BILETA Response to White Paper AI Regulation: A Pro-innovation Approach

Prepared on behalf of the British Irish Law, Education and Technology Association (BILETA) by Dr Megan Blakely, Dr Aysem Diker, Dr Edina Harbinja and Dr Felipe Romero–Moreno

The British and Irish Law Education Technology Association (BILETA) was formed in April 1986 to promote, develop and communicate high-quality research and knowledge on technology law and policy to organisations, governments, professionals, students and the public. BILETA also promotes the use of and research into technology at all stages of education. The present inquiry raises technological, economic and legal challenges that our membership explores in their research. As such, we believe that our contribution will add to the public discourse and the inquiry on the future of AI regulation in the UK.

Start of Block: About you

AI regulation consultation

This survey asks questions about our proposals for AI regulation in A pro-innovation approach to AI regulation.

We recommend reading the relevant parts to give feedback.

Besides your name, organisational details, and privacy agreement, all questions are optional and can be skipped.

You can find further guidance on how to respond on the consultation page.

Page Break

Privacy notice
The Government Code of Practice on Consultation states that, when a consultation closes, Government should provide a summary of who responded to the consultation exercise and a summary of the views expressed to each question.

As such, we will publish a list respondents in our consultation summary, naming organisations where possible and individuals where no organisation is represented. We will anonymise feedback and **your name and organisation will not be linked to any of your answers in the summary.**

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We confirm

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What is your name?
(required)

_____Dr Edina Harbinja on behalf of BILETA_____

What is your email address?
If you enter your email address then you will automatically receive an acknowledgement email when you submit your response and we will contact you with updates on our response.

_____e.harbinja@aston.ac.uk_____
_____

Are you responding on behalf of any of the following?
(required)

- ○ A regulator
- ○ Industry, business, trade union or association
- ○ A SME (Small or Medium sized Enterprise)
- ○ **A research organisation, university, or think tank**
- ○ A charity, non-profit or community interest organisation, social, civic or activist group
- ○ A legal services or professional advisory body
- ○ I am responding as an individual and do not represent an organisation
- ○ Other _____

If you are responding on behalf of an organisation, what is its name?
(required)

_____BILETA_____

Which sector do you work in?
Please select the most representative industry or enter under 'Other'

- ○ Primary sectors (Extraction of raw materials, farming, fishing)
- ○ Secondary sector (Utilities, construction, manufacturing)
- ○ Financial services & insurance
- ○ Communications
- ○ Hospitality and leisure
- ○ Real estate
- ○ IT
- ○ Legal services
- ○ Retail
- ○ Transportation
- ○ Healthcare
- ○ **Education**
- ○ Public sector
- ○ Research and development
- ○ Arts and entertainment
- ○ AI, digital, and technology
- ○ Regulation
- ○ Other _____

End of Block: About you

Start of Block: Routing

This survey has three parts: 22 questions including the revised principles, central functions, and M&E - 10 minutes to complete 3 questions on legal responsibility for AI - 5 minutes to complete 3 questions on foundation models - 5 minutes to complete 4 questions on an AI regulatory sandbox - 5 minutes to complete All questions are optional and can be skipped.

Which questions would you like to answer? You can choose to answer any combination or all parts.

- [ ] Questions including the revised principles, central functions, and M&E
- [ ] Questions on legal responsibility for AI
- [ ] Questions on foundation models
- [ ] Questions on an AI regulatory sandbox

End of Block: Routing

Start of Block: The revised cross-sectoral AI principles

Our revised AI principles

Our framework is underpinned by five principles, which we expect to guide and inform the responsible development and use of AI in all sectors of the economy:

1) Safety, security and robustness
2) Appropriate transparency and explainability
3) Fairness
4) Accountability and governance
5) Contestability and redress

See section 3.2.3 in A pro-innovation approach to AI regulation for more details.

1: Do you agree that requiring organisations to make it clear when they are using AI would improve transparency?

	Strongly disagree	Somewhat disagree	Neither agree nor disagree	Somewhat agree	**Strongly agree**	Don't know
Please answer:	○	○	○	○	○	○

2: Are there other measures we could require of organisations to improve transparency for AI? Please limit your response to 1-2 sentences.

