Artificial Intelligence & Privacy in the Workplace
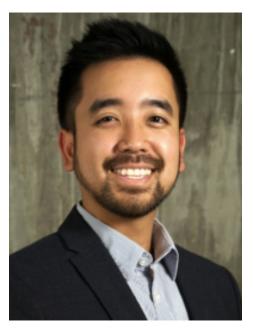
ADR SERVICES, INC.

December 2, 2021 | Noon - 1:30 pm | Webinar

NATALIE A. PIERCE, ESQ. | VINHCENT LE, ESQ. | PHYLLIS W. CHENG, ESQ.

Speakers

Natalie A. Pierce, Esq.
Gunderson Dettmer
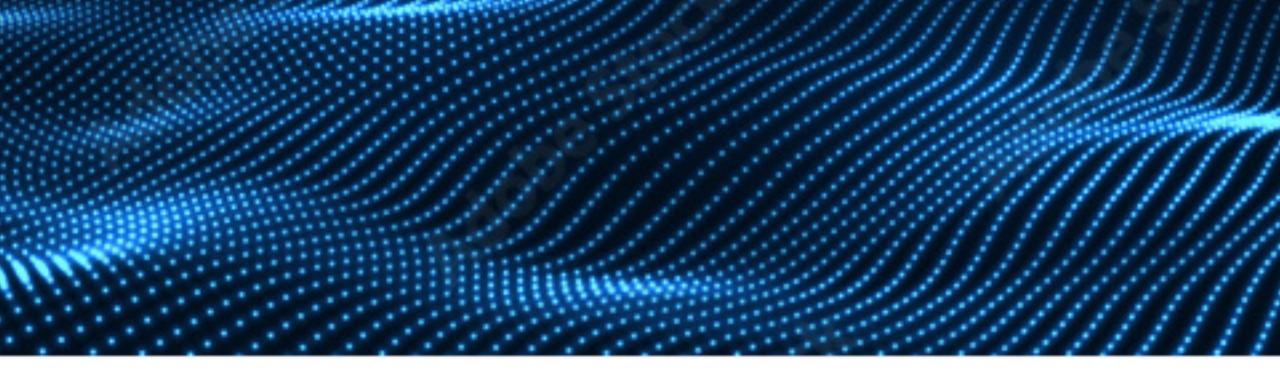
Vinhcent Le, Esq.
The Greenlining Institute

Phyllis W. Cheng, Esq.
ADR Services, Inc.

OVERVIEW

- AI Uses for Employers

- Legal and Ethical Issues Associated with AI

- EEOC Increased Focus on AI and Algorithmic Fairness

- Regulatory Outlook

- Recommendations on Leveraging AI

AI Uses for Employers

Remote Workforce Management

- Advantages and Disadvantages

- Impact of COVID-19 Pandemic

- Future of Remote Work – the "New Normal"?

Human Resources

- Leveraging AI-Powered Tools to Assist with HR Functions

- AI Risks (including algorithm bias)

Flight Training

- Military Use of Augmented Reality (AR)

