

To the European Commission
CNECT-AI-consult@ec.europa.eu

Brussels, 12 June 2020

Dear Madam/Sir,

The European Evangelical Alliance is a pan-European movement serving the estimated 23 Million Evangelical Christians across the continent. In collaboration with an interdisciplinary group of experts in the field, we have studied the EU White Paper on Artificial Intelligence – a European approach to excellence and trust.

As Evangelical Christians, we appreciate the invitation by the European Commission to comment on the EU White Paper. The European Commission is to be complimented on its prudent attempt to get ahead of the curve in addressing the role of AI in Europe's future by crafting the White Paper, and complimentary papers concerning its Data Strategy and the Liability of AI. It is encouraging to see a serious attempt to identify possible harms as well as potential contributions of AI. While there is much to commend the White Paper for consideration, there is a concern for what it does not say or explain.

As we also highlighted in our response to the HLEG, any technology which has the potential to significantly impact our society (both for good and for bad) demands a broad and permanent well-informed dialogue in society itself. This permanent dialogue is crucial in building the ecosystem of trust the White Paper is calling for.

We welcome the emphasis on the importance of trust, the necessity of ethics, respect of fundamental rights, human dignity, privacy protection and general human-centric concerns. In addition to these points, however, we would like to raise the following concerns:

- The main driver for a European approach to Artificial Intelligence seems to be scientific and economic advancement. The document seems to assume that all scientific breakthroughs and that all progress is inherently good. We are well aware of the importance of a strong economy and achieving scientific excellence for our societies. We are concerned however that economic and scientific development are taking precedence over human flourishing and well-being. Although there is an emphasis on ethics, values, and rights, the White Paper does not ground these ethics and values. There should be a clear definition and explanation of what is meant by 'improvement of lives' or by 'better the lives of all citizens.' By lack of a broad and clear consensus on the common good, progress and economic interests could easily dominate decisions.
- The danger in the use of the term 'trustworthy AI' is that it implies that it is the technology itself that has to be trusted whereas we believe that an artefact can only be assessed for

whether it is “safe” and/or its likelihood to cause harm. Inappropriate use of AI¹ we believe undermines trust in institutions whether state or corporate, and the people who work in them. Whilst the Commission recognises that AI can do harm, we believe that the definition of high-risk AI is too narrow and the scope of the spectrum of AI to which risk should be assessed and regulation applied is too limited.

We call for an AI impact assessment tool for all deployment of AI that goes beyond mere physical production processes.

We will explain these concerns in a bit more detail below.

Ecosystem of Excellence

We all instinctively know that humans are special. They have unique dignity and value and are worthy of particular respect and protection. As Christians we believe that this is because each and every human being is created in the image of God. It is this truth that has influenced European thinking. Human beings have rights, machines do not.

There is no comparison between human and machine, and any AI framework must keep this truth at its heart.

What is troubling in the EU White Paper is that concepts such as rights, (European) values and human dignity are used without sufficient clarity over the definition and real-world meaning of these terms. The only “value” detailed in the document is economic value. If all there is in judging benefits and risks to humanity is in the realm of the economic, then anything can be justified if it promotes economic sustainability.

The Covid-19 lockdown has taught us once again that real-life encounters, relations and communication are essential elements of what it means to be human. Any technology that derogates from these core characteristics will hamper human flourishing. Chat bots and care robots, economic as they might be, should be used to augment human interaction and not to substitute it.

Any reference to “European values” should put clearer emphasis on the worth of human beings.

We would like to engage in a more in-depth discussion about the interpretation of European values and their implications for the uptake of AI, especially regarding what it means to be human and why human beings deserve special protection.

We feel that there is an urgent need for a period of reflection prior to the implementation of certain AI that could have a high risk on humanity.

Ecosystem of Trust

We fully support the development of a robust legislative and regulatory framework for AI developments and deployment.