AI transparency includes not just making it clear that organisations use AI systems, but also transparency at other levels, i.e. algorithmic transparency and explainability, interaction transparency (making it clear to humans that they interact with AI and how), and social transparency (transparency about wider social impacts of AI systems). Trust in AI will require not only include transparency, but auditing of certain varieties and uses, as well as access to systems and data by legitimate researchers and research organisations.

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3: Do you agree that current routes to contest or get redress for AI-related harms are adequate?

	Strongly disagree	Somewhat disagree	Neither agree nor disagree	Somewhat agree	Strongly agree	Don't know
Please answer:	○	○	○	○	○	○

4: How could current routes to contest or seek redress for AI-related harms be improved, if at

all?
Please limit your response to 2-3 sentences.

Current routes of redress, where they exist, are unclear, time-consuming, expensive and inaccessible for users. As proposed in the White Paper, complaints addressed to regulators in the UK will face challenges of needing to navigate through routes of many regulators that will be in charge of enforcing certain aspects of the regulatory regime, in the absence of a single regulator or a distinct regulatory forum, separate from DCRF. There needs to be clear redress mechanisms for users and groups, which include class actions and appeals on decisions made by organisations using AI, clear mechanism for accessing a regulator and judicial review.

5: Do you agree that, when implemented effectively, the revised cross-sectoral principles will cover the risks posed by AI technologies?
Our principles are: safety, security and robustness; appropriate transparency and explainability; fairness; accountability and governance; contestability and redress.

	Strongly disagree	Somewhat disagree	Neither agree nor disagree	Somewhat agree	**Strongly agree**	Don't know
Please answer	○	○	○	○	○	○

6: What, if anything, is missing from the revised principles?
Please limit your response to 1-2 sentences.

Mandatory and statutory regulation is the clearest gap, which will create a voluntary and arbitrary system of regulation and open doors for further abuse of AI and adverse impacts on user rights and interests. Fairness; accountability and governance; contestability and redress in particular, cannot be achieved without forms of mandatory redress and clear, strong routes of

appeal and redress for users. Statutory regime, akin to the EU AI Act Proposal is thus a better way forward.

End of Block: The revised cross-sectoral AI principles

Start of Block: A statutory duty to regard

A statutory duty to have due regard to the principles

The AI regulation framework will be implemented on a non-statutory basis at first. However, we anticipate that introducing a statutory 'duty to have due regard' on regulators might be needed to strengthen the framework at some point. A statutory duty would create a legal obligation on regulators to have due regard to the AI principles.

See section 3.2.4 in A pro-innovation approach to AI regulation for more details.

7. Do you agree that introducing a statutory duty on regulators to have due regard to the principles would clarify and strengthen regulators' mandates to implement our principles while retaining a flexible approach to implementation?

	Strongly disagree	**Somewhat disagree**	Neither agree nor disagree	Somewhat agree	Strongly agree	Don't know
Please answer:	○	○	○	○	○	○

8. Is there an alternative statutory intervention that would be more effective?

Please limit your response to 1-2 sentences.

An independent regulatory body in charge of Artificial Intelligence (akin to the Digital Regulation Cooperation Forum) can be established to contribute to encouraging and enabling regulators to not craft statutory instruments in isolation. This body can coordinate the activities of all regulators.

End of Block: A statutory duty to regard

Start of Block: New central functions to support the framework

New central functions

We intend to coordinate, monitor and adapt the framework through central mechanisms that will supplement and support the work of regulators without undermining their independence or duplicating existing activities. We will bring together a wide range of interested parties including regulators, international partners, industry, civil society organisations such as trade unions and advocacy groups, academia and the general public.

See section 3.3.1 in A pro-innovation approach to AI regulation for more details.

9: Do you agree that the functions outlined in section 3.3.1 would benefit our AI regulation framework if delivered centrally?

	Strongly disagree	Somewhat disagree	Neither agree nor disagree	**Somewhat agree (for all)**	Strongly agree	Don't know
Monitoring and evaluating the framework as a whole	○	○	○	○	○	○
Assessing and monitoring cross-economy risks arising from the use of AI	○	○	○	○	○	○
Scanning for future trends and analysing knowledge gaps to inform our response to emerging AI	○	○	○	○	○	○
Supporting AI innovators to get new technologies to market (see section 3.3.4 for more detail)	○	○	○	○	○	○
Promoting international alignment on AI regulation	○	○	○	○	○	○

10: What, if anything, is missing from the central functions?
Please limit your response to 2-3 sentences.

