



PRINCIPLES FOR PROTECTION OF USERS IN THE INTELLIGENT INFORMATION SOCIETY – COMMENTS FROM BSA | THE SOFTWARE ALLIANCE

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Introduction and Summary of Comments

BSA | The Software Alliance (**BSA**)¹ thanks the Korea Information Society Development Institute (the **Institute**) for this opportunity to comment on the discussion paper on Principles for Protection of Users in the Intelligent Information Society (the **Draft Principles**).

BSA is the leading advocate for the global software industry before governments and in the international marketplace. Our members are at the forefront of software-enabled innovation that is fueling global economic growth, including cloud computing, data analytics, and artificial intelligence (**AI**) products and services.

As leaders in the development of cutting-edge technology, BSA's members have unique insights into both the tremendous potential of these new technologies and the government policies that can best support the responsible use and ensure continued innovation of such technologies. To that end, BSA has identified five pillars that are crucial to the development of responsible AI and other emerging technologies. These pillars, with which the Draft Principles are broadly aligned, reflect how both industry and government have important roles to play in promoting the benefits and mitigating the potential risks involved in the development, deployment, and use of such new technologies:

1. **Building Confidence and Trust in AI Systems:** Highlighting industry efforts to ensure AI systems are developed in ways that maximize fairness, accuracy, data provenance, explainability, and responsibility.
2. **Sound Data Innovation Policy:** Promoting data policies that are conducive to the development of AI and other new data-driven technologies including reliable legal mechanisms that facilitate cross-border data transfers, legal certainty for value-added services (e.g., text and data mining, machine learning), and enhanced access to non-sensitive government data.

¹ BSA's members include: Adobe, Akamai, Amazon Web Services, Apple, Autodesk, AVEVA, Bentley Systems, Box, Cadence, Cisco, CNC/Mastercam, DataStax, DocuSign, IBM, Informatica, Intel, MathWorks, Microsoft, Okta, Oracle, PTC, Salesforce, ServiceNow, Siemens PLM Software, Sitecore, Slack, Splunk, Symantec, Synopsys, Trend Micro, Trimble Solutions Corporation, Twilio, and Workday.

3. **Cybersecurity and Privacy Protection:** Advocating for policies that strengthen enhanced security measures and respect informed consumer choices while ensuring the ability to deliver valuable tailored products and services.
4. **Research and Development:** Supporting investment in efforts that foster confidence and trust in AI systems, promote coordination and collaboration between industry and government, and help grow the AI workforce pipeline.
5. **Workforce Development:** Identifying opportunities for government and industry to collaborate on initiatives to prepare the workforce for the jobs of the future.

BSA welcomes the Draft Principles as an excellent effort to strengthen Korea’s role as a global leader in ethical and responsible development of innovative technologies. Overall, the Draft Principles are a step in the right direction, providing a balanced approach between user protection and industry promotion in Korea.

Detailed Comments

While the Draft Principles provide an important foundation for Korea’s discussion on AI ethics and governance, the principles can benefit from further clarification and the incorporation of additional considerations to better align with emerging international best practices. In this regard, BSA offers the following comments and recommendations to the Draft Principles which focus on important aspects for creating a user oriented and trusted AI ecosystem.

A. Explicitly Recognize that Draft Principles should be Flexible and Risk-Based

The responsible use of AI and other new technologies has the potential to spur tremendous economic growth across every sector, improve human decision-making, and enable cutting-edge breakthroughs on some of the world’s most pressing challenges. Of course, like other ground-breaking innovations, AI systems that are not developed and used in responsible manner can create a risk of unintended consequences. Because the risks implicated by an AI system are inherently context-specific, the Draft Principles must be sufficiently flexible to account for the nuances that are implicated by specific use cases and for the multiple stakeholders involved in the development, deployment, and use of AI and new technologies.

In this regard, **BSA recommends the following approaches and mechanisms are incorporated in to Draft Principles to ensure such flexibility:**

- Explicitly promote technology-neutrality to create a robust and competitive AI and emerging technology ecosystem.
- Take a “risk-informed” approach to frameworks developed. For example, transparency or explainability principles should be informed by risk, and the expectation for explainability could be scaled up for systems that create significant risks to people.
- Acknowledge that there is no one-size-fits all approach to governing AI systems. Frameworks should therefore avoid over focusing on compliance, or overly prescriptive requirements.
- Ensure that multi-stakeholder engagement processes and structures are present as they are critical to the development of sound AI and emerging technology policy.

B. Incorporating the “Promotion of Trust” as an Underlying Aim of the Draft Principles

The Draft Principles should explicitly include the promotion of trust as a key underlying aim. The complexity of AI and other emerging technologies, which are designed to identify patterns that

humans may not be otherwise extrapolate, makes it challenging to explain how certain results were achieved. Therefore, as these technologies are deployed, it is important to increase awareness of AI systems amongst consumers and provide meaningful information to enhance consumer understanding of these systems. At the same time, research has shown that disclosing the algorithms, source code, or associated data sets is ineffective in helping to provide explanations, in part because they cannot be meaningfully understood in isolation.

The Draft Principles could therefore be enhanced by incorporating further considerations into the concepts of “transparency”, “explainability”, and “non-discrimination” that could aid the facilitation of increased understanding and trust in the technology. In this regard, **BSA recommends the inclusion of the following principles and considerations:**

- **Fairness** should be included as the main underlying consideration to the Draft Principle of “*Non-discrimination*” and measures should focus on evaluating AI systems to help recognize improper or unconscious bias.
- **Responsibility.** The Draft Principle of “Responsibility” should also include the concept that organizations consider including processes to address unexpected issues that may arise after AI products and services are deployed.

BSA further recommends the inclusion of the following *additional* principles focused on the data, into the Draft Principles:

- **Accuracy.** Acknowledge the importance of data quality and, where feasible, identify sources of error in data inputs and system outputs.
- **Data provenance.** Consider measures that could facilitate evaluation and documentation of data used to train AI systems, how data is collected, and how data is used over time within AI systems, consistent with any other data retention obligations.

BSA has also provided examples of how organizations that use or deploy AI and other new technologies can enhance understanding and build trust in AI systems. These include conducting in-house testing and evaluation of AI systems to ensure they meet their specified goals, and developing mechanisms for consumers to request information, obtain guidance, and address potential concerns. For more information, please refer to BSA’s document on *Building Confidence & Trust in Artificial Intelligence Systems*.²

C. Including Principles that Promote Innovation

In addition to the focus on establishing principles for the protection of users through risk mitigation, the Institute should consider including principles that seek to promote the benefits of AI. This is also consistent with the Draft Principles’ broader recognition on the need to “accelerate the development of the intelligence information society” by encouraging adoption of cutting-edge and innovative services and solutions.

BSA recommends the inclusion of additional principles that promote innovation in data and intelligent services, specifically:

- Explicitly ensuring the **free movement of data within and across borders**; and
- Promotion of innovation by **increasing the availability of non-sensitive government data and eliminating barriers to create a more flexible environment for data analytics.**

BSA has also considered how AI innovation can be spurred through sound data policies. For more information, please refer to BSA’s document on *Spurring AI Innovation with Sound Data Policy*.³

² Information can be found at the following website: <https://ai.bsa.org/>

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Conclusion

BSA is grateful for the Institute's consultative process in developing the Draft Principles. We hope that our comments will support the Institute's efforts to promote a trusted and ethical deployment and use of AI.

Please do not hesitate to contact us if you have any questions or comments regarding our suggestions. We remain open to further discussion and look forward to further opportunities to work with the Institute on the development of the Draft Principles as well as on broader emerging technology issues in Korea.

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