As referred to above, we do find it unfortunate that the term “trust” is used about AI itself, as an artefact - tangible or intangible. We believe that trust can only occur between people, not artefacts. It would be preferable to speak of reliability and safety of the AI artefacts that we create. In this regard

¹ When we use Artificial Intelligence or AI, this includes all other data driven technologies.

we believe, as the Commission has highlighted, that there are significant areas of potential harm to humanity from the deployments and use of AI. We would like to see these areas of harm more explicitly recognised and legislated for.

To aid safe and human-centred AI, the requirements proposed for high-risk applications should not be limited to simply “high risk” applications. Instead, all AI applications should undergo a comprehensive ex-ante risk impact assessment, at various points in the AI lifecycle, beyond mere data protection impact assessment, similar to that proposed by the German Data Ethics Commission in December 2019².

Whether it is the algorithmic system that is applied to a new application domain, or a new data set applied to an existing algorithmic system, changes in the AI system impact the outcome. Such impact can be multidimensional. Therefore, any impact assessment must incorporate not only legal or sectoral specific regulatory risk, it must consider the Human Rights, ethical, and societal impact as well. It should be mandatory that prior to any deployment, re-deployment, or in the case of machine learning at frequent regular intervals, a comprehensive AI impact assessment is undertaken, including a) the risks to the government/corporate b) the risk to individuals and society and c) the harms its outcomes (whether intended or unintended) could produce. By doing this, we would hope it protects the interests of individual citizens, groups of citizens, and of society as a whole.

The Commission could consider practical ways in which such comprehensive AI impact assessment might benefit citizens and society through mandatory RAG labelling of all AI products and services (akin to that proposed by the AI Ethics Group in their Bertelsmann report³) to quickly convey the level of risk. Not only will this further transparency and explainability of AI but will complement a wider programme of public awareness raising, and education about the impacts of using AI, not just building skills to create AI.

The comprehensive AI Impact Assessment should also feed into a wider framework of AI and data ethics governance and oversight within an organisation.⁴

For AI regulation to truly work and avoid fragmentation, it will need an internationally coordinated, collaborative, and consistent approach to conformity standards. Certification or licensing of conformity to both technical and non-technical standards of operation (i.e. infrastructure, security, authentication, interoperability, data management, permissions management, and data and algorithmic governance, including assessment for ethical, legal, and societal impacts) would be pertinent to the dynamic and effective operation of hard law.

² https://datenethikkommission.de/wp-content/uploads/DEK_Gutachten_engl_bf_200121.pdf

³ <https://www.ai-ethics-impact.org/resource/blob/1961130/c6db9894ee73aefa489d6249f5ee2b9f/aieig---report---download-hb-data.pdf>

⁴ This governance should be agile with touchpoints at every stage of the AI lifecycle. We would recommend that it culminate in a board/committee or panel of an interdisciplinary, diverse and inclusive group of experts with a range of life experiences, drawing from both internal and external expertise, which has real decision-making authority and which can hold the organisation to account. Furthermore, any such organisation trying to implement AI in a manner which is socially and ethically considered, should also have a mechanism through which to regularly engage with the public.

AI impact Assessment, Governance and Oversight, Public Engagement coupled with appropriate labelling and raising public awareness of AI through education and in-transaction notifications, would seek to secure safer and more reliable AI which is not only acceptable but also preferable to humanity.

The EU White Paper is already identifying several applications of AI as High Risk. We believe, however, that the definition of high-risk AI is too narrow and that the scope of the spectrum of AI to which risk should be assessed and regulation applied is too limited. In his forthcoming book “Masters or Slaves? AI and the Future of Humanity,” Jeremy Peckham identifies six areas of harm to humanity, linked to AI (see Annex I). Although not all Christians might agree with the solutions suggested in the Annex, we do recognise the areas of harm Peckham identifies. These are important areas of harm that should be taken on board in a comprehensive AI impact assessment. Our perspective derives from a consideration of what is unique about humanity, and although informed by a Christian worldview, we believe many of other or no religion would resonate with these perspectives.