Collaborating with the industry, academics, public and other relevant stakeholders to support horizon scanning. This could be achieved by establishing a voluntary forum such as AI Regulation Forum to facilitate dialogue with various stakeholders.

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11: Do you know of any existing organisations who should deliver one or more of our proposed central functions?
Is there, for example, an academic research group that conducts AI horizon scanning or a think tank that gathers evidence on regulatory impact.

Yes (please describe) Yes, the British and Irish Law Education Technology Association (BILETA). BILETA was formed in April 1986 to promote, develop and communicate high-quality research and knowledge on technology law and policy to organisations, governments, professionals, students and the public. Some members of BILETA are academics specialised in AI and the regulation of technologies. Hence, BILETA members can conduct research in order to scan for future trends and analyse knowledge gaps to inform our response to emerging AI.

In addition, both ADA Lovelace Institution and Alan Turing Institute can assess and monitor cross-economy risks arising from the use of AI by working in collaboration with the relevant stakeholders as well as scanning for future trends and analysing knowledge gaps to inform the response to emerging AI.

○ _____

○ No

12: Are there additional activities that would help **businesses** confidently innovate and use AI

technologies?
Please limit your response to 2-3 sentences.

○ **Yes (please describe)** Grant funding for R&D and easily accessible support (in particular for SMEs) in applying for these grants can encourage businesses to innovate and use AI technologies

_____

○ No

○ Unsure

12.1: If so, should these activities be delivered by government, regulators or a different organisation?
If selecting multiple please describe which activities each group should deliver.

☐ Government _____

☐ **Regulators** _____

☐ Other _____

☐ Unsure

13: Are there additional activities that would help **individuals and consumers** confidently use AI technologies?
Please limit your response to 2-3 sentences.

○ **Yes (please describe)** ___ Pop-up notifications that remind users that content is automatically generated (ie AI-based), and for instance, might not be accurate (eg fake news), would encourage people to think more critically about how they engage with online content. However, something like the current cookie disclaimer messages that show up on

web pages would not be suitable, as they are often long and convoluted and therefore rarely read. _____

- ○ No
- ○ Unsure

13.1: If so, should these activities be delivered by government, regulators or a different organisation?
If selecting multiple please describe which activities each group should deliver.

- ☐ Government _____
- ☐ **Regulators** _____
- ☐ Other _____
- ☐ Unsure

14: How can we avoid overlapping, duplicative or contradictory guidance on AI issued by different regulators?

As suggested above, a statutory regime, akin to the EU AI Act is a better way forward as the required oversight is to be provided by one regulator (ie the EDPS) as opposed to multiple ones. The government has correctly noted that the latter could lead to overlapping, duplicative and contradictory guidance_____

End of Block: New central functions to support the framework

Start of Block: Monitoring and evaluation of the framework

Monitoring and evaluation of the framework We will need to monitor the implementation of the framework closely to make sure that it is working as designed. We will monitor the regime to ensure it aligns with 6 key characteristics, these being: pro-innovation, proportionate, adaptable, trustworthy, clear and collaborative.
See box 3.2 in A pro-innovation approach to AI regulation for more details.

15: Do you agree with our overall approach to monitoring and evaluation?

	Strongly disagree	Somewhat disagree	Neither agree nor disagree	Somewhat agree	Strongly agree	Don't know
Please answer:	○	○	○	○	○	○

16: What is the best way to measure the impact of our framework?
Please limit your response to 1-2 sentences.

As suggested above, a statutory regime, akin to the EU AI Act is a better way forward as the required oversight is to be provided by one regulator as opposed to multiple ones. For example, this power could be provided to the UK ICO or CMA._____

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17: Do you agree that our approach strikes the right balance between supporting AI innovation; addressing known, prioritised risks; and future-proofing the AI regulation framework?

	Strongly disagree	**Somewhat disagree**	Neither agree nor disagree	Somewhat agree	Strongly agree	Don't know
Please answer:	○	○	○	○	○	○

18: Do you agree that regulators are best placed to apply the principles and government is best placed to provide oversight and deliver central functions?

