April 18, 2022

ACT ON ALGORITHMS AND ARTIFICIAL INTELLIGENCE [13509] COMMENTS FROM BSA | THE SOFTWARE ALLIANCE

BSA | The Software Alliance (BSA) would like to express our gratitude to Lawmaker Yoon Young-chan's office and the National Assembly's Science, ICT, Broadcasting, and Communications Committee (**SIBCC**) for giving us an opportunity to deliver our position on the Bill for the Act on Algorithms and Artificial Intelligence (Draft No. 13509) (the **Bill**).

BSA is the leading advocate for the global software industry before governments and in the international marketplace. Our members[1] 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 their responsible use and ensure continued innovation of such technologies.

We are encouraged that the Bill seeks to build public confidence in AI by promoting the benefits of AI and implementing safeguards for high-risk AI. AI has the potential to generate substantial economic growth and enable governments to provide better and more responsive government services, while addressing some of the most pressing societal challenges. In this regard, we provide the following recommendations to the Bill:

Recognize different responsibilities of "AI Developing Businesses" and "AI Service Providers"

AI regulations should allocate responsibilities in a manner that corresponds to the capabilities of the stakeholders that may be involved in the development (i.e., AI Developing Businesses), deployment and use (i.e., AI Service Providers) of AI systems. The Organization for Economic Co-operation and Development (**OECD**) recognized the critical importance of distinguishing the multiple stakeholders involved in AI when it adopted the principles underlying the Recommendation of Council on Artificial Intelligence (**Recommendation**).[2] Specifically, the Recommendation recognizes that effective AI policies must necessarily account for "stakeholders according to their role and the context" in which AI is being deployed. Distinguishing the developer of an AI solution, or of part of an

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[1] BSA's members include: Adobe, Alteryx, Altium, Amazon Web Services, Atlassian, Autodesk, Aveva, Bentley Systems, Box, Cisco, CNC/Mastercam, Dassault, DocuSign, Dropbox, IBM, Informatica, Intel, MathWorks, Microsoft, Nikon, Okta, Oracle, PTC, Rockwell, Salesforce, SAP, ServiceNow, Shopify Inc., Siemens Industry Software Inc., Splunk, Trend Micro, Trimble Solutions Corporation, Twilio, Unity Technologies, Inc., Workday, Zendesk, and Zoom Video Communications, Inc.

[2] Recommendation of the Council on Artificial Intelligence, May 2019, https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0449. Per the Recommendation, the AI stakeholder community "encompasses all organizations and individuals involved in, or affected by, AI systems, directly or indirectly."

AI solution, from the deployer of said AI solution would be helpful to both entities as they carry out risk assessments to determine the appropriate measures to adopt for AI development, deployment and use. Relatedly, any obligation (and associated liabilities) should fall on the entity with the closest nexus to the user of the AI service, as such entity would be best positioned to both identify and efficiently mitigate the risk of harm that gave rise to the need for a regulation.

The Bill draws a similar distinction between AI Developing Businesses (entities engaged in economic activities related to the development of algorithms and AI), and AI Service Providers (entities which provide services to users using algorithms and AI). However, some articles in the Bill, such as Articles 5 and 19, do not clearly allocate the responsibilities of these different stakeholders. This is potentially problematic as AI Developing Businesses, unlike AI Service Providers, generally will not have access to the input data that was used by the AI systems to render a decision, and therefore cannot properly fulfill user-facing obligations (e.g., responding to user requests for more information under Article 19). Furthermore, an AI Developing Business might provide only a part of an AI solution or a general purpose (part of) an AI solution. On the other hand, there are also circumstances in which an AI Developing Business and AI Service Provider are the same entity. For instance, if a company develops an in-house AI system and proceeds to deploy it in the course of its business operations, it is both an AI Developing Business and AI Service Provider.

In light of the above considerations, as a matter of general practice, BSA urges the Lawmaker's office and the SIBCC to: 1) consider, when setting out obligations in the Bill, whether an AI Developing Business or AI Service Provider is best placed to discharge the obligation; and 2) clearly state in the provisions which entity the obligation would apply to.

