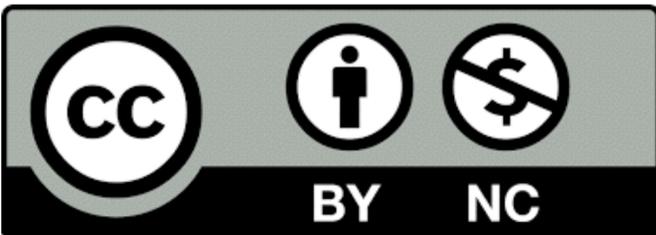# The French National Pilot Committee for Digital Ethics: Contributions in the COVID Context

Claude Kirchner

CCNE pour les sciences de la vie et de la santé
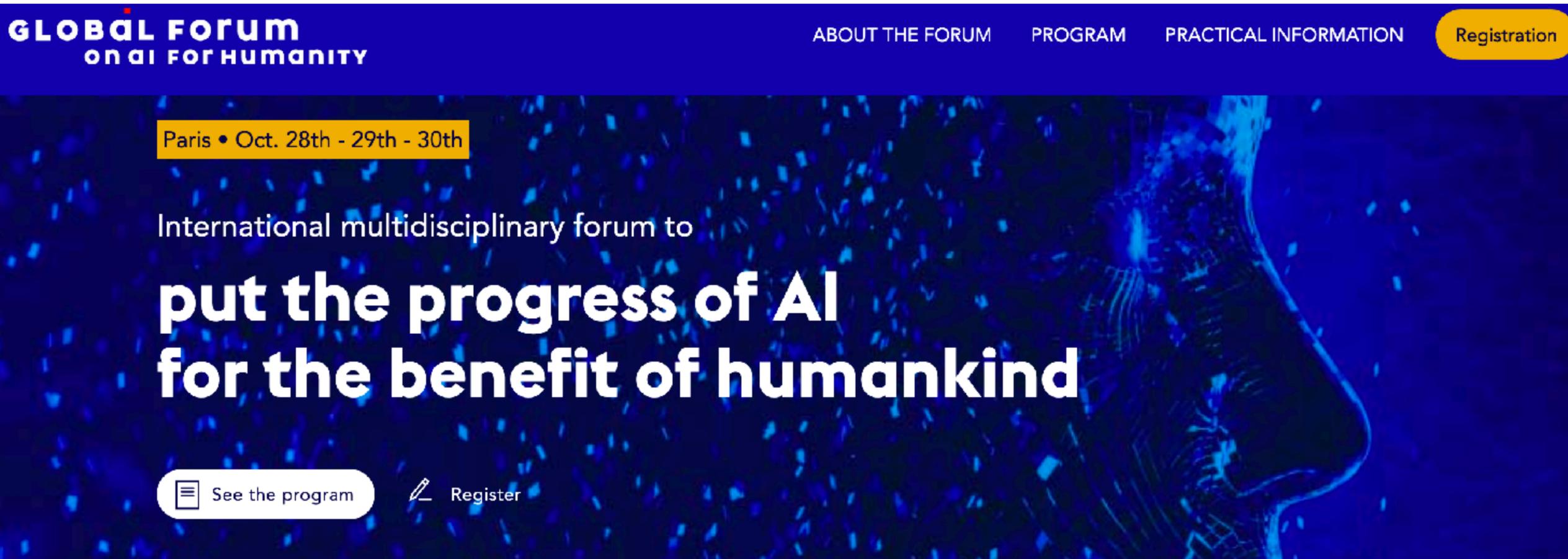comité national pilote d'éthique du numérique

Inria

CERNA

26th Forum of National Ethics Councils (NEC) and the European Group on Ethics in Science and New Technologies (EGE)

November 18-19, 2020 — Online event — AI session, part II

Digital Ethics is now a main global concern

- With strong French, German, Japanese, European and Canadian culture and initiatives (eg AI HLEG, GPAI, …)

- In a complex international context (eg IEEE, China, ISO, GAFA, …)

