



THE OHIO STATE UNIVERSITY

Problematic Accuracy: Governing AI Risks

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Program on Data and Governance



What is Problematic?

Problematic error

Problematic *accuracy*

- Privacy
- Manipulation
- Power imbalance
- Opacity/disempowerment
- Labor displacement



My Assignment

Governance in the US

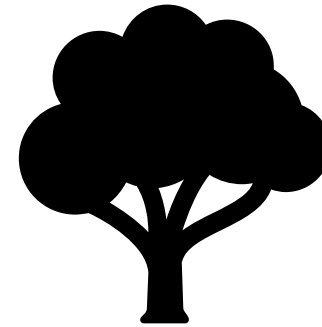
- Law and policy
- Management



An Analogy Helps Us to Grasp



Data Harms



Environmental Harms



US Law and Policy



Environmental Experience

First generation regulation

- Prescriptive “command-and-control”
- Design standards

Second generation regulation

- Performance-based
- Planning-based
- Information-based



Privacy Law

First Generation

- Notice and consent, purpose limitation, access and correction
 - Information-based
 - *Design-based*



AI Law and Policy

Second Generation

Performance-based

- Fair. Loyal. Unbiased.
- E.g. Algorithmic Fairness Act (AFA); Data Care Act; American Data Privacy and Protection Act, § 207
 - Note: these proposed, *not* passed



AI Law and Policy

Planning-based

- Algorithmic impact assessments. Audits.
- E.g. Algorithmic Accountability Act (AAA) (proposed); AFA

Information-based

- Transparency. Explainability.
- E.g. AI Bill of Rights; FTC statements
- More purely about information disclosure
 - Not as tied to consent



From Privacy Law to AI Law

From first to second generation regulation

- Second generation strategies
 - Risk-based
 - Performance-based
 - Planning-based
 - Information-based
- Emphasis on regulated party duties, not individual rights



Management



Ohio State Research on Responsible AI

Business Data Ethics Management (2020)

Available at www.moritzlaw.osu.edu/PDG

Responsible AI Management (2022-2023)



Environmental Analogy

Instructive here as well



Environmental Management

From trade-off

To value (and values)

Sustainability

Green business



AI Management

Beyond compliance

AI ethics

Responsible AI management

To achieve value (and values)

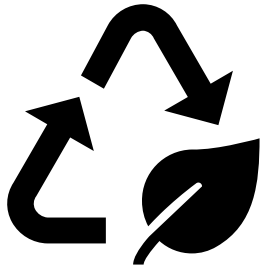


Motivations Behind Responsible AI Management

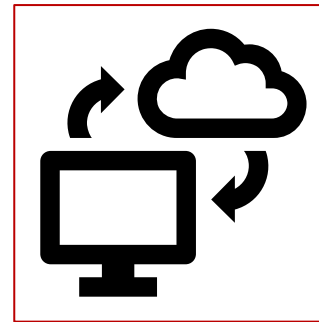
- Reduce regulatory risk
- Build and sustain trust
- Retain employees
- Improve quality
- Differentiate from competitors
- Live by values



Analogy



Sustainability



Responsible AI



Shorthand Understanding

The emerging governance of AI is using

- Regulation: Second-generation
- Management: Sustainability model



Key Question

How to design regulation
to incentivize and support
the growing sustainability mind-set
in responsible AI management?