- ○ **Yes**
- ○ No (please expand) _____
- ○ Unsure

End of Block: Monitoring and evaluation of the framework

Start of Block: Regulator capability

Regulator Capability
While our approach does not involve extending any regulator's remit, regulating AI uses effectively will require many of our regulators to acquire new skills and expertise.

19: As a regulator, what support would you need in order to apply the principles in a proportionate and pro-innovation way?
Please limit your response to 2-3 sentences.

A regulator would need clear legal and statutory guidance that is practically administrable from both resource and enforcement perspectives.
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20: Do you agree that a pooled team of AI experts would be the most effective way to address capability gaps and help regulators apply the principles?

	Strongly disagree	Somewhat disagree	Neither agree nor disagree	Somewhat agree	**Strongly agree**	Don't know
Please answer:	○	○	○	○	○	○

End of Block: Regulator capability

Start of Block: Assurance and Standards

Tools for trustworthy AI
Assurance techniques and technical standards will play a critical role in enabling the responsible adoption of AI and supporting the proposed regulatory framework. These techniques include impact assessment, audit, and performance testing along with formal verification methods.
See part 4 in A pro-innovation approach to AI regulation for details.

21: Which non-regulatory tools for trustworthy AI would most help organisations to embed the AI regulation principles into existing business processes?
Please limit your response to 2-3 sentences.

Non-regulatory processes. Sector-specific guidelines compiled by industry, and internal risk assessment processes.

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End of Block: Assurance and Standards

Start of Block: Final thoughts on the framework

Final thoughts on the framework
22: Do you have any other thoughts on our overall approach? Please include any missed opportunities, flaws, and gaps in our framework.

Ultimately, the regulatory framework addresses some of the pressing concerns around regulating AI. However, it will need clarity in priority of authority in order to facilitate compliance in a coordinated manner. Small and medium sized businesses – as well as regulators – may struggle with administrability and interpretation, as has been seen with the GDPR. Adaptability is key; already the technology and related concerns may have progressed beyond much of the proposed regulation here. More could be done to consider the potential conflicts that might legally arise when attempting to follow these regulations, domestically as well as internationally.

We have already noted our firm belief that a clear statutory framework is also required.

End of Block: Final thoughts on the framework

Start of Block: Legal responsibility for AI

Legal responsibility for AI
We recognise the need to consider which actors should be responsible and liable for complying with the AI principles. The ideal distribution of legal responsibility for AI may not be the same as the burden under current legal frameworks.

L1: What challenges might arise when regulators apply the principles across different AI applications and systems? How could we address these challenges through our proposed AI regulatory framework?
Please limit your response to 3 sentences.

As previously noted, a statutory regime, akin to the EU AI Act is a better way forward as the required oversight is to be provided by one regulator (ie the EDPS) as opposed to multiple ones. The government has correctly noted that the latter could lead to overlapping, duplicative and contradictory guidance thus, being unable to effectively apply the principles across different AI applications and systems

L2.i: Do you agree that the implementation of our principles through existing legal frameworks will fairly and effectively allocate legal responsibility for AI across the life cycle?

	Strongly disagree	Somewhat disagree	Neither agree nor disagree	Somewhat agree	Strongly agree	Don't know
Please answer:	○	○	○	○	○	○

L2.ii: How could it be improved, if at all?
Please limit your response to 1-2 sentences.

Mandatory regulation in the statutory form is required. Cross-sectoral principles, voluntary codes and self-regulation in the forms of standards is inadequate and insufficient. Mandatory regulation would define clearly which AI systems and uses are prohibited (e.g. social scoring, live biometrics tracking etc.) and include penalties and redress mechanisms beyond the cross-sectoral approach. It would also include a much stronger system of regulation for high-risk AI systems (various uses in healthcare, educations, social security, employment etc).

L3: If you work for a business that develops, uses, or sells AI, how do you currently manage AI risk including through the wider supply chain? How could government support effective AI-

related risk management?
Please limit your response to 3 sentences.