GLOBAL FORUM on AI for Humanity

ABOUT THE FORUM   PROGRAM   PRACTICAL INFORMATION   Registration

Paris • Oct. 28th - 29th - 30th

International multidisciplinary forum to

put the progress of AI for the benefit of humankind

See the program   Register

INDEPENDENT
HIGH-LEVEL EXPERT GROUP ON
ARTIFICIAL INTELLIGENCE
SET UP BY THE EUROPEAN COMMISSION

AI

POLICY AND INVESTMENT RECOMMENDATIONS
FOR
TRUSTWORTHY AI

In a context where humans and digital systems co-evolve

- They complement each other

- Interact

- Collaborate

- Combine

with profound consequences for and on humans

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Ethics: a long tradition in France

In particular:

1983: creation of **CCNE**: the national ethics committee for health and life sciences

2009: January. Joint presentation of CNRS and Inria reports on importance of digital ethics

2012: October. Creation of the CERNA: French ethics committee for research on digital sciences (Informatics, maths, robotics, …). CNRS, CEA, IMT, Inria, Universities
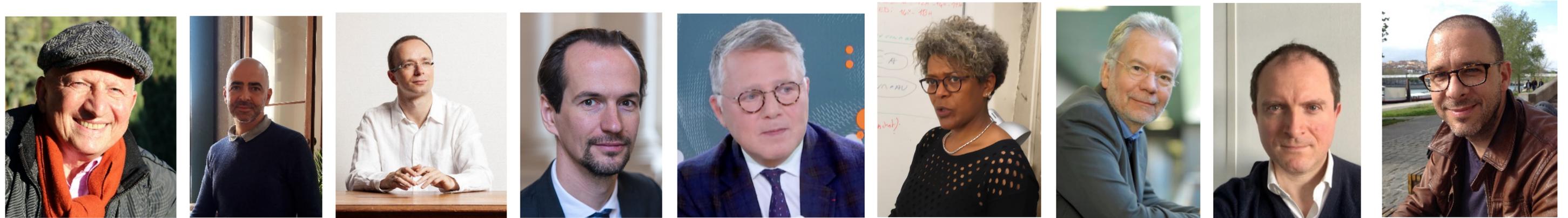
2012: December. Creation of the COERLE: Inria's operational ethics committee

and **2019…**

The National Pilot Committee for Digital Ethics
https://ai-regulation.com/the-french-national-committee-for-digital-ethics

- **Formally established on December 2019 at the request of the French Prime Minister, under CCNE aegis and hosted on its premises**

- With three first referrals to address (Autonomous vehicule, Chatbots, Medical diagnosis and AI)

- Seized himself on March 24, 2020 on digital ethics issues in situations of acute health crisis

- Bulletins + answer to new government referral + answer to European consultation + work on initial referrals

National Pilot Committee for Digital Ethics (DEC for short)

27 members (Informatics, robotics, layers, philosophy, ethics, economics, medical doctors, engineers, entrepreneur, a member of the French parlement, a member of the CNIL, scientific culture, historian)

With active connections with other ethics committees

- In France: health, army, education, CNRS

- Internationally: HLEG, GPAI, Unesco, IEEE, WHO

The digital (including AI) and the Covid

- An exceptional increase of digital usages

- Non anticipated

- Inducing unexpected immediate consequences

- With complex short and long terms possible outcomes

- Emphasising the importance of the ethical reflection on our raising cyber-civilisation

French lockdown, March 17 - May 11, 2020
DEC self-referral, March 24

Plan for a **monitoring work** relating to the **ethical issues** raised by the strong increase of **digital usages** in the context of the crisis caused by SARS-CoV-2

Question the possible tensions between:

- **public health imperatives** and the **preservation of fundamental freedoms**

- the **use of digital tools to support the pandemic management** strategy, and the i**nequalities or discrimination** that they could lead to

- the **urgency** in which certain decisions must be taken and the requirements of **robustness, security and sovereignty** for the tools in use

April 7th, 2020: First opinions

Publication on April 7th of « **Reflections and warning points on digital ethics issues in situations of acute health crisis** » with focus on two quite complementary points:

