RECOMMENDATIONS FOR THE CREATION OF A GOVERNANCE FRAMEWORK FOR THE PROTECTION OF PERSONAL DATA USED IN THE DEVELOPMENT OF AI SYSTEMS

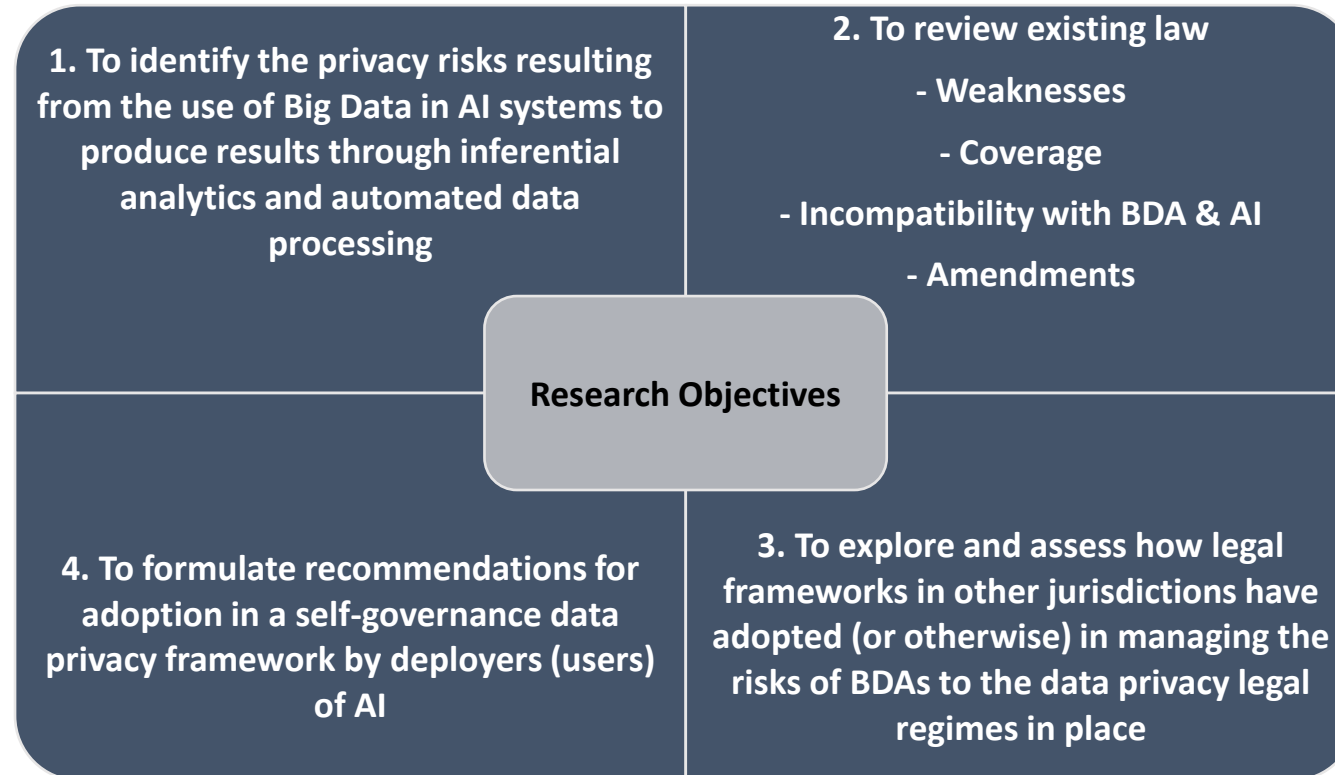Assoc Prof Dr Jaspal Kaur Sadhu Singh

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Research Symposium 2022:
"Towards an Inclusive Malaysia: Research Insights on the Implications of Digital Communications on Society"

Introduction
...research objectives

1. To identify the privacy risks resulting from the use of Big Data in AI systems to produce results through inferential analytics and automated data processing

2. To review existing law

- Weaknesses

- Coverage

- Incompatibility with BDA & AI

- Amendments

Research Objectives

4. To formulate recommendations for adoption in a self-governance data privacy framework by deployers (users) of AI

3. To explore and assess how legal frameworks in other jurisdictions have adopted (or otherwise) in managing the risks of BDAs to the data privacy legal regimes in place