__**Not applicable**_____

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End of Block: Legal responsibility for AI

Start of Block: Foundation models

Foundation models Foundation models are an emerging type of general purpose AI that are trained on vast quantities of data and can be adapted to a wide range of tasks. The fast-paced development of foundation models brings novel challenges for governments seeking to regulate AI.
See section 3.3.3 in A pro-innovation approach to AI regulation for detail.

F1: What specific challenges will foundation models such as large language models (LLMs) or open-source models pose for regulators trying to determine legal responsibility for AI outcomes?
Please limit your response to 2-3 sentences.

There are known risks associated with LLMs like GPT-4 such as, (1) 'hallucinating' (i.e., suggesting information, which is untruthful or nonsensical concerning specific sources); (2) propagating and reinforcing certain worldviews and biases, including adverse stereotypical and critical associations for specific marginalized populations and communities; and (3) impacting on the workforce, economy, and environment due to the automation of specific jobs._____

_____

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_____

_____

F2: Do you agree that measuring compute provides a potential tool that could be considered as part of the governance of foundation models?

	Please answer:
Strongly disagree	○
Somewhat disagree	○
Neither agree nor disagree	○
Somewhat agree	○
Strongly Agree	○
Don't know	○

F3. Are there other approaches to governing foundation models that would be more effective? Please limit your response to 1-2 sentences.

The use of LLMs, and similar generative AI models may pose a risk to individuals' right to free and fair elections, non-discrimination, health, fair pay, and freedom of expression – i.e., what are the obligations of governments in this respect, within human rights law, and what are the duties, if any, of businesses in this respect. The right to free and fair elections, non-discrimination, health, fair pay, and freedom of expression are human rights still operating under duties for states and not non-state actors.

End of Block: Foundation models

Start of Block: Artificial intelligence sandboxes and testbeds

Artificial intelligence sandboxes and testbeds Government is committed to supporting innovators by addressing regulatory challenges that prevent new, cutting-edge products from getting to market. To deliver an effective sandbox, we would like to understand more deeply what service focus would be most useful to industry.

S1: To what extent would the sandbox models described in section 3.3.4 support innovation?

	Strongly prevent innovation	Somewhat prevent innovation	No impact on innovation	**Somewhat support innovation (for all)**	Strongly support innovation	Don't know
Single sector, single regulator *(support innovators to bring AI products to the market in collaboration with a single regulator, focusing on only one chosen industry sector).*	○	○	○	○	○	○
Multiple industry sectors, single regulator *(support AI innovators in collaboration with a single regulator that is capable of working across multiple industry sectors).*	○	○	○	○	○	○
Single sector, multiple regulator *(establish a sandbox that operates in only one industry sector, but is capable of supporting AI innovators whose path to market requires interaction with one or more regulators operating in that sector).*	○	○	○	○	○	○

Multiple sectors, multiple regulators *(a sandbox capable of operating with one or more regulators in one or more industry sectors to help AI innovators reach their target market. The DRCF is piloting a version of this model).*	○	○	○	○	○	○

S2: What could government do to maximise the benefit of sandboxes to AI innovators? Please limit your response to 2-3 sentences.

The government should encourage networking opportunities for both, innovators, and regulators, as well as offering a controlled environment for them to facilitate co-operation. In turn, all this would facilitate the development, testing and review of AI systems to ensure compliance with the rules of any future AI legislative proposal.

S3: What could government do to facilitate participation in an AI regulatory sandbox? Please limit your response to 1-2 sentences.

Any AI regulatory sandbox initiative would be expected to create fully understandable, future-proof best practice guidance, as well as providing further supporting information concerning AI

systems. In turn, all this would facilitate the implementation of rules by corporations, specifically SMEs and start-ups. _____

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S4: Which of the following industry sectors do you believe would most benefit from an AI sandbox?

Please select from this list the sectors your organisation works in or interacts with that would most benefit from a sandbox.

- [ ] Primary sectors (extraction of raw materials, farming, fishing)
- [ ] Secondary sector (utilities, construction, manufacturing)
- [ ] Financial services & insurance
- [ ] Communications
- [ ] Hospitality and leisure
- [ ] Real estate
- [ ] IT
- [ ] **Legal services**
- [ ] Retail
- [ ] Transportation
- [ ] Healthcare
- [ ] **Education**
- [ ] Public sector
- [ ] **Research and development**
- [ ] **Arts and entertainment**
- [ ] **AI, digital, and technology**
- [ ] **Regulation**

☐ Other _____

End of Block: Artificial intelligence sandboxes and testbeds

AI Consultation – Impact Assessment

Start of Block: About you

AI regulation impact assessment consultation

This survey asks questions about our AI regulation impact assessment.

