

AI in the Media Sector: Snapshot of Legal and Ethical Trends

Noémie Krack & Emine Ozge Yildirim
KU Leuven Center for IT&IP
Researchers

AI systems in media



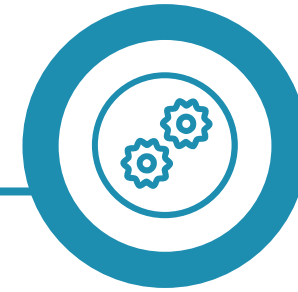
Content creation

- Deep fakes
- Automated journalism
- New sound, music, images,...
- Artwork creation



Content Production

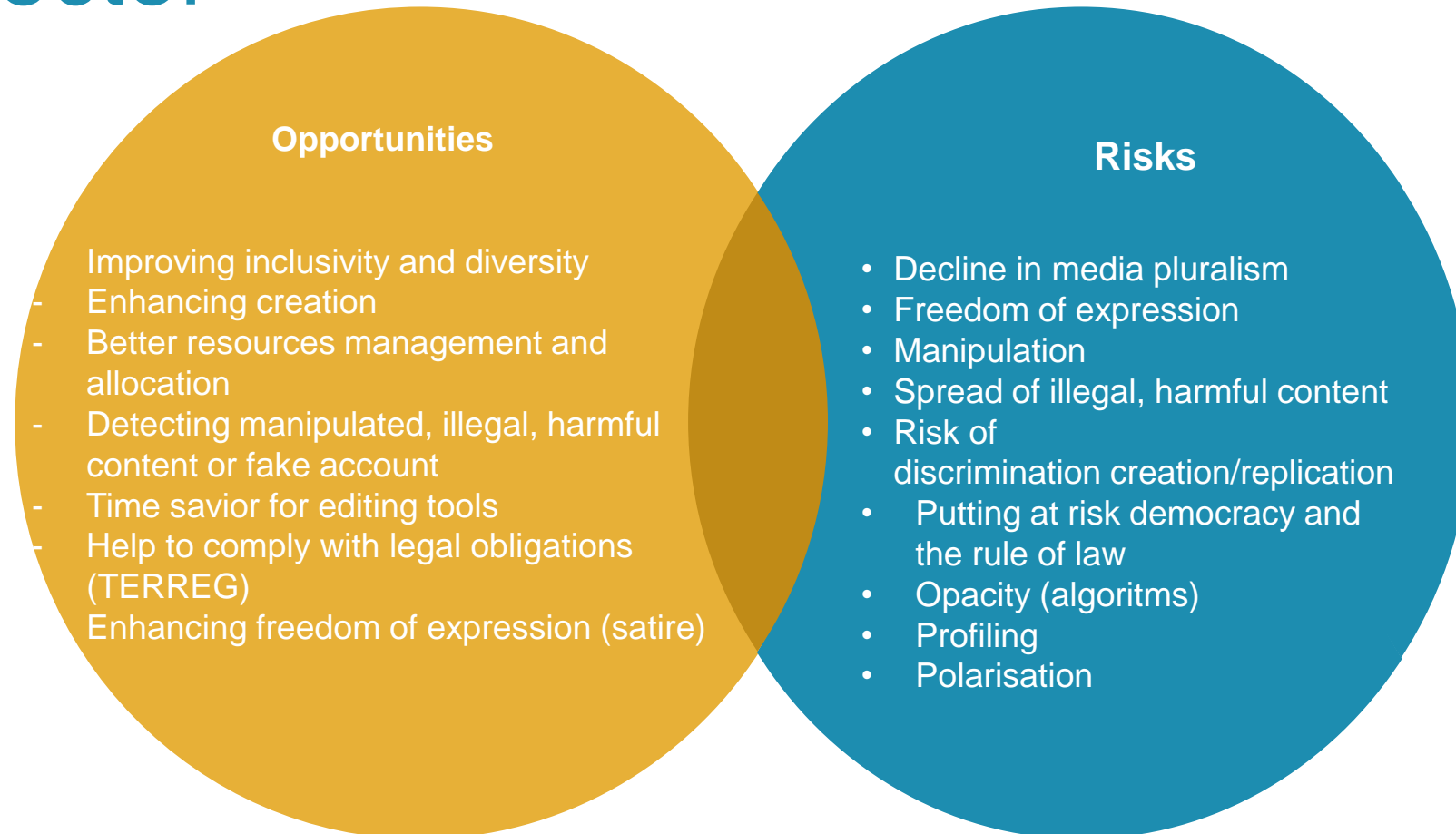
- AI-based tools for editing content
- Smart assistant
- Content synthesis and generative design processes (video games)
- Automatic subtitling
- Tool to transcribe videos
- Fact checking tools
- Support in research