- **Fraternity**: points of ethical attention to digital tools

- **Tracking** of individuals with digital tools

Fraternity: Access to digital tools

To the telecommunications operators:
o   Ensure that low-capacity subscriptions are de-restricted in times of crisis.
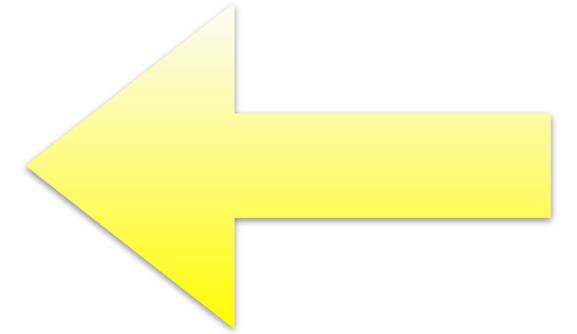
To municipalities:
o   Provide appropriate digital tools in secure locations and along with assistance for users, and maintain them after the crisis.

To public services:
o   Provide a human helpline phone service for people who have problems in accessing digital services, and maintain it after the crisis.

To government departments:
o   Establish a "fraternity" telecommunications channel with priority over other uses in the event that choices need to be made in the allocation of telecommunications bandwidth at times of crisis.

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Fraternity: Use of communication interfaces

To the institutions that provide care for vulnerable people and possibly to the legislature:

o   Establish a role of communication mediator between an elderly or sick person and their relatives through controlled communication interfaces.

o   Ask for the prior consent of the individual, or the person legally responsible for representing them, before choosing their communication interfaces.

o   Provide for discernment and decision-making procedures relating to the storage or deletion of images, sounds or conversations recorded with vulnerable persons.

To the whole population:

o   Use digital interfaces that respect the dignity of the people concerned, and ensure that these interfaces do not replace physical presence once the lockdown has ended.

o   Abstain from posting end-of-life images of patients on social media.

Fraternity: Use of social media

To public authorities:

o Keep disseminating messages about protective measures on social media and on key apps.

To social media users:

o Check that the social media used has a clear privacy policy that respects personal data.

o Be aware of the risks of on line disinformation about the Covid-19 pandemic, including when they relate to acts of solidarity.

o Be alert to the risks of online fraud that exploits the impulse to solidarity.

Fraternity: Use of search engines and platforms

To charities and everyone involved in solidarity initiatives:

o Encourage the use of search engines and digital platforms that guarantee the protection of personal data and effective indexing of trustworthy organisations and institutions.

To digital platforms:

o Under take to delete the data collected about volunteers and recipients of support once the crisis is over.

To government services:

o Opt for sovereign digital solutions for logistics management, in particular during a crisis.
o Create a public platform for matching supply and requirements.

Tracking of individuals with digital tools 1/3

✦ In the case of voluntary digital tracking measures, guarantee the free and informed consent of the persons involved.

✦ **For any tracking measure, set and publish a strictly limited legal period of application and guarantee the conditions of its reversibility.**

✦ On the technical front, do not rely on automatic technical extensions of tracking measures. Provide for individual tracking measures to be automatically deactivated after the end of the legal period of application, and provide for the means for this to be publicly announced.

✦ **Assess the necessity and proportionality of the measures at regular intervals. Define effectiveness criteria and assess them on a regular basis.**

Tracking of individuals with digital tools 2/3

✦ Because of the intrusive and mass nature of the tracking measures, implement specific and appropriate methods to guarantee their safety and prevent any misuse.

✦ Enable individuals to report errors, to receive a response to their complaint and to take legal proceedings for any damage incurred.

✦ In case of voluntary adhesion, ensure that individuals are able to withdraw and to have the data collected about them deleted.

✦ **The specific tracking apps must be certified by public authorities and audited.**

Tracking of individuals with digital tools 3/3

- In the design and implementation of monitoring methods, ensure that the minimum quantity of data necessary for the purpose is collected and processed, and that preference is given to the measures that are the least intrusive and most consistent with individual freedoms (local storage, anonymization, controlled access to data, definition of the parties involved in data collection and processing, etc.).

- **Guarantee regular, freely accessible, fair and transparent information on the design, coding and use of digital tracking methods, their purpose and the intended use of the data collected.**

- Organise continuous institutional and democratic checks on digit tracking measures and any broadening of their application.

- Ensure that international exchanges of tracking data respect the European framework for data protection and privacy.

