

The Future of Right to Privacy and Data Governance in The Era Of AI

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Abstract

In the 21st century, the innovations and technologies have paved their way towards varying fields and society. And artificial intelligence came out as a real time challenge to work with. In frame, there are experiences of deformities and issues regarding the data protection and privacy control. It is high time to come up with some better regulations and data protection solutions. Here, we have discussed what can be the possible pros and cons of Artificial Intelligence and, to what extent it can be beneficial to our companies and industries adopting it. Like, Microsoft has agreed to supply the US government with HoloLens AR tech into weapons repertoire for American army soldiers¹; keeping such updates in mind we tried to figure out what can be the future impact with such expansion of AI. Lastly, discussed the possible ways to protect the province of data privacy and how it creates conflict with human rights.

¹ "Microsoft gets contract worth up to \$22 billion to outfit US Army with 120,000 AR headsets" techcrunch, 1 Apr 2021, Available at: <<https://techcrunch.com/2021/03/31/microsoft-wins-contract-worth-up-to-22-billion-to-outfit-u-s-army-with-120000-ar-headsets/>>

I. Introduction

“Privacy is not something I’m merely entitled to, it’s an absolute prerequisite”

–Marlon Brando

The condition or state of being free from public attention to intrusion into or interference with one's acts or decisions. Privacy is a fundamental right of any human being which is specified in various treaties and conventions. It is essential to protect this human right for one's self-esteem, and in today's era with computer, internet and surveillance the ambit of privacy is not only limited to the body but stretched out to speech, data, thought, identity. There are different aspects to privacy like: privacy of a person, privacy of family, privacy of home, privacy of gender, privacy of health, and information privacy.

In the era of computer, internet, social media and artificial intelligence (AI) information privacy has become an essential part of today’s world. Information privacy are some tactics that are used to secure the exposure of a person’s personal data. Now why information privacy is important, information privacy makes sure that the sensitive information of a person, group or a company is accessible to authorised parties only. It safeguards the data from criminals. Information privacy is compelled by data protection regulations. Defiance of data protection regulations might result in heavy penalties.

AI is one of the technical fields that holds the power of transforming everyday human activities to be performed by robots and machines. AI includes machine learning, natural language processing, big data analytics, algorithms, and much more.² AI as defined by John McCathy *“the science and engineering of making intelligent machines”*.³ AI has the ability to collect, inspect, and integrate

² Sahajveer Baweja and Swapnil Singh, "Beginning of Artificial Intelligence, End of Human Rights" LLondon school of economics and political science, July 2020, Available at:

<https://blogs.lse.ac.uk/humanrights/2020/07/16/beginning-of-artificial-intelligence-end-of-human-rights/>

³ "Artificial intelligence", Science Daily Available at: https://www.sciencedaily.com/terms/artificial_intelligence.htm

data from various origins and thus, improving its capabilities by means of people using these technologies.

II. How AI Can Compromise With Our Data Protection And Privacy:

With the emergence of fast and quick fingertip work around the globe, the role of Artificial Intelligence took a real new phase. The initiative of AI is not only becoming impressive but many companies and industries have already adopted it. We cannot deny the fact that AI is definitely defeating the speed or process of any work in comparison with the capabilities of human analysts.⁴ But this can even be imagined as a threat to all the normal existing mechanisms. The concept of data protection and the right to privacy cannot be ignored with the materialization of anything such. AI can adversely affect our domains of privacy control and personal data within seconds. Even a pinch of hindrance can result in being detrimental.

Artificial intelligence is largely replacing the conduct done by any human being. Due to which the trade, companies and advanced industries are readily replacing individuals with machines and big data. They may have an aim to achieve success through this but closely it is making them dependent and risk to privacy. With the existence of small microbes of COVID-19 many people have already lost their jobs and further application of AI will only lead to no hope for humans. Sooner or later, if the influence of AI will reach a peak, the outcomes will be very unfavourable for every individual. Thus, keeping in mind about the right to work and protection against unemployment is guaranteed under Article 23, Article 6 and Article 1(2) of UDHR, ICESCR and ILO⁵ respectively; machine technology will be a direct menace towards the society's unemployment, which somewhere India is still tackling.

