prepared for the 2023 G7 Summit in Hiroshima, Japan)".⁴⁶

We reaffirm our recommendation to the G7 Minister for robust mechanisms for independent oversight of AI systems, transparency, and accountability in the procurement and implementation of these systems in public services.⁴⁷ We also exhort the prioritization of public participation in AI policymaking. Further, we strongly urge the G7 to integrate concrete steps into the AI action plan. Establishing actionable standards will allow for the measurement of progress toward these goals.⁴⁸

Thank you for your consideration of our views.

Sincerely yours,



Dr. Lorraine Kisselburgh
CAIDP Chair



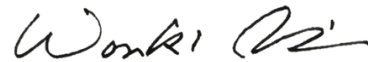
Merve Hickok
CAIDP President



Marc Rotenberg
CAIDP Executive Director



Karine Caunes, PhD
Global Program Director



Wonki Min
Board Member



Grace Thomson
CAIDP Research Fellow



Nidhi Sinha
CAIDP Research Fellow

⁴⁶ Civil7, Communiqué 2023, Design and Implement Sustainable Policies for Peace, Prosperity, and Transparency (prepared for the 2023 G7 Summit in Hiroshima, Japan), https://civil7.org/wpC7/wp-content/uploads/2023/04/C7_communique2023_0412.pdf

⁴⁷ Center for AI and Digital Policy, *Statement to the G7 on Artificial Intelligence, Data Protection, and Digital Free Flows with Trust*. (Feb 24, 2023), <https://www.caidp.org/app/download/8443723563/CAIDP-Statement-G7-DFFT-24022023.pdf?t=1681217488>

⁴⁸ Id