

Секция «Актуальные вопросы права Англии и США (на английском языке)»

Legal regulation of AI in the UK and the USA

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It is a common knowledge that AI is a fast-developing technology, it is changing our lives right now. Due to the rapid development of these technologies, there is a need for legal regulation that helps ensure safety, protect human rights and promote innovation. In my research I want to highlight the problem of legal regulation of AI in England and the USA.

Firstly, I want to speak about regulation of AI in the United States of America. In the United States, the complexity of federalism has made it challenging to implement a unified AI policy. Currently, there is no overarching AI Act. The closest initiative is the National Artificial Intelligence Initiative Act of 2020 (NAII) introduced by President Trump in his first-term. The purpose of this act is guiding AI research, development, and evaluation at various federal science agencies, to drive American R&D into AI technology and champion AI use in government.

Besides federal acts, some states, such as California, Colorado and Maryland have begun developing their own laws and initiatives to regulate AI, particularly in the area of data protection, such as the Consumer Privacy Act (CCPA). Recently, there has been a judicial development related to AI. The Illinois Supreme Court (Ill) announced its policy on artificial intelligence which is effective as of January 1st, 2025. [1]

Also, there are initiatives from US Congress. It is known that there are more than 120 AI bills being considered by the US Congress, covering a wide range of issues such as AI education, copyright disclosure, AI robocalls, biological risks, and AI's role in national security, including prohibiting AI from launching nuclear weapons autonomously. [2]

On 17th of January 2023 – IEEE, the world's largest technical professional organization dedicated to advancing technology for humanity, and the IEEE Standards Association (IEEE SA) announce the availability of a program that provides free access to global sociotechnical standards in AI Ethics and Governance that provide guidance and considerations towards trustworthy AI.

Under the IEEE GET Program, selected standards are made available, free of charge, to encourage adoption and use of standards that contribute to advancing technology for humanity in key areas.

“The IEEE Standards Association and industry collaborators have taken a significant step toward supporting global AI literacy by creating this new program,” said Konstantinos Karachalios, Managing Director, IEEE SA. “We believe in this need so substantially that we intend to include additional approved sociotechnical IEEE global standards in the oncoming years.” [3]

Now, I am going to discuss AI regulation in United Kingdom. In the UK, as in the US, there is no strict legal framework specifically for AI; however, the regulatory approach is more structured thanks to EU legislation and subsequent initiatives. [n4]

The UK government's AI Regulation White Paper¹ of August 3, 2023 (the "White Paper") and its written response of February 6, 2024 to the feedback it received as part of its consultation on the White Paper (the "Response") both indicate that the UK does not intend to enact horizontal AI regulation in the near future. Instead, the White Paper and the Response support

a "principles-based framework" for existing sector-specific regulators to interpret and apply to the development and use of AI within their domains. [5]

The EU general data protection regulation (GDPR) is the strongest privacy and security law in the world. This regulation updated and modernized the principles of the 1995 data protection directive. It was adopted in 2016 and entered into application on 25 May 2018. The GDPR defines: individuals' fundamental rights in the digital age, the obligations of those processing data, methods for ensuring compliance, sanctions for those in breach of the rules. In 2018, the UK implemented the General Data Protection Regulation (GDPR), which sets strict rules for the processing of personal data, which directly affects the development of AI. [6]

The MOD's AI Ethics Advisory Panel was established in 2021 to provide expert advice, scrutiny and challenge across the full span of principles, policies and frameworks relevant to the delivery of ethical AI outcomes within Defense. It is a key component of the UK's commitment to the safe and responsible development and adoption of AI in the military domain.

It is chaired by the MOD's 2nd Permanent Secretary, bringing together experts from Defense, academia, industry, and civil society several times a year. As an advisory body, it does not have decision-making authorities, nor is it a formal board within the MOD's governance structures.

The Panel's expertise underpinned the development of MOD's AI Ethics Principles (set out in the 'Ambitious, Safe, Responsible' policy) and it is central to ongoing efforts to action these principles across Defense. [7]

Now we can compare these countries' approaches to legal regulation of AI and highlight some common features. While the US and UK have different approaches to AI regulation, there are several common features:

- Both countries do not have a single law on AI, and regulation occurs at the level of individual initiatives and recommendations.
- Both countries monitor ethics and safety by convening meetings and publishing relevant legal acts. Ethics and safety issues are a priority for both public and private organizations.
- Both regions pay special attention to the protection of personal data as an important component in the use of AI.

To conclude my research, I want to say that the legal regulation of AI in UK and the US is actively evolving and adapting to new challenges and realities. It is important to continue working on creating a clearer legislative framework and standards to ensure safety and protection of human rights when using AI technologies. Future regulation must be flexible to cope with rapid progress in this area and to promote innovation.

Источники и литература

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