April 29, 2020: DEC communication

The DEC, in cooperation with the CCNE, is going to work on all the issues of digital ethics that arise in the context of the lifting of the lockdown.

However, it wishes to insist without delay on the importance of setting up a digital contact tracking application whose **sovereign control can be guaranteed to French and even European citizens**, as soon as a decision has been made on its ethical qualities, in complete independence and transparency, **for the time of the health crisis but also in the long term.**

April 30th, 2020: new government referral

The de-confinement strategy […] rests on three pillars: **protect, test and isolate.**

The implementation of this strategy will mobilise **numerous digital tools**, whether they are existing and whose use will be extended, or whether they constitute new instruments that are currently being developed.

In this context, we would like the digital ethics committee to be able to **examine the ethical questions related to the design, implementation and use of these tools** so that the reflections that it may formulate can shed light on the work of the coming weeks but also on the debates on the use of these tools.

May 14th: DEC opinion (elements) 1/2

Despite the emergency context in which they are deployed, guarantees must be provided as to the **robustness and safety** of these tools.

Experimentation is therefore essential and must be extended throughout their deployment and use. In addition, audits must be conducted by trusted third parties.

The Committee also stresses the importance of aiming for **interoperability** between the different tracing applications deployed at **national or international level**.

May 14th: DEC opinion (elements) 2/2

The **combination of different information systems**, in particular when some process anonymised data while others process non-anonymised data, can make it more complex to guarantee **confidentiality** and therefore requires particular vigilance.

Health teams and the different actors using the information collected by these systems must be **made aware** of these issues.

July 21, 2020: Ethical issues in the fight against disinformation and misinformation

During the health crisis caused by the SARS-CoV-2 epidemic, the isolation of individuals due to confinement, the anxiety caused by the seriousness of the situation, and the uncertainties and controversies linked to the lack of knowledge about this new virus **exacerbated both the need for reliable information and the circulation of misinformation and disinformation.**

This crisis has therefore led some platforms to step up their content moderation work.

The selection, promotion or reduction of the visibility of certain information exchanged on digital platforms is in tension with the respect of freedom of information and expression.

July 21, 2020: Ethical issues in the fight against disinformation and misinformation

I. MODERATION TOOLS AND VIRALITY MECHANISMS

   - Automatic tools to fight online disinformation and misinformation spread.
   - Virality mechanisms
      a) Platforms' business model encourages virality
      b) Viral mechanisms and the role of users

II. THE ROLE OF THE AUTHORITIES

   - The authority acquired by the platforms
   - The authorities on which the platforms depend

Need of human moderation to check the results generated automatically by the content analysis algorithms

July 21, 2020: Ethical issues related to digital tools in telemedicine and telecare in the COVID context 1/2

Offer training in professional telemedicine practices for healthcare professionals, covering the technical aspects and specificities of this new medical practice and to raise awareness among healthcare professionals of the ethical issues involved in the use of digital tools.

Ensure that, despite the constraints linked to the health emergency situation and the use of remote communication devices, *information and free and informed consent of the patient are respected*.

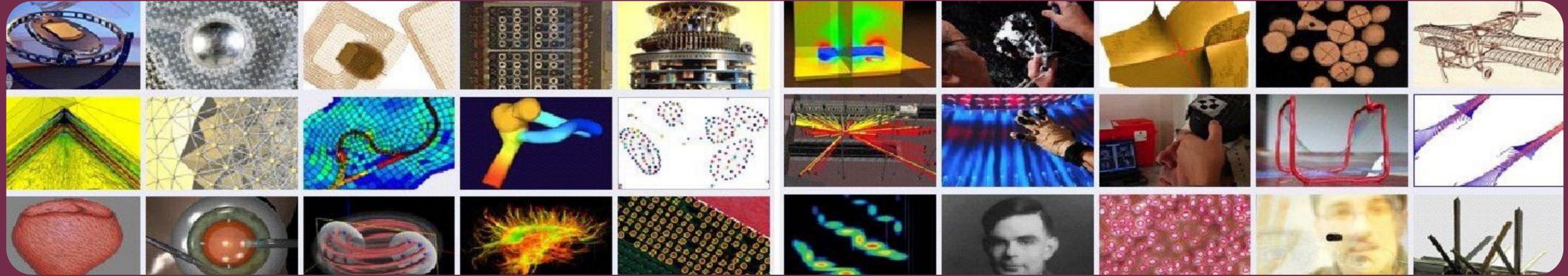# July 21, 2020: Ethical issues related to digital tools in telemedicine and telecare in the COVID context 2/2