BSA also recommends making clear in the definition of "AI Service Provider" that there are circumstances where an AI Developing Business may also be an AI Service Provider, and therefore be subject to the same obligations, if it provides a service directly to users using the AI system that it developed in-house.

Align definition of AI with the OECD

Original	Suggestion
Article 2 (Definition) (2) The term "artificial intelligence or AI" refers to the intellectual abilities of human beings implemented, including learning, reasoning, perception, judgment, and understanding of natural language, in an electronic means.	**Article 2 (Definition)** (2) The term "artificial intelligence or AI" refers to ~~the intellectual abilities of human beings implemented, including learning, reasoning, perception, judgment, and understanding of natural language, in an electronic means~~ a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments.
Explanation: AI systems are developed and deployed in an international context. It follows that the regulations and standard that apply to AI and ADM should operate across different jurisdictions, to facilitate and promote further adoption and use of AI technologies.	

In this regard, we propose using the OECD's definition of AI. In its Recommendation, the OECD defines AI as "a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments". This definition has been referenced by regulators worldwide, including the European Union.[3] Using a recognized and international definition, such as the OECD's, could facilitate international alignment, dialogue, adoption and compliance.

Definition of high-risk AI should be more specific

Original	Suggestion
Article 2 (Definitions) (3) The term "high-risk AI" means AI that falls under any of the following items, which has a significant impact on the public life, physical safety, and protection of basic rights.	**Article 2 (Definitions)** (3) The term "high-risk AI" means AI that: (i) falls under any of the following items,; and (ii) which has poses a direct, substantial risk of harm to significant impact on the public life or, physical safety of individuals, or to and protection of the basic rights guaranteed to citizens of the Republic of Korea.

Explanation:

To make the policy intention clearer, we propose stating specifically that high-risk AI refers to AI that is used in a manner that poses a substantial risk of "harm" to a person's life, health, safety, or basic rights. BSA also notes that the requirements for determining what is high-risk AI should apply cumulatively i.e., the AI must: (a) harm a person's safety/infringe on basic rights; AND (b) fall within a specific category to be deemed "high-risk". This avoids situations where low-risk AI (e.g., payroll processing AI) that are used in "high-risk" industries (e.g., major infrastructure) are categorized as "high-risk AI" by default.

Separately, we are also concerned that the instances of high-risk AI in Article 2(3) are overly broad and vague. In particular, "AI associated with human life" could refer to a wide range of matters, ranging from AI used in human resource management to AI used in healthcare. We recommend refraining from using broad, "catch-all" provisions such as this, as it generates significant regulatory uncertainty.

Clarify the definition of "users"

Original	Suggestion

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[3] The European Union's draft Artificial Intelligence Act currently defines "artificial intelligence system" as "software that … can, for a given set of human-defined objectives, generate outputs such as content, predictions, recommendations, or decisions influencing the environments they interact with".

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Article 2 (Definitions)	Article 2 (Definitions)
(6) The term "user" means a person who is provided with a technology or service from AI service provider.	(6) The term "user" means a person who is provided with a technology or service from an AI service provider, and who uses the technology or service as the final user of the technology or service and not as an input to a product or service that the person provides to another person.

Explanation:

The existing definition of "user" leaves open the possibility that that user itself could be considered an "AI Service Provider". **The proposed edits to the definition seek to ensure that "users" are not also considered to be "AI Service Providers".** Otherwise, this would result in tremendous uncertainty for all entities in the AI technology and service ecosystem, particularly "AI Service Providers" and "users", as to which entity will need to be responsible for complying with the Bill's substantive requirements.

Establish mechanisms for redress and stipulate the relief available under such mechanisms

Original	Suggestion
Article 5 (Basic Principles of Algorithm and Artificial Intelligence Development)	**Article 5 (Basic Principles of Algorithm and Artificial Intelligence Development)**
(3) AI Developing Businesses and AI Service providers must fairly ensure the rights of users throughout the process of developing and using algorithms and AI and must actively provide aid in the event that causes damage to users.	(3) ~~AI developing businesses and~~ An AI Service Provider~~s~~ that uses high risk AI to provide services to users should ~~must fairly ensure the rights of users throughout the process of developing and using algorithms and AI and must actively provide aid in the event that causes damage to users~~ establish accessible mechanisms for redress in case of any harm or adverse impact arising from decisions made by the AI service provider's AI systems.
	(4) The relief available under the redress mechanisms in Paragraph (3) shall be prescribed by the Presidential Decree.

