Good and Bad Practices in AI Regulation: Examples from LatAm and BRICS Countries

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DATA PROTECTION ACROSS BRICS COUNTRIES

AI REGULATION

29. Is There A National AI Strategy In The Country?

BRAZIL

Yes. In 2021, Brazil has published a National AI Strategy (EBIA) based on input by stakeholders on an open consultation process.

- EBIA
- CyberBRICS' analysis of the strategy.

RUSSIA

Yes: Decree N. 490 of October 2019.

INDIA

Yes: #AIforAll (2018). The strategy is in the form of a discussion paper, prepared by NITI Aayog (India's governmental public policy think tank).

CHINA

Yes. In 2017, the State Council issued the New Generation of Artificial Intelligence Development Plan. Also in 2017, the Ministry of Industry and Information Technology released the Three-Year Action Plan for Promoting Development of a New Generation Artificial Intelligence Industry (2018-2020), an action plan set to implement the Development Plan.

SOUTH AFRICA

No. The Presidential Commission on the 4th Industrial Revolution recommended (2020) the creation of an AI Institute, which would look over R&D.
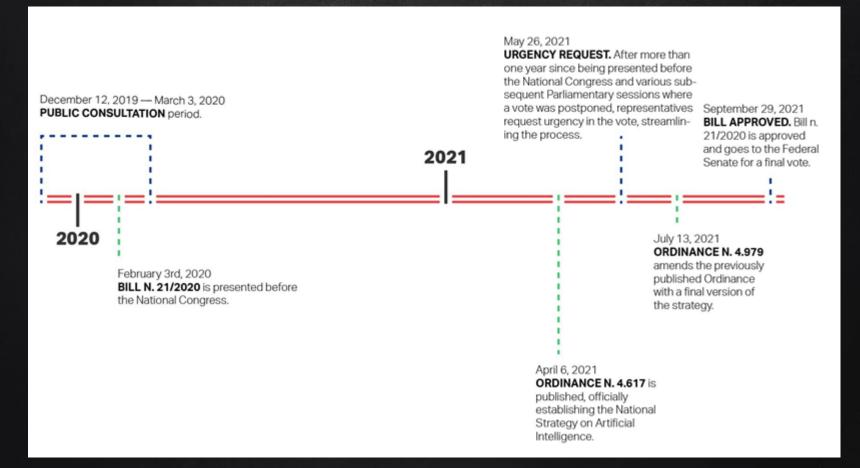
focus on:

1. rule-making processes
2. areas of convergence
3. using what already exists
4. focus on effective implementation

1.

rule-making process

✗ **ample and participatory debate is needed**
✗ **policy prototypes can be experimented**

December 12, 2019 — March 3, 2020
PUBLIC CONSULTATION period.

2020

February 3rd, 2020
BILL N. 21/2020 is presented before the National Congress.

2021

May 26, 2021
URGENCY REQUEST. After more than one year since being presented before the National Congress and various subsequent Parliamentary sessions where a vote was postponed, representatives request urgency in the vote, streamlining the process.

September 29, 2021
BILL APPROVED. Bill n. 21/2020 is approved and goes to the Federal Senate for a final vote.

July 13, 2021
ORDINANCE N. 4.979 amends the previously published Ordinance with a final version of the strategy.

April 6, 2021
ORDINANCE N. 4.617 is published, officially establishing the National Strategy on Artificial Intelligence.

Non-official Translation Of The Brazilian Artificial Intelligence Bill, N. 21/2020

25/10/2021 by **Walter Gaspar**

This is a **non-official translation** of the bill establishing foundations, principles and guidelines for AI in Brazil prepared by the CyberBRICS team. The original text in Portuguese, alongside more information on the bill and its processing in the Brazilian Congress, can be found at the Brazilian Chamber of Deputies' website. The bill was approved in Congress and currently awaits a vote in the Senate.

THE POLICY PROTOTYPE

6 MONTHS

Policy Prototype for more Transparent and Explainable AI system will last 5-6 months

14 COMPANIES

14 companies will implement the prototype to offer recommendations for regulators.

LOCATION

The program is exclusively for mexican companies and has no cost for the participants.

SUPPORT

Companies will receive the necessary technical, logistical and governance-related support throughout the program.

2.

areas of convergence

need for:

✗ transparency/explicability

✗ fairness/non-discrimination

✗ data protection and security by design

3.

use what already exists

Países con regulación general de tratamiento de datos personales

- **142** países con regulación general
- **94** autoridades de protección de datos
- **5051** millones de personas con acceso a internet (65%)

Fuentes : GREENLEAF (2021); BANISAR (2014); REMOLINA (2015-2021); PRIVACY INTERNATIONAL (2014); OEA; NYMITY (2014); IAPP (2019); DLA PIPER (2019), CNIL (2019); RIPD (2019); GECTI (2015) ; OBSERVATORIO CIRO ANGARITA BARÓN -Universidad de los Andes- (2015-2021), ONU (2021), SIC (2021).

@Nelson Remolina

21/IX/2021

bit.ly/EnglishLGPD

principles (art 6)

- ✗ **Purpose limitation**
- ✗ **Adequacy**
- ✗ **Necessity**
- ✗ **Free access**
- ✗ **Data quality**
- ✗ **Transparency**
- ✗ **Security**
- ✗ **Non-discrimination**
- ✗ **Prevention**
- ✗ **Accountability**

rights

- ✗ information on existing processing
- ✗ access to data
- ✗ correction of data
- ✗ data anonymisation
- ✗ data portability
- ✗ erasure of personal data
- ✗ object processing and revoke consent
- ✗ right to <u>non-discrimination and review of automated decisions</u>

4.

effective implementation

✗　avoid ineffective regulation and regulators

✗　regulators need appropriate resources

✗　research & development must be well funded

China's 14th Five-Year Plan:

spending on R&D will exceed 7% per year over the five years to the end of 2025

thank you!

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