Introduction
...AI and Data

AI and Data

Examples of Use of AI

Use in Telco Industry

Categories of Data

Introduction
...classes of data – novelty of the problem

Big Data
- extremely large data sets that may be analysed computationally to reveal patterns, trends, and associations, especially relating to human behaviour and interactions

Provided Data
- Provided by individuals

Observed Data
- Recorded automatically

Derived Data
- Produced from other data in a relatively simple and straightforward fashion

Inferred Data
- Produced by using a more complex method of analytics to find correlations between datasets and using these to categorise or profile people

Key Findings
...threats presented by AI & BDA to DPL

Scope of personal data

Definition excludes anonymised data.

Anonymised data lacks definition.

Whether proper anonymising standards have been imposed.

Does not include inferred data.

Consent & lawful processing

Whether consent extends to the processing performed in analytics.

Notice & purpose

Concerns around transparency of use.

Whether notice is sufficiently detailed.

Issues with unsupervised learning.

Automated decision-making

Issues of explainability and transparency.

Key Findings

...threats presented by DPL to AI & BDA

"Sharp-corners" dilemma

Difficulty in predicting insights that may be garnered.

Impractical to obtain consent for a specific purpose.

Data minimisation dilemma

Limitation imposed by necessity principle.

Analytics may discover corelations that may go beyond necessity.

Data retention & consent withdrawal dilemma

Limitation of deletion of data request or after use expires.

Undertake analytical processes afresh.

Automated decision-making

Onerous duty of explainability and transparency in low-risk systems.