Explanation:

The development, deployment, and use of AI systems must be fair. In this regard, the procedural dimension of fairness entails the ability to contest and seek effective redress against decisions made by AI systems and by the humans operating them. BSA understands this to be the policy intention behind Article 5(3) and as such proposes amendments requiring the establishment of accessible mechanisms for redress.

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BSA further recommends **that the responsibility of responding to user requests should lie with the AI Service Providers.** AI Service Providers are the entities that interact directly with users, and as such are best placed to provide redress to aggrieved users. It should also be noted that if an AI Developing Business provides a service directly to users using the AI system that it developed in-house, it should also be considered an "AI Service Provider" in this context and is therefore obliged to provide a redress mechanism for users.

To provide further guidance for businesses, **BSA also suggests that the relief available under redress mechanisms should be prescribed by Presidential Decree.**

Remove the obligation to compensate users

Original	Suggestion
Article 6 (Basic Duties for AI Developing Business and AI Service Providers) (2) AI developing business and AI service providers must take measures to protect and compensate users	**Article 6 (Basic Duties for AI Developing Businesses and AI Service Providers)** ~~(2) AI developing business and AI service providers must take measures to protect and compensate users~~
Explanation: **BSA proposes to delete Article 6(2).** While we acknowledge that redress mechanisms should be in place to assist users of AI, we do not support providing users with the right to seek financial restitution when the circumstances for compensation are not clearly set out. In the case of Article 6(2), it is not clear what the users will be compensated for. Furthermore, the creation of new AI liability rules may not be necessary — existing tort law principles are technology-neutral and sufficient, and the introduction of new AI liability rules may lead to legal uncertainty and inconsistencies with existing laws.	

Remove requirements for AI Ethics Committee to conduct annual investigations and draw up internal compliance report

Original	Suggestion
Article 6 (Basic Duties for AI Developing Business and AI service providers) (4) AI developing business and service providers larger than the size prescribed by the presidential decree should internally have an Algorithm and AI Ethics Committee to comply with the basic principles of algorithm and AI technology development.	**Article 6 (Basic Principles for AI Developing Business and AI Service Providers)** (4) AI developing business and service providers larger than the size prescribed by the presidential decree should internally have an Algorithm and AI Ethics Committee to comply with the basic principles of <u>ethical</u> algorithm and AI technology development.

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(5) The Algorithm and AI Ethics Committee under paragraph 4 may annually investigate the composition of algorithms and the ethical validity of AI technology and draw up a compliance report accordingly.	~~(5) The Algorithm and AI Ethics Committee under paragraph 4 may annually investigate the composition of algorithms and the ethical validity of AI technology and periodically draw up an internal compliance report accordingly.~~

Explanation:

BSA proposes to delete Article 6(5). Paragraph (4) already states the purpose of the Algorithm and AI Ethics Committee, which is to ensure compliance with ethical AI principles. For that purpose, ethical AI committees typically review AI projects as early as project inception, and through its lifecycle. Performing an investigation annually will not serve the Committee's purpose. It is also unclear what the purpose of the annual compliance report would be, who it would be released to, and to what effect.

Align "technical standards" with international standards

Articles 8 and 9 of the Bill allows the Minister of Science and ICT to establish "technical standards" to "secure the stability, reliability, and interoperability of algorithms and AI technology". AI systems are developed and deployed in an international context. It follows that AI regulations and standards should ideally operate across different jurisdictions to facilitate and promote further adoption and use of AI technologies.

BSA urges that, in designing technical standards for AI, the Government should align them with internationally recognized standards, as opposed to developing a standalone, national standard. In addition to promoting trust, confidence, and marketplace efficiencies, internationally recognized standards have the added benefit of mitigating the risks that can accompany country-specific standards. The proliferation of national standards can undermine global commerce and stunt the development of technology in two related ways. First, it can give rise to a patchwork of inconsistent national standards that act as an unintentional barrier to international trade, making it more costly for companies to develop and sell their AI-related products and services to the global marketplace. Second, national standards can also serve as overt barriers to trade when they are manipulated to create unfair advantages for national firms, including with respect to participation by foreign firms.

