THE CHANGING INFORMATION LANDSCAPE

INTERSECTIONS BETWEEN THE USE OF AI, E-GOVERNANCE AND THE RIGHT TO INFORMATION

What are the emerging trends and related risks?

The Use Of Technology Has Been Accelerated By The Covid-19 Pandemic

1. Covid-19 was the most data driven & digital intensive pandemic management in history. There was a heavy reliance on accurate, timely data.

2. The **MySejahtera app** - driven by AI - had 30 million users and contact traced 47 million cases. It carried out several important roles during the pandemic, including:

   - supporting data-driven decisions,
   - predicting hotspots,
   - digital surveillance
   - conducting virtual patient care.

[Update]

3. Now transitioned to public health app focusing on preventive medicine.

Challenges/Risks:

1. The misuse of personal data.

2. Information asymmetry – uneven access to information and ethical issues of information centralised within one group.

3. The conflict between the Right To Information and data protection.

AI governance considerations:

1. Adopt a human rights centred approach.

2. Independence of agencies that oversee & monitor data protection.

3. Ethnical issues around coordination & implementation of AI as well as its design & application.

4. Right To Information – collection, storage, use and conversion of data.

What is the legal landscape surrounding AI and the Right To Information?

There is no single legislative framework for AI and the legal landscape remains uncertain and restrictive

1 Why and in what ways is it restrictive?

1. There are concerns around liability and legal accountability.

2. There is no RTI law at the federal level and limitations on transparency and accountability in other laws (OSA, Penal Code, PDPA).

3. There is extra-territorial jurisdiction in relation to international data flows.

4. Personal legal remedies for breaches of personal data are costly.

2 We Need A Robust Legal System That Governs The Adoption of AI

It considers:

1. The discourse around ethics and regulation of AI.

2. A framework for independent investigations into its viability especially when it affects the public.

3. The human element that is still needed for legal accountability.

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Concerns on the use of AI

MEDIA INDUSTRY

Impacted as big tech players use algorithms to control the information ecosystem.

However, the media has a big role to play in serving public interest.

These bring up the questions:

How to harness AI to improve quality and relevance of content?

How to improve the legal framework for journalists to access information?

Do we need to improve AI literacy among journalists?

NEW DIGITAL DIVIDES

Digital, gender and socio-economic divides could become even more prevalent with the use of AI

Does it bring up more political, socio-economic, linguistic and cultural barriers?

What about digital and non-digital barriers?

WHAT IS THE RTI PATHWAY FOR AI?

Ask yourself!
Who is marginalised by this technology?

