Mozilla supports asking hard questions at the Policy Lab on AI and Bias- University of Pennsylvania Carey Law School

Asking Hard Questions: Compliance or Deep Change?

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We are facing the existential issue of our time - the rise of big data and the use of AI. Massive data sets of sensitive data are weaponized by companies using AI to determine how they do business with individuals, by financial institutions to determine whether to give credit, and by identity thieves to commit fraud. When individuals and communities are algorithmically selected for opportunities and potential-crime suspects, data is destiny and algorithms the pre-cogs (predict future in movie Minority Report).

Groundbreaking analysis into AI and algorithmic data bias is being done at the Carey School of Law at the University of Pennsylvania led by Professor Rangita de Silva de Alwis with students and industry leaders from around the world.

On our first day of the Lab, we were joined by Mitchell Baker, the CEO of Mozilla, Craig Newmark, the founder of Craigs List, Steve Crown, the Vice President of Microsoft and Mark Surman, the Executive Director of Mozilla.

One of the main challenges that the current technology companies are facing is whether they should pursue compliance or whether to focus on deep cultural change. Mitchell Baker, the CEO of Mozilla discussed how Silicon Valley has largely focused on being compliant. The

companies follow the framework outlined in the United States Sentencing Guidelines for corporate compliance even though the individual steps provide little improvement or in many cases are harmful in Diversity and Inclusion programs. For example, there have been many studies that highlight that diversity training does not work but the sentencing guidelines state that "Training" is the hallmark of a well-designed compliance program.

If one looks at existing compliance programs, most compliance programs are designed in a hub and spoke model - the core compliance team (the hub) uses the United States sentencing guidelines to create a compliance program that contains - policies & procedures, training, risk assessment, resources (Including a reporting hotline). What the majority of companies have experienced is that these compliance programs breakdown when the product teams (the spokes) must implement the key principles in the day- to- day decision making of the product teams. The primary reason for the failure or breakdown is due to the fact that AI bias and ethics are not at the top of developers minds and is more of a compliance check box item. The software development process - Agile and DevOps model put the developer's responsibility of delivering working code above all else (developing code, finding, and fixing bugs, meeting the project goals) while AI bias and other important aspects fall through the gaps and are considered check-box items (In some cases these are put off because the current project is a prototype or an experiment).

This brings us back to Mitchell Baker's point – Are companies trying to be compliant or are they trying to reinvent themselves for the new age of Big data and AI?

There are many initiatives looking at the agile development processes to address the concerns highlighted above. These include the data ethics canvas from the Open data institute, the ethics canvas from ADAPT (The science foundation Ireland research center) and others looking at agile ethics for AI. These processes are a good start, but we are at the precipice of an industry that needs to add ethics and bias to the software developer's accountabilities and deliverables.

Marking the compliance check box may have been the first step but leveraging existing data and adopting the advances of AI to execute the programs in my view will put us on a path that makes considerable difference in our future with ethics and AI. Until then "Ethical AI" is a compliance checkbox item.

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