Content dissemination and organisation

- Profiling
- Content organisation
- Content moderation
 - Detection
 - Decision
- Recommender systems
- Monetising content

AI systems risks and opportunities for the media sector



Challenges for all HLEG key requirements for trustworthy AI

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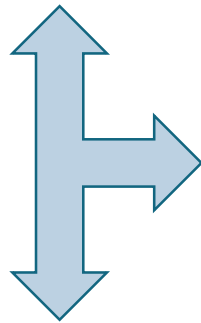
Council of Europe Study showed how AI has an impact on all fundamental rights, democracy and the rule of law.

=> Transversal and horizontal impact

Trustworthy AI: HLEG Guidelines

Requirements for Trustworthy AI

Lawful



Ethical

Robust

4 Principles

- Respect for Human Autonomy
- Fairness
- Explicability
- Prevention of Harm

7 Requirements

- ✓ Human Agency and Oversight
- ✓ Technical Robustness and Safety
- ✓ Privacy and Data Governance
- ✓ Transparency
- ✓ Diversity, Non-Discrimination, and Fairness
- ✓ Societal and Environmental Well-being
- ✓ Accountability



Snapshot of legal and ethical trends

Existing and forthcoming Policy and Legal Initiatives

❑ Plethora of policy documents



❑ Existing legislation already applicable to AI

..... **BUT** insufficient to address the specific challenges AI systems may bring.



❑ Legislative proposals :

- EU AI ACT package
- Council of Europe : potential convention
- ...



Human Autonomy to Mental Autonomy

Human Rights Law

- Charter Art. 3(1)
- ECHR Art. 9
- UDHR Art. 18

HLEG

- Respect for human autonomy

Current Legislative/Policy Framework

- AI Act Proposal Art. 5
(Prohibited practices)

The mind is terra incognita

Freedom of thought and mental autonomy in the face of manipulation?

Cognitive harms?

Supraliminal influence?

Trust in media (online platforms and recommender systems?)

Transparency

HLEG work?

- Explicability principle
- Transparency requirement

Media challenge

- Difficult access to data + hinder research
- Opacity
- Back box algorithm

Transparency core value of EU's work on AI



Current proposals and impact AI systems used in Media

Snapshot Transparency, AI and Media

❑ AI ACT

- High Risk - Article 13 (explicability)
- Limited risks Article 52 => (communication) deep fakes, bots

❑ DSA

- Recommender system + targeted advertising
- Transparency report
- Risks assessment
- Access to data and explanation to algorithm

❑ EDAP

- **measures to limit the artificial amplification** of disinformation campaigns
- Ensure an effective **data disclosure** for **research** on disinformation

❑ DMA

- Algorithmic transparency is key for solving the unfair practices issues of gatekeepers
- Self-preferencing
- Content prioritization

❑ **Guidance to strengthen the Code of Practice on disinformation**

- Transparency of recommender systems criteria used for prioritising or deprioritising information
- Need to empower user by providing an option to customise the ranking algorithms

Conclusion

Initiatives impacting the media sector going in the right direction => towards more trustworthiness for AI?

- From ethics principles into legal obligations
- Vague definitions?
- Future-proofed?
- Are fundamental rights provided adequate protection? (Or is that what policymakers seek to do with current initiatives?)
- Culture of trustworthy AI

EP resolution on AI in education, culture and media (May 2021)

- Specific set of rules for media + clear ethical framework
- Strict limitation Targeted advertising and ban cross-platform behavioural advertising.
- More transparency and empowerment for users