In this regard, BSA is encouraged to see a reference to the International Organization of Standardization (**ISO**) in Article 9(3).[4] The ISO's Standards Committee on Artificial Intelligence[5] has completed work on 10 sets of standards, including on bias in AI systems and approaches to enhance trustworthiness in AI,[6] and is currently developing 27 additional standards. **BSA strongly encourages leveraging and supporting ISO's work in this regard and cautions against the development of a Korea-specific standard.**

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[4] Article 9(3) reads: The Minister of Science and ICT must maintain and strengthen the standardization of algorithms and AI technology or the cooperation system with the International Organization for Standardization.

[5] See ISO/IEC JTC 1/SC 42 at https://www.iso.org/committee/6794475.htm.

[6] See ISO/IEC TR 24027: 2021 (Bias in AI systems and AI aided decision making) at https://www.iso.org/standard/77607.html?browse=tc and ISO/IEC TR 24028:2020 (Overview of trustworthiness in artificial intelligence) at https://www.iso.org/standard/77608.html?browse=tc.

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Support copyright exception to facilitate AI innovation

Original	Suggestion
Article 14 (Replication and Transmission for Information Analysis) (1) Works can be replicated and transmitted within the necessary limits when it is intended to generate additional information or value by collecting and analysing (extracting or learning information such as rules, structures, tendencies, correlations, etc.) a large amount of information including myriad works using computers, etc., without possessing the thoughts or emotions expressed in the work.	**Article 14 (Replication and Transmission for Information Analysis)** (1) Works subject to copyright protection can be ~~replicated~~ reproduced and transmitted ~~within the necessary limits when~~ for the purposes of performing a computational analysis that ~~it~~ is intended to generate additional information or value by collecting and analysing (extracting or learning information such as rules, structures, tendencies, correlations, etc.) a large amount of information including myriad works using computers, etc., without possessing the thoughts or emotions expressed in the work.

BSA is strongly supportive of this exception. We agree that the Copyright Act should be updated to account for technological transformations and ensure that Korean business are well-positioned to leverage AI. Implementing a specific copyright exception for reproductions created as part of the machine learning process (e.g., to create a corpus of training data for the AI system) would provide greater legal certainty and encourage AI innovation.

There is also an emerging international norm to provide explicit copyright exceptions for "text-and-data mining" (EU), "data analysis" (Japan), or "computational data analysis" (Singapore):

- **EU – "Data Mining":** In April 2019, the European Council formally adopted the Directive on Copyright and Related Rights in the Digital Single Market.[7] Articles 3 and 4 of the Directive create two broad exceptions that authorize AI researchers to make reproductions that are needed for the purposes of carrying out "any automated analytical technique aimed at analysing text and data in digital form in order to generate information which includes but is not limited to patterns, trends and correlations." Importantly, the Directive clarifies that Articles 3 and 4 are without prejudice to existing exceptions and limitations that may already allow for reproductions that are necessary for machine learning."

- **Japan – "Data Analysis":** In May 2018, the Diet passed the Copyright Law Amendment Act, allowing users to "exploit" any copyrighted work for non-consumptive purposes, including for "data analysis (meaning the extraction, comparison, classification, or other statistical analysis of the constituent language, sound, or image data)" and "computer data processing".[8]

- **Singapore – "Computational Data Analysis"**: In September 2021, Singapore updated its Copyright Act to include an exception for "computational data analysis", which covers reproductions that are necessary for the purpose of performing a computational data analysis and communications to the public that are necessary for the purposes of: (i)

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[7] Directive on Copyright and Related Rights in the Digital Single Market, April 2019, https://eur-lex.europa.eu/eli/dir/2019/790/oj.

[8] Copyright Law of Japan, Article 30-4, https://www.cric.or.jp/english/clj/ocl.html.

verifying the results of the computational data analysis or (ii) collaborative research and study relating to the purpose of the computational data analysis. [9]

Regardless of the chosen terminology, we agree that the Korean Copyright Act should provide legal certainty to support AI innovation and support the inclusion of Article 14 to implement a copyright exception.