- Benefits of this Type of Training

Financial Industry

- Algorithmic Lending, Predictive Modeling

- Increasing Access to Underbanked/Financial Inclusion

- Algorithmic Bias in Lending

- Fraud Prevention

Education & Academia

- Plagiarism/Potential Cheating on Exams

- Admissions

HEALTHCARE

- Tracking Employee Health Status, Contact Tracing, or Recent Travel

- Managing Employee/Employer Insurance Costs

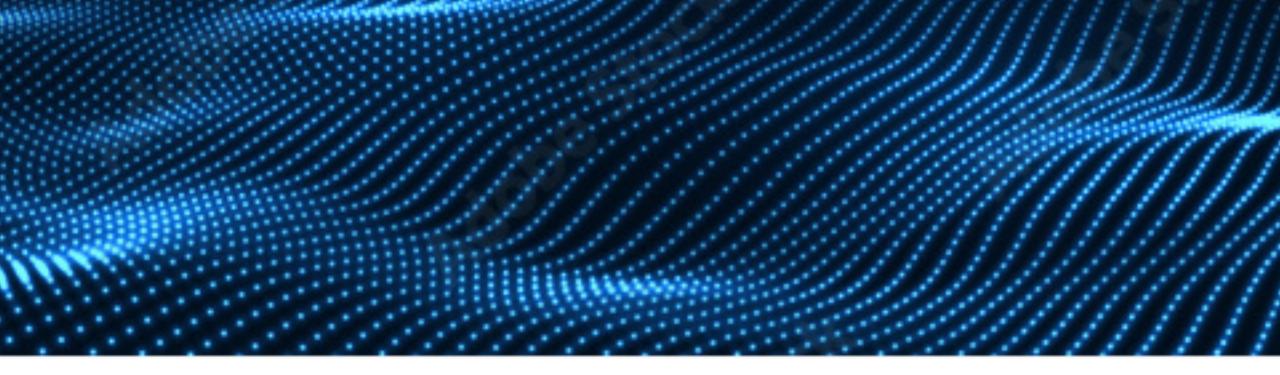- Automated Patient Care/Drug Discovery

Legal Field

- eDiscovery

- Automated Legal Processes

- Impact on Future Pricing Models

Transportation Industry

- Self-Driving Cars

- Driver Monitoring

- Transportation Platforms

Legal & Ethical Issues Associated with AI

Intellectual Property

- Protecting the Algorithm and Data

- Considerations for Obtaining IP Protections

Privacy

- Personally Identifiable Information (PII)
- Applicable Data Rules
- Biometrics
- Data Retention Concerns
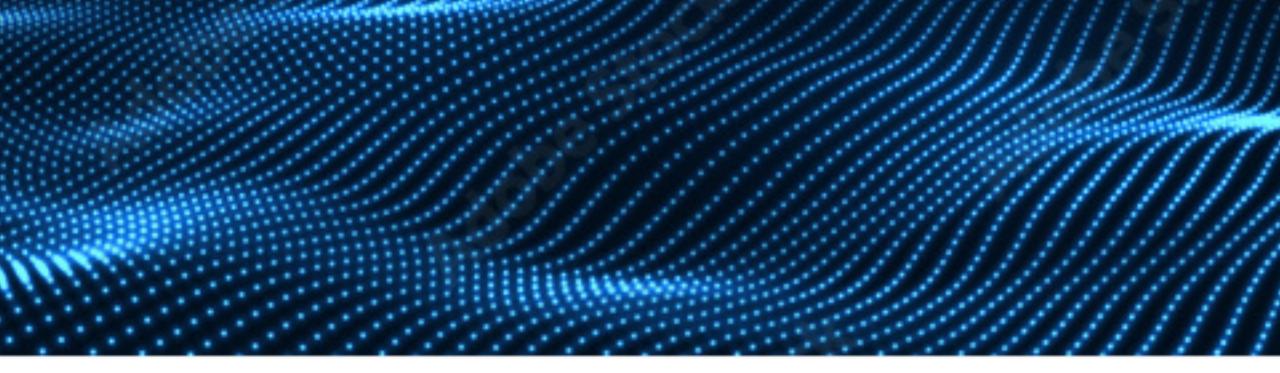
Attorney Professional Responsibility

- Duty of Competence

- Understanding AI

- Advising Clients on AI

Broader Ethical Concerns + Risk of AI Bias

- Disparate Impact

- Considerations Prior to Adoption:

- Fairness/Non-Discrimination

- Optimization Criteria

- Training Data

- Due Process/Transparency

- Workers Rights/Impact in Recruiting

EEOC's Increased Focus on Artificial Intelligence and Algorithmic Fairness

EEOC Press Release

"Artificial intelligence and algorithmic decision-making tools have great potential to improve our lives, including in the area of employment . . . At the same time, the EEOC is keenly aware that these tools may mask and perpetuate bias or create new discriminatory barriers to jobs. We must work to ensure that these new technologies do not become a high-tech pathway to discrimination."
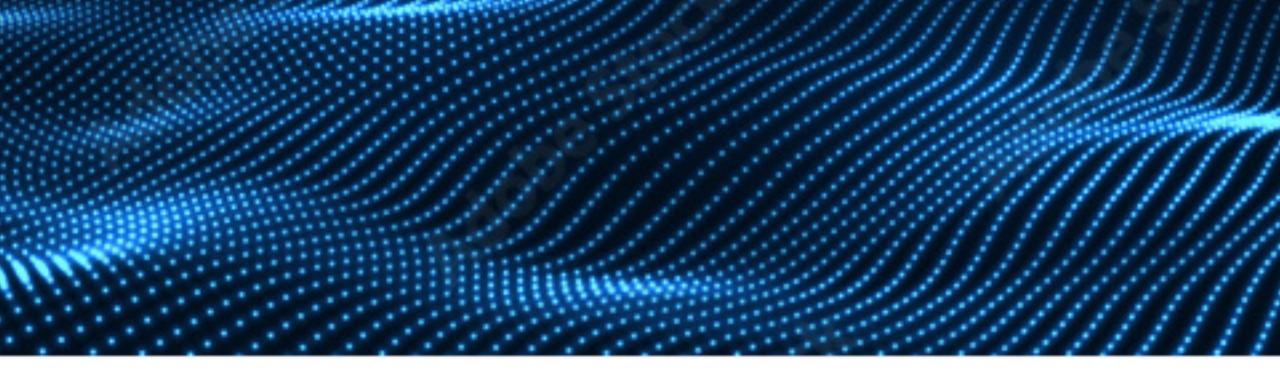
- October 28, 2021

