

Digital Culture

Internet governance and how to regulate AI

Regulating The Web

Overview of Existing Frameworks

Internet Regulation in Recent Years



24

countries initiated measures governing how platforms treat content



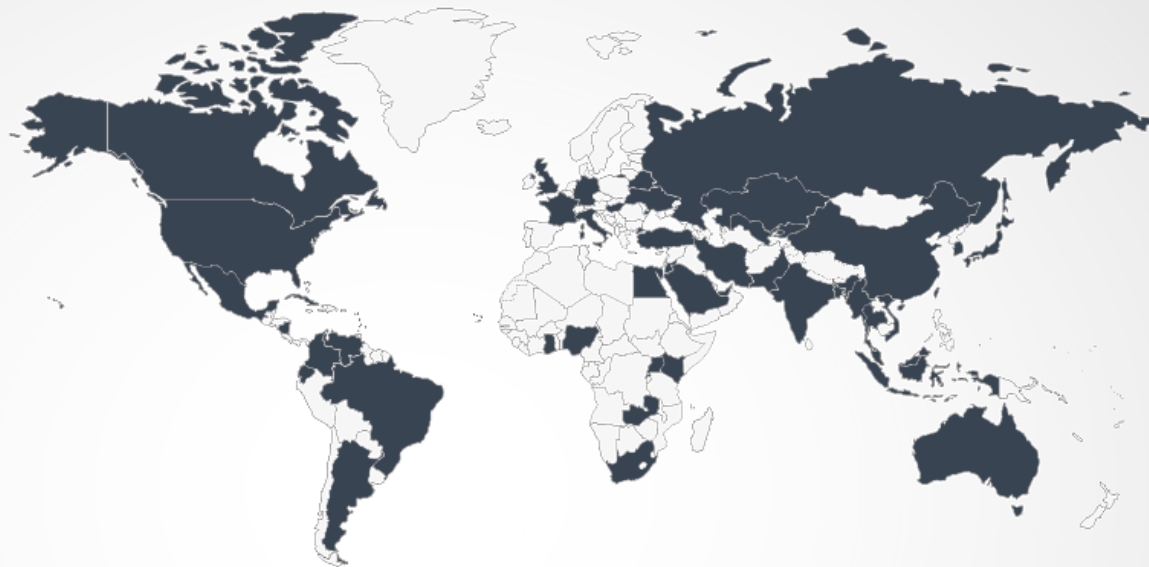
38

countries pursued reforms affecting companies' management of data



21

countries proposed action to defend competition



Argentina

Australia

Bangladesh

Belarus

Brazil

Canada

China

Colombia

Cuba

Ecuador

Egypt

France

The Gambia

Germany

Ghana

Hungary

India

Indonesia

Iran

Italy

Japan

Jordan

Kazakhstan

Kenya

Kyrgyzstan

Malaysia

Mexico

Myanmar

Nicaragua

Nigeria

Pakistan

Russia

Rwanda

Saudi Arabia

South Africa

South Korea

Taiwan

Thailand

Turkey

Uganda

Ukraine

United Arab Emirates

United Kingdom

United States

Uzbekistan

Venezuela

Vietnam

Zambia

Four Configurations of Public Space

Traditional Press

- written by professionals
- used to comment on or criticise the activities of public figures

Mass Press

- written by professionals
- used to tell the news and comment on the life of *ordinary* people

Individual Users' Opinions

- written by Internet users
- used to comment or criticise the activities of public figures, news, etc.