<u>Inequalities in access to telemedicine constitute a real ethical issue,</u> particularly for populations in precarious situations. Concrete actions could help to reduce this prejudice, for example by developing spaces dedicated to teleconsultation, such as in pharmacies or other local places, and/or by using local intermediaries who are used to using IT tools, such as certain local administrations, care assistants or associations.

Beyond the urgency of the health crisis, *<u>raise awareness</u>* of the risks associated with the flow of digital data and the use of data collected *<u>in the context of teleconsultations using non-secure tools</u>*.
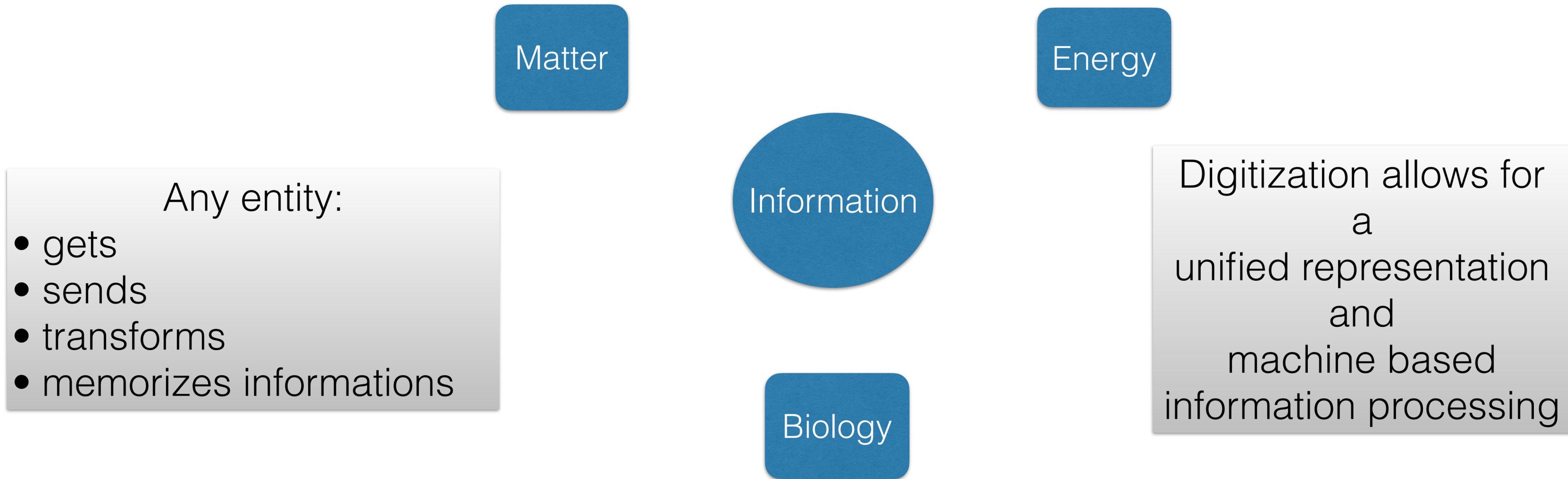
Final remarks

- Huge and dense work on a long and complex period (7 months)

- Work performed under strong time constraints

- Very important involvements of DEC members (all volunteers)

- Good impacts but can (should!) be better

- A LOT of other topics to be investigated (security, justice, work, learning, …)

- **Strong interest to collaborate with other similar committees, in particular at the European level**

Danke
Thank you
Merci

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Information, a fundamental concept

Matter

Energy

Information

Any entity:
- gets
- sends
- transforms
- memorizes informations

Digitization allows for a
unified representation
and
machine based
information processing

Biology

N. Wiener (1948): "*Information is information, not matter or energy. No materialism which does not admit this can survive at the present day.* » Cybernetics: or Control and Communication in the Animal and the Machine (1st. ed. 1948). Cambridge, MA: MIT Press. Page 132.