EEOC Initiative

- Establish an internal working group to coordinate the agency's work on the initiative;

- Launch a series of listening sessions with key stakeholders about algorithmic tools and their employment ramifications;

- Gather information about the adoption, design, and impact of hiring and other employment-related technologies;

- Identify promising practices; and

- Issue technical assistance to provide guidance on algorithmic fairness and the use of AI in employment decisions.
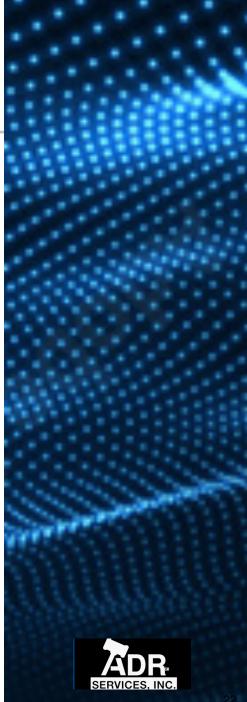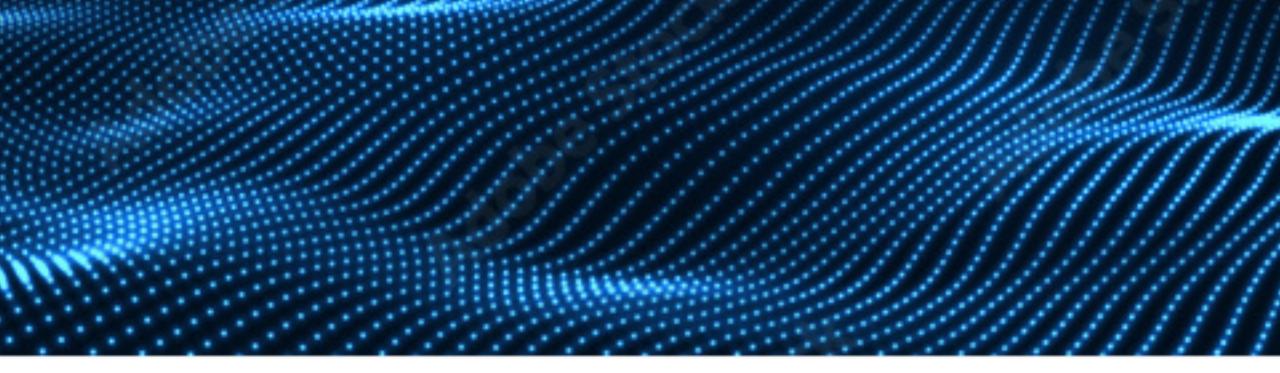
Regulatory Outlook

Recent & Upcoming AI Developments

- European Union (EU)

- U.S. Federal Trade Commission (FTC)

- U.S. Consumer Financial Protection Bureau (CFPB)

- U.S. Department of Housing & Urban Development (HUD)

- California Privacy Protection Agency (CPPA)

- California Department of Fair Employment and Housing (DFEH)
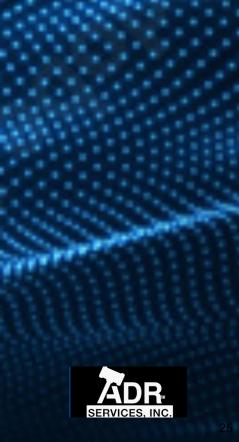
Recommendations for Leveraging AI

Design around risk management and non-discrimination

- Multi-Disciplinary AI teams

- Strategy and Model for Adopting AI

- AI-Blindspots

Human-Machine Teaming

- Leveraging Respective Strengths

- Best Practices: Periodic Evaluations

Cybersecurity

- Importance of Strong Cybersecurity Plan

- Integral Part of AI-Adoption Strategy

Questions & Thank You

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