Establishing an RTI Pathway is important for AI/ algorithmic accountability

For this, we need access to information about the AI.
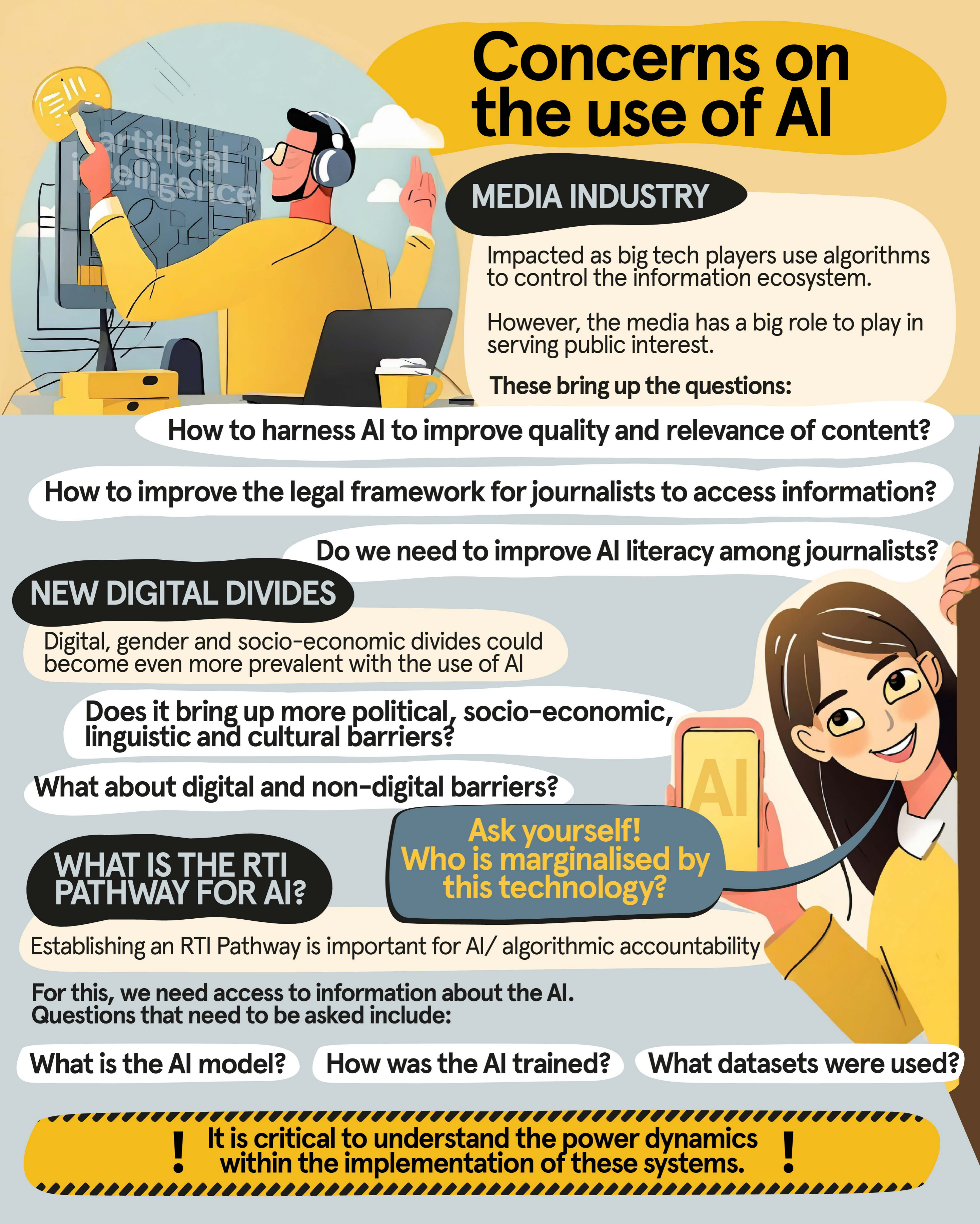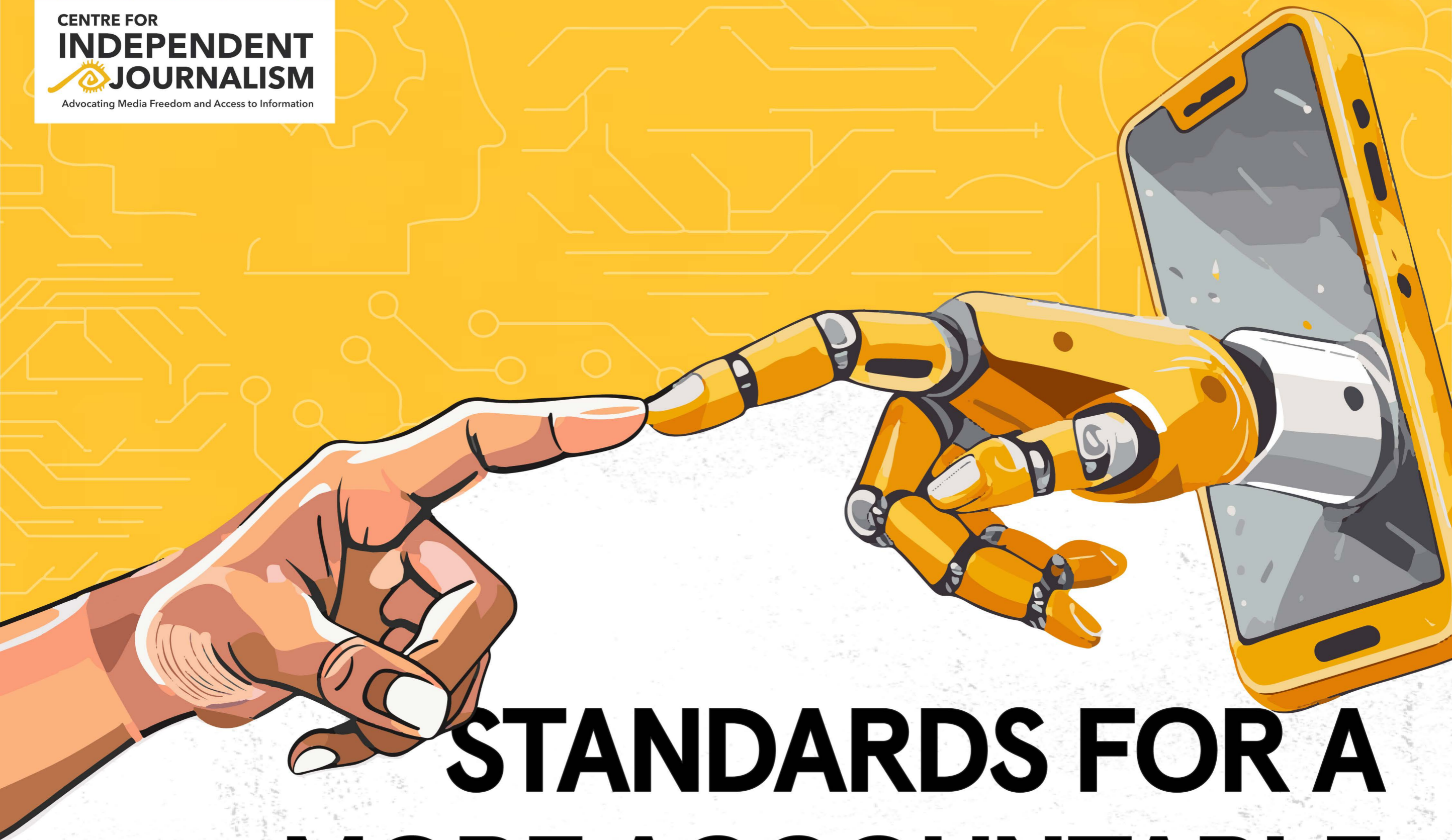Questions that need to be asked include:

What is the AI model?

How was the AI trained?

What datasets were used?

! It is critical to understand the power dynamics within the implementation of these systems. !

STANDARDS FOR A MORE ACCOUNTABLE AND ETHICAL USE OF AI

What Should Guide AI?

Universal norms that put human rights first, such as:

UN International Covenant on Civil and Political Rights (ICCPR)

United Nations

1. Article 19 - the right to seek, receive & impart information.
2. Principle: **maximum disclosure** with limited exceptions.

- Broad interpretation of laws & general presumption of disclosure
- Exceptions only if harm outweighs overall public interest.

UNESCO's Recommendation on the Ethics of Artificial Intelligence

1. Global standard on AI ethics.
2. Values: respect, protection & promotion of human rights & fundamental freedoms.
3. Principles: human oversight & determination; data protection & privacy; awareness & literacy.
4. AI systems exist for the improvement of human lives, conditions & societies and should be effectively implemented through:

✓ **The Readiness Assessment Methodology**

✓ **The Ethical Impact Assessment**

unesco

UNESCO's internet universality ROAM principles

R rights

O openness

A accessibility

M multi-stakeholder

- The values, norms & policies that guide RTI laws.

- Focuses on accessibility & inclusion of marginalised communities.

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Where is Malaysia in All of This?

What does Malaysia's public data ecosystem look like?

- **Open Data Portal** (12,840 datasets as of 17/10/23)
- **Online services gateway** – information on life events (birth – death)
- **Data Dictionary Sektor Awam (DDSA)** – a SuperApp initiative establishing a set of standards for all public agencies on data management.
- **Informed by global standards & references** - including UN SDGs, OECD's The Path of Becoming Data–Driven Public Sector and UN-EGDI Report

However, there is currently no RTI law at Federal level – a progressive RTI pathway is critical for AI accountability.

PDPA requires strengthening to improve accountability within government & for non-commercial transactions.

Did You Know Malaysia Has An AI Roadmap?

- **MAMPU** is formulating an action plan for the AI Roadmap for emerging technologies such as AI, robotics, IoT, Big Data, Cloud Computing.
- They are also in the process of publishing blockchain guidelines for public sector.

This will be guided by 7 principles:

- Fairness
- Reliability, safety & control
- Privacy & security
- Inclusivity
- Transparency
- Accountability
- Pursuit of human benefits & happiness

- Coordination & implementation of the AI Roadmap should include:

