

February 7, 2019

Dear Chairman Schmidt, Vice Chairman Work, and members of the National Security Commission on Artificial Intelligence:

We are writing to you regarding the development of US national policy concerning artificial intelligence. The Electronic Privacy Information Center (EPIC) is a public interest research center established in 1994 to focus public attention on emerging privacy and civil liberties issues.¹ EPIC is one of the leading privacy organizations in the world, now focused on the challenges of algorithmic decision-making.² We have litigated several open government cases concerning AI,³ provided advice to Congressional committees,⁴ and led an international campaign for “algorithmic transparency.”

As we explained to the White House Office of Science and Technology Policy last year, in a petition joined by more than 100 leading experts, it is vital to “encourage meaningful public participation in the development of the nation’s policy for Artificial Intelligence.”⁵ We urge the Commission to provide opportunities for public input, including public hearings, similar to the process used by the Commission on Evidence-based Policymaking.⁶ We specifically ask that you issue no reports until there has been a meaningful opportunity for public participation. We note that many governments, including Japan, Canada, Germany, and the European Commission, have hosted important public events to solicit public opinion to ensure a national policy on AI that reflects the public interest.

EPIC has made an open and inclusive process for US policy on AI a priority. Earlier this year, EPIC, joined by many of the nation’s leading scientific and computing societies, including the AAAS, the ACM, the FAS, and the IEEE, petitioned the White House to ensure a public and transparent process for the development of national AI policy.⁷ This Commission must also ensure a public and transparent process for AI policy.

¹ EPIC, *About EPIC*, <https://epic.org/epic/about.html>.

² EPIC, *Algorithmic Transparency*, <https://epic.org/algorithmic-transparency/>.

³ EPIC v. CBP (*Analytical Framework for Intelligence*), <https://epic.org/foia/dhs/cbp/afi/>; EPIC v. DHS-FAST Program, <https://epic.org/foia/dhs/fast/>; EPIC v. DOJ (*Criminal Justice Algorithms*), <https://epic.org/foia/doj/criminal-justice-algorithms/>.

⁴ See, e.g., Statement of EPIC, *Filtering Practices of Social Media Platforms*, 115th Cong. (2018), H. Comm. on the Judiciary (Apr. 25, 2018), <https://epic.org/testimony/congress/EPIC-HJC-SocialMediaFiltering-Apr2018.pdf>; Statement of EPIC, *Game Changers: Game Changers: Artificial Intelligence Part III, Artificial Intelligence and Public Policy*, 115th Cong. (2018), H. Comm. on Oversight & Gov. Reform, Subcomm. on Information Technology (April 19, 2018), <https://epic.org/testimony/congress/EPIC-HOGR-AI-Feb2018.pdf>.

⁵ Petition to OSTP for Request for Information on Artificial Intelligence Policy (July 4, 2018), <https://epic.org/privacy/ai/OSTP-AI-Petition.pdf>; see also EPIC, *Scientific Societies Call for Public Input on U.S. Artificial Intelligence Policy* (July 3, 2018), <https://epic.org/2018/07/epic-scientific-societies-call.html>

⁶ Comm’n on Evidence-based Policymaking, *Hearings*, <https://www.cep.gov/hearings.html>.

⁷ Petition to OSTP *supra*.

We also wish to call your attention to the Universal Guidelines for Artificial Intelligence (UGAI).⁸ The Universal Guidelines “are intended to maximize the benefits of AI, minimize the risk, and ensure the protection of human rights.”⁹ The Universal Guidelines set forth principles to guide the design, development, and deployment of AI. The Universal Guidelines also reflect the insights of many experts in the AI field.

More than 250 experts and 60 NGOs (including the American Association for the Advancement of Science, the world’s leading scientific association) have endorsed the UGAI.¹⁰ The framework is particularly well suited to legislative implementation. And EPIC is working now with many governments to implement national policies based on the UGAI.

Our second request is that you recommend adoption of the Universal Guidelines for AI across the US federal government.

We look forward to working with your Commission on these vital issues.

Sincerely,

/s/ Marc Rotenberg

Marc Rotenberg
EPIC President

/s/ Caitriona Fitzgerald

Caitriona Fitzgerald
EPIC Policy Director

Enclosure:

Universal Guidelines for Artificial Intelligence
Universal Guidelines for Artificial Intelligence – Background memo
Universal Guidelines for Artificial Intelligence – Endorsements (as of Feb. 1, 2019)
Petition to OSTP for Request for Information on Artificial Intelligence Policy (July 4, 2018)

Cc:

The Honorable James Inhofe, Chairman, Senate Committee on Armed Services
The Honorable Jack Reed, Ranking Member, Senate Committee on Armed Services
The Honorable Richard Shelby, Chairman, Senate Committee on Appropriations, Subcommittee on Defense
The Honorable Richard Durbin, Ranking Member, Senate Committee on Appropriations, Subcommittee on Defense
The Honorable Ron Johnson, Chairman, Senate Committee on Homeland Security & Governmental Affairs
The Honorable Gary Peters, Ranking Member, Senate Committee on Homeland Security & Governmental Affairs
The Honorable Adam Smith, Chairman, House Committee on Armed Services
The Honorable Mac Thornberry, Ranking Member, House Committee on Armed Services

⁸ The Public Voice, *Universal Guidelines for Artificial Intelligence*, <https://thepublicvoice.org/AI-universal-guidelines>.

⁹ The Public Voice, *Universal Guidelines for Artificial Intelligence*, <https://thepublicvoice.org/AI-universal-guidelines>.

¹⁰ A full list of endorsers is available at The Public Voice, *Universal Guidelines for Artificial Intelligence: Endorsement*, <https://thepublicvoice.org/AI-universal-guidelines/endorsement>.

The Honorable Pete Visclosky, Chairman, House Committee on Appropriations, Subcommittee on Defense

The Honorable Ken Calvert, Ranking Member, House Committee on Appropriations, Subcommittee on Defense

The Honorable Elijah Cummings, Chairman, House Committee on Oversight and Reform

The Honorable Jim Jordan, Ranking Member, House Committee on Oversight and Reform

The Honorable Patrick Shanahan, Acting Secretary of Defense

James Freeman, Advisory Committee Management Officer, Dept. of Defense