In our view, if there is not a strong legislative programme to protect humanity from the kinds of harms, e.g. as identified in the Annex I to this letter, citizens will lose trust. That is trust in the institutions of government, the judiciary, the police and health services, and the private sector organisations used to design, develop and deploy AI. There is already a lack of trust in Big Tech firms. These firms have a vested economic interest in creating a dependency on their platforms and tools and therefore, they need the development and mass deployment of AI to facilitate this. Creating dependency may appear innocuous at first but in the long term, it can undermine human values, and exploit human/societal vulnerabilities. This is why **we need a comprehensive impact assessment for all AI.**

If the EU is considering opening data and facilitating its sharing to improve AI, then **we would also recommend that the Commission review and update data protection and data privacy legislation in the context of AI.** More details of our recommendations are in Annex II.

We appreciate the Commission’s commitment to be “leaving no one behind” but ask for clarification of what that would be and look like in practice, with a clear budget being set behind it. The increasing use of AI will require investment in infrastructure and architecture, both in respect of connectivity, and data transfer. If the EU is to proceed with its economic strategy concerning AI, then not only must these matters be included in the investment plan, but also a clear pathway to manage the ensuing digital divide to avoid social-economic injustice⁵.

⁵ There is a risk that a social underclass would be created for those that do not have access to the internet, that do not have devices at all or ones that are sufficiently up to date with the technology required to (for example) access financial services, healthcare services, public sector services, and goods and services more generally.

Summary of our recommendations

The White Paper emphasises the importance of investing in AI to make sure European AI can compete with AI centres of gravity in China and the US. To ensure that the EU does this in a manner fitting of its European values and which makes AI safe and reliable for humanity, we recommend the following.

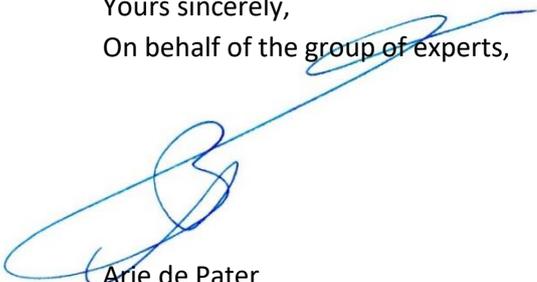
- **We urge** the Commission to provide a clear definition of ethics and European Values which tangibly includes human dignity, human worth, privacy, autonomy, and respect.
- **We suggest** that the investment plans include empirical studies into the impact of AI on our institutions, on our democracies and societies, and on group and individual well-being. These studies should provide more insight into both the benefits and the potential harms of AI and data driven technologies.
- High Risk AI cannot be fully identified without contextual AI risk impact assessment. **We recommend** for all AI a mandatory comprehensive impact assessment that encompasses the ethical, legal, and societal risks posed by the data, algorithmic systems, and the outcomes thereof (including individual, group and societal consequences, both intended and unintended).
- **We ask** the European Commission for a period of reflection prior to the implementation of certain AI and data-driven technologies where these have been identified as presenting a high-risk to humanity based on a comprehensive AI impact assessment mentioned above.
- **We call** on the European Commission to proactively engage and involve in debate all in society, not leaving out the faith perspective, to ensure that a diverse and inclusive set of views and values is taken on board in respect of the design, development, deployment and decommissioning of AI.

About us

As we are an interdisciplinary and international group of experts involved in AI who can bring a unique Christian perspective, we would welcome the opportunity for further discussion with the European Commission on the points we raise above, as well as on the potential for human digital rights to be enshrined in law to reinforce consumer and employment protection. This could be significant to the EU's forthcoming investments in areas such as health, connected and automated driving, agriculture, manufacturing, energy, next generation internet technologies, security and public administrations (including justice), and embodied AI/robotics.

We trust that these points will serve the European Commission in its discussions and we thank you for your time and attention to these important matters.

