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Artificial Intelligence Risk Management Framework

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General Comment

NIST-2021-0004 National Institute of Standards and Technology (NIST) AI Risk Management Framework

I thank the NIST on the development of an AI risk management framework and the opportunity to provide input.

ENCOURAGE MODERN INNOVATION
Creating boundaries is a great way to spur true innovation. In an environment with little regulation or oversight, the market - in particular - will take the path of least resistance to reach their primary objective(s) which are generally: capturing market share, being the first to market, and maximizing shareholder value. Rules of the road will challenge the AI ecosystem to also take into consideration external factors such as societal and ethical impacts that should be a prerequisite for modern innovation.

PRESERVE EXISTING CONSUMER PROTECTIONS
Quickly evolving AI makes regulation a challenge. However, the AI ecosystem should still abide by existing consumer protection laws that address traditional human activity, particularly in aspects where augmented by automated-decision-making technology.

ACCOUNTABILITY ALONG THE VALUE CHAIN
With an ever-growing market for white-label products, considerations should be taken in providing guidance for white-label AI providers, including prevention of unauthorized use and accountability along the value chain. Because product liability laws are sparse in this area, guidance should be welcomed.

ENCOURAGE INDEPENDENT VERIFICATION
As a code of ethics and self-regulation will not be enough, the AI ecosystem should be open to independent testing and verification. Right now, the AI industry is rife with overpromising or mis-representing capabilities. There should be a mechanism to verify claims of AI capabilities and limitations.

BE TRANSPARENT AND PROVIDE DISCLOSURES
Generally, consumers are unaware that they interact with AI when they receive advertising, information, prices, or decisions made about them. As such, consumers cannot view, correct or opt-out of automated systems. The AI ecosystem should be transparent and upfront about the use of AI. As appropriate, disclosures should include what data is used and how that data is used to arrive at decisions.

OFFERING GUIDANCE FOR RECOURSE
It is not sufficient for the AI ecosystem to be transparent and provide disclosures. Opportunities for recourse should be provided, such as an 'adverse action' notice. This is of particular importance with the rise of the use of AI - and personal data - for surveillance by governments and the private sector. The AI ecosystem should move in the direction of proactively balancing the advancement of AI while protecting basic rights like privacy.

Thanks,

Yadi