Key Findings
...review of Malaysian law

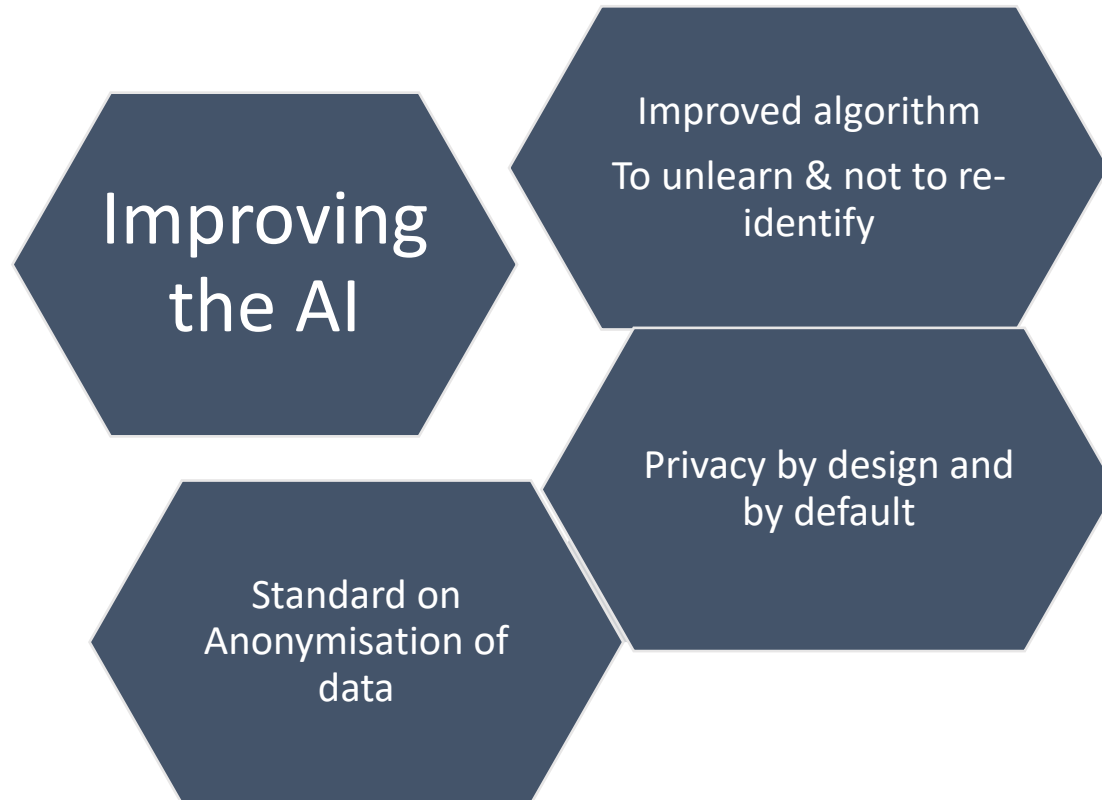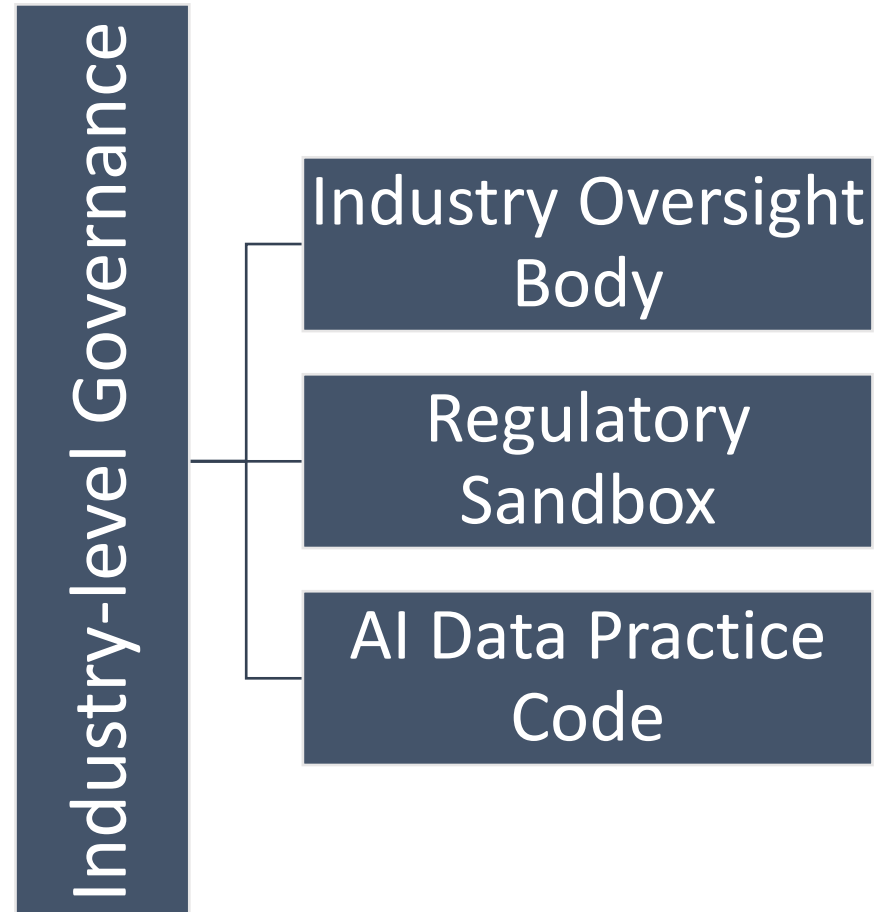| The Law	The Gaps	The Inadequacies
• The Personal Data Protections Act 2010 • Industry Codes	• Profiling • Anonymised data • Only referenced in Codes	• Definition and scope • Processing • Consent • Notice