Provide more details on duties of high-risk AI Developing Businesses

Article 17 sets out the additional duties for high-risk AI Developing Businesses. **BSA recommends further elaboration on these duties, including the following:**

- Article 17(1)(1) requires high-risk AI Developing Businesses to establish a "risk management system". It is unclear what a "risk management system" is, given that no further details are provided. **We urge the Lawmaker's office and SIBCC to provide details and guidelines on the contents of this risk management system to assist high-risk AI Developing Businesses in discharging their obligations**.

- Article 17(1)(4) requires high-risk AI Developing Businesses to "provide information on high-risk AI users". However, AI Developing Businesses that license their AI for use by third parties (i.e., AI Service Providers) do not interact with users directly and as such are unlikely to have information on particular users. **BSA recommends removing this obligation.**

- Article 17(1)(5) requires high-risk AI Developing Businesses to "manage and supervise high-risk AI by man". **BSA recommends providing additional guidance on: 1) what is the appropriate level of supervision; and 2) whether the issue of supervision should be covered in the "risk management system" in Article 17(1)(1).**

- Article 17(1)(6) requires high-risk AI Developing Businesses to "strengthen cybersecurity" when developing high-risk AI. This presumes that the high-risk AI Developing Businesses do not have inadequate cybersecurity measures in place, which is not necessarily the case. **BSA recommends providing more details on the required/adequate level of cybersecurity for high-risk AI Developing Businesses.**

- Articles 17(2) and 17(3) require high-risk AI Developing Businesses to "inform users and relevant stakeholders of the operating principles of AI algorithms", and to "notify users that the work is handled by AI". As highlighted above, regulations should allocate responsibilities in a manner that corresponds to the capabilities of the stakeholders. AI Developing Businesses do not interact with users directly and are unlikely to have visibility into who are the users of their systems. Further, given that AI Service Providers are similarly required to inform users that the services they are using are provided by AI systems (see Article 18(4)), this can lead to duplication of notification. In the circumstances, **BSA recommends removing obligations that require AI Developing Businesses to inform or notify users.**

Obligation to respond to users should extend only to high-risk AI Service Providers and be subject to exceptions

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[9] Copyright Act 2021 of Singapore, Sections 243-244, https://sso.agc.gov.sg/Acts-Supp/22-2021/Published/

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Original	Suggestion
Article 19 (Protection of high-risk AI user) (1) Users of High-risk AI have the following prescribed rights. 　　1. Right to request explanation of a technology or service that use high-risk AI; and 　　2. Right to veto or object to technologies or services that use high-risk AI. (2) High-risk AI users may request data from the business operator to confirm whether there has been unfair treatment according to the algorithm. (3) A **High-risk AI business operator (*Refers to both High-risk AI developing business and service provider*)** who receives a request under paragraph (2) shall handle it after deliberation by the Algorithm and Ethics Committee under Article 6(4) unless otherwise specified or justifiable in other laws; if the Algorithm and Artificial Intelligence Ethics Committee under Article 6(4) refuses to submit data, it may request for a review by the Review Committee to review the submission of data. (4) Users should be provided with the information that the services provided are processed according to the algorithm. In this case, the user has the authority to refuse the process.	**Article 19 (Protection of high-risk AI user)** (1) Users of the services of a High-risk AI Service Provider have the following prescribed rights. 　　1. Right to request that the High-risk AI Service Provider provide an explanation of the basis of a decision rendered by the a technology or service that use high-risk AI. 　　2. Right to request reconsideration from the High-risk AI Service Provider of the adverse decision rendered by the veto or object to technologies or services that use high-risk AI. 　　3.(2) High-riskAI users may Right to request data from the High-risk AI Service Provider business operators to confirm whether there has been unfair treatment according to the algorithms (2) A High-risk AI Service Provider is exempt from the requirements in Paragraph (1) to provide an explanation or data to the user of High-risk AI in the following cases: 　　1. When providing an explanation or data to the user may harm another person's life and/or physical safety or violate the basic rights that are guaranteed to citizens of the Republic of Korea. 　　2. When providing an explanation or data to the user would lead to the High-risk AI Service Provider breaching its obligations under the Unfair Competition Prevention and Trade Secret Protection Act or under any other legislation. 　　3. When providing an explanation or data to the user would lead to the High-risk AI Service Provider revealing sensitive or proprietary information about its operations. (3) A **High-risk AI Service Providerbusiness operator (*Refers to both High-risk AI**

