

Hello,

Thank you very much for the opportunity to comment from Data2X, a collaborative platform based in the US that works on addressing gender bias in datasets. Please see our responses to several of the consultation questions below:

### **1. What should be the main goals of government regulation in the area of artificial intelligence?**

Governments have three major roles to play in regulating AI. First, to establish guidelines for informed consent as it applies to different types of digital activity. This requires specification of what "informed" means—what language is necessary to ensure that all users are able to understand their rights, and make decisions based on accurate knowledge about how their data will be used. This also requires establishing acceptable procedures for "consent"—specifying the format and frequency that companies ask users for consent.

Second, to ensure that data is stored within private entities in such a way that protects the privacy of users; or, alternatively, to establish or support third-party (non-profit or public) entities responsible for serving as data storage/access intermediaries. This would amount to creating new shared public-private proprietary rights around data.

Third, to ensure through regulation that AI algorithms are based on unbiased datasets, and further that the legal principle of disparate impact applies to digital activity; that is, even if underlying data and processes are unbiased, the impact of such processes should also be unbiased, with respect to various groups in society.

### **2b. What are the current gaps in the regulatory system?**

Public entities, or public-private partnerships, need to be created that have the explicit responsibility of achieving the goals above. Because companies are receiving data from users all over the world, a regulatory structure needs to be implemented at the global level, to harmonize guidelines across countries. Ideally this regulatory structure would have cross-border sanctioning authority, but if not clear avenues for multilateral legal recourse need to be specified, to address instances of cross-border violations. Companies themselves would benefit from a global or multilateral regulatory structure, as it avoids the need to operate under different rules in different countries. Thus Australia may want, in addition to creating its own Responsible Innovation Organisation, to coordinate the establishment of such an office with other countries' own efforts, or, preferably, global institutions.

### **4. Under what circumstances would a Responsible Innovation Organisation add value to your organisation directly?**

Such an organisation would help Data2X to 1) assure data users that a specific agency has the responsibility of, and capacity to, protect their rights; and 2) safely make important datasets available to researchers working to close the global gender data gap—to learn more about the lives of women and girls around the world, and inform policies to reduce gender inequality.

Warm regards,

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[Data2X](#)