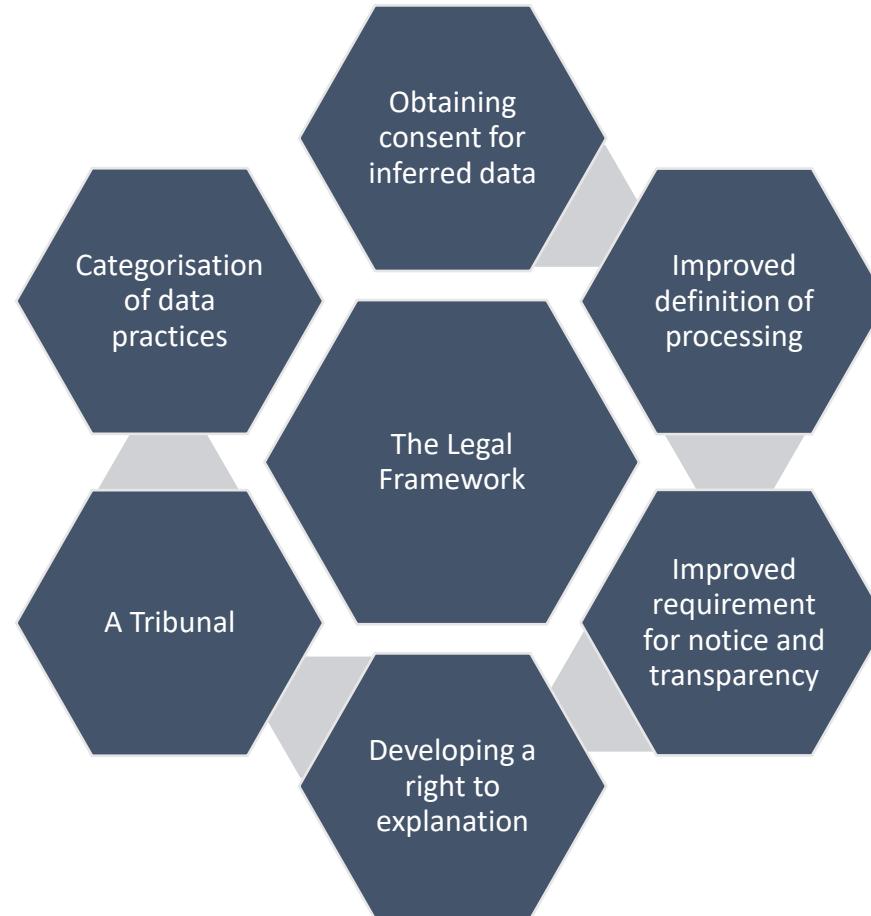# Recommendations for the inclusion in the proposed governance framework
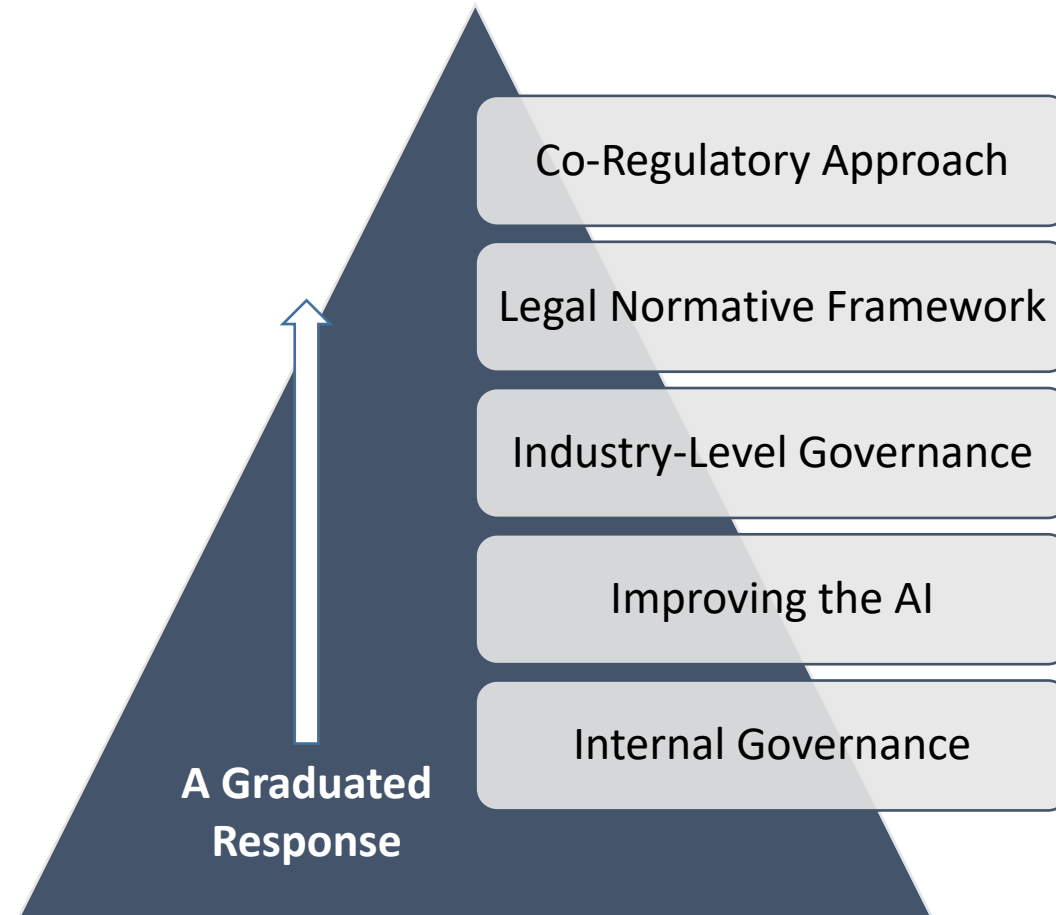