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	developing business and service provider) who receives a request under paragraph (~~2~~1) subparagraph 3 shall handle it after deliberation by the Algorithm and Ethics Committee under Article 6(4) unless otherwise specified or justifiable in other laws; if the Algorithm and Artificial Intelligence Ethics Committee under Article 6(4) refuses to provide the~~submit~~ data to the user in question, it may request for a review by the Review Committee to review the provision~~submission~~ of data. (4) A High-risk AI Service Provider should also notify its ~~U~~users ~~should be provided~~ with the ~~information~~ that the~~its~~ services are provided using High-risk AI ~~are processed~~ ~~according to the algorithm~~. In this case, the user has the authority to refuse the process.

Explanation:

Article 19 of the Bill sets out the rights of users to request explanations of and raise objections to the use of high-risk AI. The wording of Article 19 suggests that the responsibility to respond to users lies on *both* AI Service Providers and AI Developing Businesses. This is problematic as AI Developing Businesses generally will not have access to the data that was used by the AI systems to render a decision, and therefore would not be able to explain the results of the AI decision to the aggrieved user. **BSA therefore recommends that the responsibility of responding to user requests should lie with the AI Service Providers, as these entities are privy to the information being processed by the AI systems.**

It is also unclear how a user can "object" or "veto" the use of technologies or services employing high-risk AI. **BSA proposes to provide users with the right to request reconsideration of a decision rendered by an AI system.**

BSA also recommends introducing exceptions to exempt AI Service Providers from responding to user requests in certain situations, such as when providing an explanation has a risk of harming another person's health or safety or may lead to disclosure of trade secrets. This recognizes that the need for explainability must be considered in the context of wider policy interests.

Relatedly, while the principle of explainability is widely recognized as an important factor in engendering trust in AI systems and solutions, there is no universal consensus on the circumstances where explanations should be mandatory or required. In this regard, the European Union's High-Level Expert Group (**HLEG**) on AI acknowledged that providing an explanation for the quality of outcomes may not always be feasible due to technical issues and stated, "other explanatory measures (e.g., traceability, appreciation, transparent communications) could be helpful for AI systems." [10] The HLEG also acknowledged that "[t]he degree to which explainability is needed depends on the context and the severity of the consequences of erroneous or otherwise

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[10] Ethics Guidelines for Trustworthy AI, April 2019, https://ec.europa.eu/newsroom/dae/document.cfm?doc_id=60419 at p. 13.

inaccurate output to human life." [11]

BSA further recommends that the Bill should offer alternative means to give effect to the principle of explainability, such as the "other explanatory measures" suggested by the HLEG.

CONCLUSION

BSA works closely with governments around the world to promote the development of policies that encourage the responsible development and use of AI.[12]

To that end, BSA has identified five key pillars for Responsible Artificial Intelligence. These pillars 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 AI:

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.

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 acknowledges both the importance of AI and the risks associated with certain uses of the technology. In response to the risk of bias, BSA published a report titled "**Confronting Bias: BSA's Framework to Build Trust in AI**"[13] to provide a guide that organizations can use to perform impact assessments to identify and mitigate risks of bias that may emerge throughout an AI system's lifecycle.

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[11] Assessment List for Trustworthy AI (**ALTAI**), July 2020, https://ec.europa.eu/newsroom/dae/document.cfm?doc_id=68342 at p.15.

[12] BSA AI Policy Overview, accessible at https://ai.bsa.org/

[13] Confronting Bias: BSA's Framework to Build Trust in AI, June 2021, https://ai.bsa.org/wp-content/uploads/2021/06/2021bsaaibias.pdf.

BSA appreciates the opportunity to comment on the Bill to establish an 'Act on Algorithm and AI'. We hope this submission is useful to the consultation process. Please let us know if you have any questions or would like to discuss comments in more details(geunk@bsa.org).

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