Collaboration - government, academic, industries & society
Engagement - with marginalised & underprivileged.
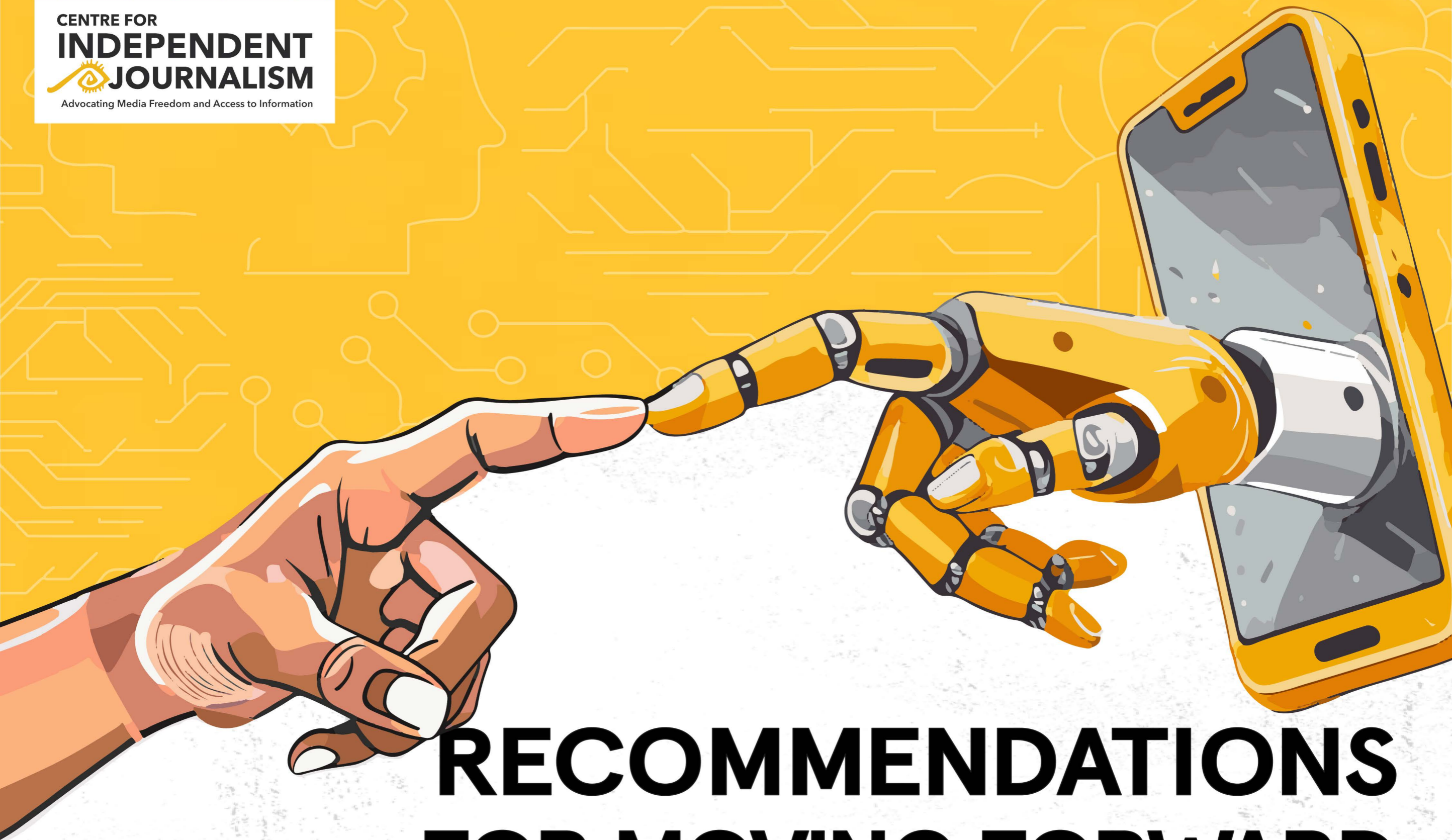
- It will also need frameworks on:

✓ **Access to information**   ✓ **Interrogating impact of technology**

RECOMMENDATIONS FOR MOVING FORWARD WITH THE CHANGING INFORMATION LANDSCAPE

New technology needs to be designed:

To reflect the needs of the people

With a human rights approach

Centred on human and public interest

Law reform and key principles

- **Enact RTI legislation.**
- **Amend the PDPA** – for better accountability by government agencies that handle personal data.
- **Develop an IDPA** – IoT Data Protection Act – to govern data collection.
- **Implement digital policies** – ensure accessibility & inclusion for marginalised communities.
- **Formalise clear guidelines** around open data.
- **Improve collaborative efforts** in deciding law reform – e.g., between media & government.
- **Review liability issues** around use of AI.

Institutional

- **Ministry of data** – to manage collection, use of data & regulate AI.
- **Oversight body** – for where AI is making decisions.
- **Mobile app** – to bridge the digital divide.
- **Raise awareness** among civil servants on how to categorise data based on Arahan Keselamatan CGSO

Processes

- **National-led conversations** – guided by human rights principles.
- **Address the political economy of data** – address the incentives & disincentives.
- **Be inclusive and engage** a range of stakeholders.
- **Obtain buy-in** from civil servants from the top to bottom levels.
- **Comprehensive consultations.**
- **Collaboration** between government, academia, industries & society.
- Produce content in **local languages & in different formats.**
- Improve media & information **literacy skills.**

Building capacity and changing mindsets

- **Change mindsets** - AI not to be feared but to make the world a better place.
- **Build capacity & fill the knowledge gap** – introduce a curriculum for communication studies.
- **Shift the business mindset** – all businesses should have Economic, Social and Governance (ESG) considerations to help them evaluate and manage any environmental risks!
- Government & private sector to **prioritise value** over cost in procurement processes.