Public Conversations

- written by Internet users
- used to talk about other individual Internet users

TRADITIONAL
CONFIGURATIONS

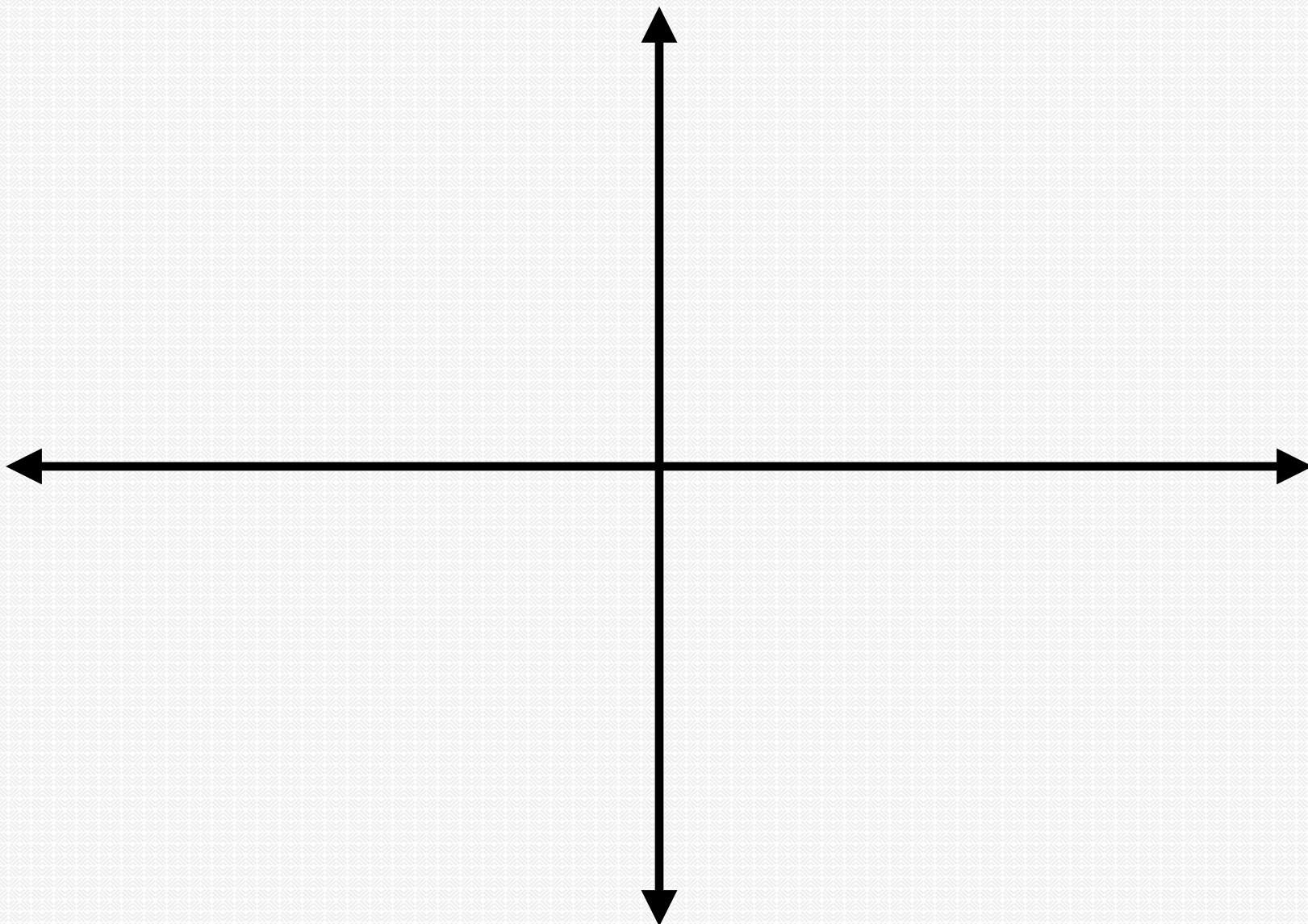
DIGITAL
CONFIGURATIONS

PUBLIC FIGURE / INSTITUTION

PROFESSIONAL SPEAKER

