

Webinar on artificial intelligence and consumer protection:

Risks for consumers

1 February 2024

Artificial Intelligence and Discrimination

Presentation

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Artificial Intelligence and Discrimination

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US Federal Trade Commission

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What causes an AI system to be a [fill in the blank]ist?

- **Data and Datasets**
- **Model Opacity and Access**
- **Design and Use**



What is the FTC doing to address discrimination in AI systems?

- **Enforcement**
- **Research & Reports**
- **Guidance & Rulemaking**



FTC Enforcement

- FTC/CFPB/DOJ/EEOC Joint Statement on Enforcement Efforts Against Discrimination and Bias in Automated Systems
- Rite Aid – use of flawed facial recognition program to address shoplifting



Research & Reports

- **Facial Recognition Workshop (2011) and Report (2012)**
- **Big Data Workshop (2014) and Report (2016):**
- **Changing Demographics Workshop (2016) – Do Facebook users receive different ads based on their “ethnic affinity?”**
- **Hearings on Consumer Protection and Competition in the 21st Century (2019)**
- **Combatting Online Harms Through Innovation Staff Report to Congress (2022)**



Guidance & Rulemaking

- 2022 Advanced Notice of Proposed Rulemaking (ANPR) on “Commercial Surveillance and Data Security
- 2023 Policy Statement on Biometric Information



Takeaways

- **Longstanding legal authorities apply to businesses that develop, provide, and use AI technologies**
- **Businesses should take reasonable steps to avoid discrimination by AI systems**