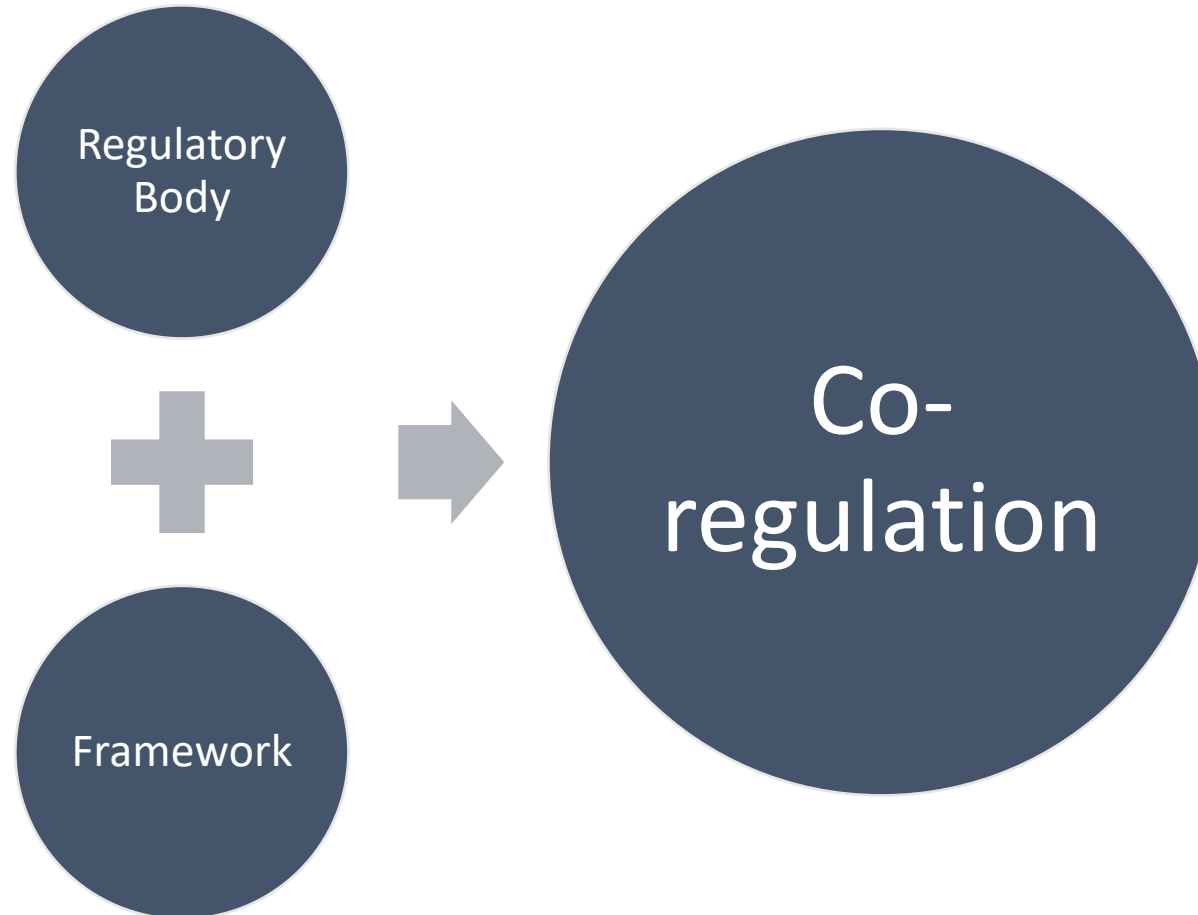
Recommendations
...industry-level governance

Recommendations
...legal normative framework

Thank you…

Q & A