The impact assessment evaluates the impacts of our proposed AI regulatory framework, A pro-innovation approach to AI regulation. There are 7 questions which we expect will take around 10 minutes to complete.
We recommend reading the relevant parts of the impact assessment to give feedback.

Besides your name, organisational details, and privacy agreement, all questions are optional and can be skipped.

You can find further guidance on how to respond on our consultation page.

Page Break

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You can find full details on our privacy notice.

Please confirm that you have read and accept this privacy notice:

- ○ I have read and accept the privacy notice

We confirm

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What is your name?
(required)

_____BILETA_____

What is your email address?
If you enter your email address then you will automatically receive an acknowledgement email when you submit your response and we will contact you with updates on our response.

_____As above_____

Are you responding on behalf of any of the following?
(required)

- ○ A regulator
- ○ Industry, business, trade union or association
- ○ A SME (Small or Medium sized Enterprise)
- ○ **A research organisation, university, or think tank**
- ○ A charity, non-profit or community interest organisation, social, civic or activist group
- ○ A legal services or professional advisory body
- ○ I am responding as an individual and do not represent an organisation
- ○ Other _____

Page Break

If you are responding on behalf of an organisation, what is its name?
(required)

Which sector do you work in?
Please select the most representative industry or enter under 'Other'

- ○ Primary sectors (Extraction of raw materials, farming, fishing)
- ○ Secondary sector (Utilities, construction, manufacturing)
- ○ Financial services & insurance
- ○ Communications
- ○ Hospitality and leisure
- ○ Real estate
- ○ IT
- ○ Legal services
- ○ Retail
- ○ Transportation
- ○ Healthcare
- ○ Education
- ○ Public sector
- ○ Research and development
- ○ Arts and entertainment
- ○ AI, digital, and technology
- ○ Regulation
- ○ Other _____

End of Block: About you

Start of Block: Impact Assessment: Rational, Metrics, Evidence and Assumptions

Question 1: Do you agree that the rationale for intervention comprehensively covers and evidences current and future harms?
The rationale for intervention argues that intervention is required in AI regulation. It outlines that government is best placed to put forward a suitable cross-sectoral regulatory regime due to the large benefits of AI that need to be harnessed and the need to mitigate the new and amplified risks AI poses. See the impact assessment for more detail.

- ○ Yes

No (please expand) The impact assessment covers most of the significant existing harms. It does provide a solid justification for intervention. However, it does not and cannot cover all the future harms comprehensively, as these are complex and unpredictable in the AI ecosystem (see the hams that quite suddenly emerged from uses of large language models in the past couple of years). The intervention proposed by the Government is disproportionate to the existing and future harms as it disregards the immense impact of AI systems on users' everyday lives, rights and interests. Mandatory regulation in the statutory form is thus required. Cross-sectoral principles, voluntary codes and self-regulation in the forms of standards is inadequate and insufficient. Mandatory regulation would define clearly which AI systems and uses are prohibited (e.g. social scoring, live biometrics tracking etc.) and include penalties and redress mechanisms beyond the cross-sectoral approach. It would also include a much stronger system of regulation for high-risk AI systems (various uses in healthcare, educations, social security, employment etc).

- ○ _____
- ○ Don't know

Question 2: Do you agree that increased trust is a significant driver of demand for AI systems? Please provide your evidence.
Yes According to a recent survey by Mckinsey, more than 1,300 business leaders and 3,000 consumers globally suggest that establishing trust in products and experiences that leverage AI amongst others could promote growth. (Jim Boehm, Liz Grennan, Alex Singla, and Kate Smaje (2022) 'Why digital trust truly matters' Available at: https://www.mckinsey.com/capabilities/quantumblack/our-insights/why-digital-trust-truly-matters Arguably increased trust would be a key factor for businesses and consumers to use AI more.