The machine learning and natural processing technique of AI is being diplomatic and rational in varying points. The algorithm cannot always be assumed to be very correct in all aspects. They may work without the outer supervision but at last, we cannot deny that it is the product of human created intelligence only. It is creating a mode of discrimination and racism too. The feature of

⁴ "Privacy and Freedom of Expression In the Age of Artificial Intelligence", Article 19, April 2018, at: <https://privacyinternational.org/sites/default/files/2018-04/Privacy%20and%20Freedom%20of%20Expression%20In%20the%20Age%20of%20Artificial%20Intelligence.pdf>

⁵ Tripathi, Keyur and Mubarak, Usama, "Protecting Privacy in the Era of Artificial Intelligence" (Mar 24, 2020), at SSRN: <https://ssrn.com/abstract=3560047>

advanced facial recognition is failing to ensure basic equality. While nations are moving forward towards the movement of 'Black Lives Matters'⁶ There are cases where AI seems to be paradoxical.

The investigations carried out that the purpose of surveillance and forces which are under the control of AI and its mechanism can raise legal and security concerns. The intent of individuals to harm or cheat with the system can lead to the theft of human fingerprints and occurrence of more heinous acts. The use of armed drones and killer robots for the war and welfare sector is also being the reason for accidental or unwanted targeted people deaths. Even during the time of this pandemic, applications like *Arogyasetu*⁷ to detect the surrounding and notify, infringes over our privacy and human rights in the name of digital surveillance.

In this manner we can see by various live examples that AI and machines can never be a better option to a human work mode system. It took more than 100 years to gain human strength & freedom back from Britishers, we cannot afford to lose it by replacing human beings with AI technology.

III. Solutions To Protect Privacy From AI

With the onset of AI development and increasing privacy issues some of the software's that assist in data protection are: OneTrust, Secure Privacy, TrustArc, DPOrganizer, SureCloud, Security, Privacy Tools, Segment, AuditRunner, Secuvy AI. Other than these software ICO published 80 page guidelines for organisations about using their AI in accordance with data protection principles.⁸

⁶ Iain M. Cockburn, Rebecca Henderson and Scott Stern, "The impact of AI on innovation", NBER Working Paper No. 24449, Mar 2018, at: https://www.nber.org/system/files/working_papers/w24449/w24449.pdf

⁷ Sahajveer Baweja and Swapnil Singh, "Beginning of Artificial Intelligence, End of Human Rights" LLondon school of economics and political science, July 2020, at: <https://blogs.lse.ac.uk/humanrights/2020/07/16/beginning-of-artificial-intelligence-end-of-human-rights/>

⁸ Brian McKenna, "ICO launches guidance on AI and data protection" Computer Weekly dot com, at: <https://www.computerweekly.com/news/252487003/ICO-launches-guidance-on-AI-and-data-protection>

IV. Conclusion

Hence, we can conclude in this blog that with advancement of science and technologies development of AI has brought serious concerns regarding privacy and safety of an individual and an organisation. AI provides machines to collect, inspect, and integrate data from various origins and use these data according to their own convenience. With data becoming a major asset of individuals, groups and organisations many hackers and other criminals intend to steal data. AI is not only a substitute for machinery but somewhere it is increasing the social issue of unemployment in our society by replacing working individuals.

Legendary physicist Stephen Hawking once said "Success in creating effective AI could be the biggest event in the history of our civilisation. Or the worst. So, we cannot know if we will be infinitely helped by AI or ignored by it and side-lined, or conceivably destroyed by it."⁹

⁹ "What Are The Negative Impacts Of Artificial Intelligence (AI)?", Bernard Marr & co. at: <https://bernardmarr.com/default.asp?contentID=1827>