Yours sincerely,
On behalf of the group of experts,



Arie de Pater
Brussels Representative

Annex I

Artificial Intelligence - Six areas of harm to humanity

Adapted from J. Peckham, *Masters or Slaves? AI and the Future of Humanity*, (London: Inter-Varsity Press, forthcoming, January 2021), Ch. 11 Figure 11.1

- **Loss of Cognitive Acuity** – through reliance on decision support systems (e.g. in financial, judicial and medical areas). In addition, as the Commission is already aware, these systems incorporate bias and lack transparency in respect of any decision reached. Such systems only deliver a probability. It is naïve to think that such algorithms can be made transparent nor free of bias, given that they are usually stochastic processes, not rule based, and data will always be biased because humans are biased. Decisions that impact individuals and groups must always have human oversight and a right of appeal with such process involving human assessment and judgement only.
- **Damage to normal human relationships and communication along with potential gender stereotyping** – through over engagement and reliance on digital assistants and a drive to create ever more realistic simulations of humanness. Whilst we do not propose an outright ban on such devices, we believe that it should be a requirement that users should always know that they are interacting with an artefact, not a human. We propose that ore empirical research is conducted in this area regarding harms and also that research should be conducted on methods to ensure that such artefacts do not appear human (e.g. non-human voices). The evaluation of a user’s emotions, personality and character by AI based artefacts, simulating a dialogue should be banned (e.g. Interviewing systems).
- **Loss of Freedom and Privacy** – through the use of private data and surveillance of citizens, whether by the state or private companies. The use of AI to monitor, track, and identify citizens from facial or other personal attributes is unprecedented in any civilisation and is quite different from the use of other biometrics such as fingerprints. We believe that the Commission is well aware of these dangers and action is required urgently to avoid mass surveillance being normalised. Although not involving AI, the deployment of Covid-19 tracking apps has brought this prospect even closer. We urge an outright ban on the states use of AI based surveillance technologies. An even greater level of surveillance has already been established in the private sector through Big Tech’s use of a user’s browsing data, shopping activity and a host of other data gatherers such as FitBit health monitors. Much of humanity has already lost its freedom and autonomy! GDPR legislation needs strengthening to avoid the extraction and use of personal data. We believe that the practice of companies providing free services or products in exchange for data should be banned without explicit and informed consent.
- **Loss of Moral Agency** – through assigning moral agency to artefacts such as autonomous weapons and self-drive vehicles. We would wish to see this banned and a requirement that human decision making is required where life is at risk.
- **Loss of the dignity of work** – AI systems, including robotics is already changing the workplace and displacing jobs. We believe that there is human dignity in work and that alternative work must be a condition of job replacement by AI systems and robotics, except where such systems preserve life in carrying out hazardous tasks.

- **Addiction and a loss of reality** – through the over use of Augmented and Virtual Reality systems. We would like research to be supported in this area to provide more empirical evidence and to inform potential health warnings for the use of such devices. We would also like to see strong human oversight and a cautious approach to application development to protect the harms to humanity from users losing touch with the real world and real relationships.

Annex II

We recommend that the Commission reviews and updates data protection and data privacy legislation in the context of AI. This should take into account:

1. the fact that not all data which is considered private or capable of having an impact on a person's privacy is deemed "personal data";
2. that if data is to be anonymised, standards of anonymisation should be consistent across the EU and European Economic Area. Furthermore, anonymous data can contain proxies for bias and cause unfair and/or discriminatory outcomes which would only be proliferated through use of algorithmic systems;
3. data subjects should have greater control over all data which pertains to them, not just personal data, and be able to agree to or revoke agreement of sharing such data through a contextual permissions management tool or dashboard;
4. because context in and purpose for which data is collected, collated and aggregated matters and if not appropriately treated can also produce bias and affect outcomes, a Data Protection Impact Assessment should be extended to a more comprehensive risk impact assessment akin to the AI impact assessment outlined in this letter;
5. data subjects should have the ability to share or port across to another organisation all data (not just data subject to data portability rights processed on grounds of consent alone, but also data which is processed on other lawful processing grounds; and should the Commission implement greater data mobility, it should have a clearly defined pathway for roll out, including infrastructure to enable data sharing, interoperability standards, data sharing standards, security standards and permissions management, ensuring such mechanisms are auditable by both user and regulator, and where control over the sharing of data is clearly in the hands of the data subject.