- ○ _____
- ○ No _____
- ○ Unsure

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Question 3: Do you have any additional evidence to support the following estimates and assumptions across the framework? **No further evidence**

These statements refer to all three options proposed in the impact assessment.

If you have evidence specific to a single option then please make this clear in your answer.

- [ ] The proposals will impact an estimated 431,671 businesses who adopt/consume AI products and services significantly less than the estimated 3,170 businesses who produce/supply AI products and services

_____

- [ ] Those who adopt/consume AI products and services will face lower costs than those who produce and/or supply AI solutions products and services

_____

- [ ] Familiarisation costs (here referring to the cost of businesses upskilling employees in new regulation) will land in the range of £2.7m to £33.7m

_____

- [ ] Compliance costs (here reflecting the cost of businesses adjusting business elements to comply with new standards) will land in the range of £107m to £6.7bn

_____

Question 4: Do you agree with the estimates associated with the central functions? If no, please suggest alternative estimate and explain reasoning. **Agreed**

- [ ] The average FTE cost for a regulator is estimated to be £106k
- [ ] A central AI regulatory coordination function would require 50 full time workers
- [ ] A central AI regulator would require 300 full time workers
- [ ] The average number of AI systems developed per small business is 2
- [ ] The average number of AI systems developed per medium business is 5
- [ ] The average number of AI systems developed per large business is 10
- [ ] The proposals will impact an estimated 431,671 businesses who have adopt/consume AI products and services, and an estimated 3,170 businesses who produce/supply AI products and services

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Question 5: Are you aware of any alternative metrics to measure the policy objectives?
Yes (please expand) _____ There are known risks associated with LLMs like GPT-4 such as, (1) 'hallucinating' (i.e., suggesting information, which is untruthful or nonsensical concerning specific sources); (2) propagating and reinforcing certain worldviews and biases, including adverse stereotypical and critical associations for specific marginalized populations and communities; and (3) impacting on the workforce, economy, and environment due to the automation of specific
jobs._____

- ○ _____
- ○ No
- ○ Don't know

Question 6: Do you believe that some AI systems would be prohibited in Options 1 and 2, due to increased regulatory scrutiny?
Please provide evidence to support your conclusion.

The impact assessment evaluated three different options proposed for AI regulation in the UK.
Option 1: Delegate to existing regulators, guided by non-statutory advisory principles
Option 2 (preferred): Delegate to existing regulators with a duty to regard the principles, supported by central AI regulatory functions
Option 3: Central AI regulator, with mandatory requirements for businesses aligned to the EU AI Act

- ○ Yes (please provide evidence)
  _____
- ○ **No** Probably not. This is unlike the EU AI Act (Option 3), which currently prohibits real-time remote biometric identification systems in publicly accessible spaces;
  post remote biometric identification systems, with the only exception of law enforcement for the prosecution of serious crimes and only after judicial authorization; biometric categorisation systems using sensitive characteristics (e.g. gender, race, ethnicity, citizenship status, religion, political orientation); predictive policing systems (based on profiling, location or past criminal behaviour); emotion recognition systems in law enforcement, border management, workplace, and educational institutions; and;

indiscriminate scraping of biometric data from social media or CCTV footage to create facial recognition databases (violating human rights and right to privacy).

○ _____

○ Don't know

7: Do you agree with our assessment of each policy option against the objectives?
See Table 9W in the impact assessment for details.

	Please answer:
Strongly disagree	○
Somewhat disagree	○
Neither agree nor disagree	○
Somewhat agree	○
Strongly agree	○
Don't know	○

8: Do you have any additional evidence that proves or disproves our analysis in the impact assessment?

The impact assessment does not appear to properly address the impact of the use of LLMs, and similar generative AI models on individuals' right to free and fair elections, non-discrimination, health, fair pay, and freedom of expression – i.e., what are the obligations of governments in this respect, within human rights law, and what are the duties, if any, of businesses in this respect. The right to free and fair elections, non-discrimination, health, fair pay, and freedom of expression are human rights still operating under duties for states and not non-state actors.

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End of Block: Impact Assessment: Rational, Metrics, Evidence and Assumptions

Individual BILETA members signatures of support:

Dr Subhajit Basu, School of Law, University of Leeds
Dr Maureen Mapp, University of Birmingham Law School