INDIVIDUAL SPEAKER

INDIVIDUAL / QUIDAM



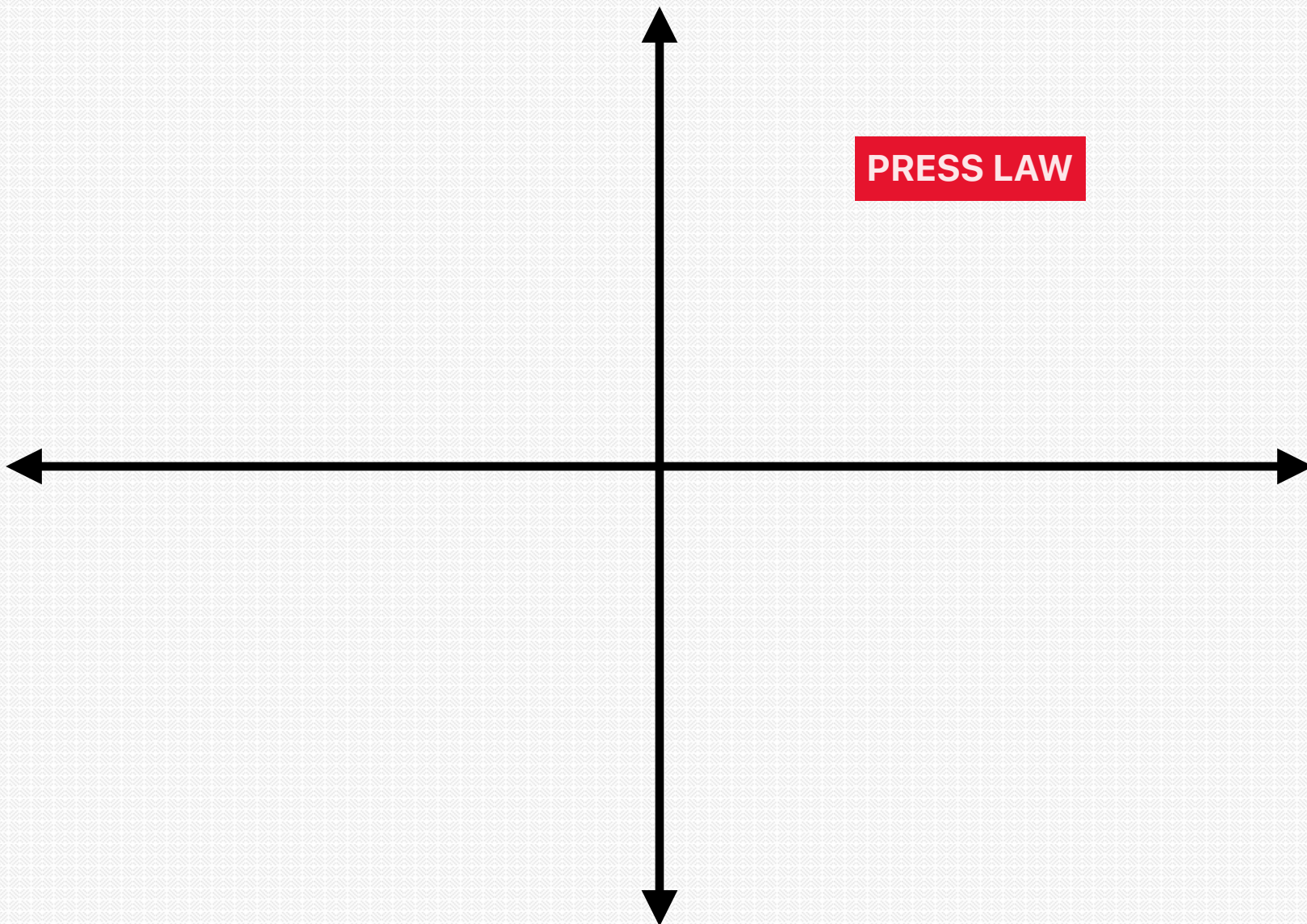
PUBLIC FIGURE / INSTITUTION

PRESS LAW

PROFESSIONAL SPEAKER

INDIVIDUAL SPEAKER

INDIVIDUAL / QUIDAM



PUBLIC FIGURE / INSTITUTION

PRESS LAW

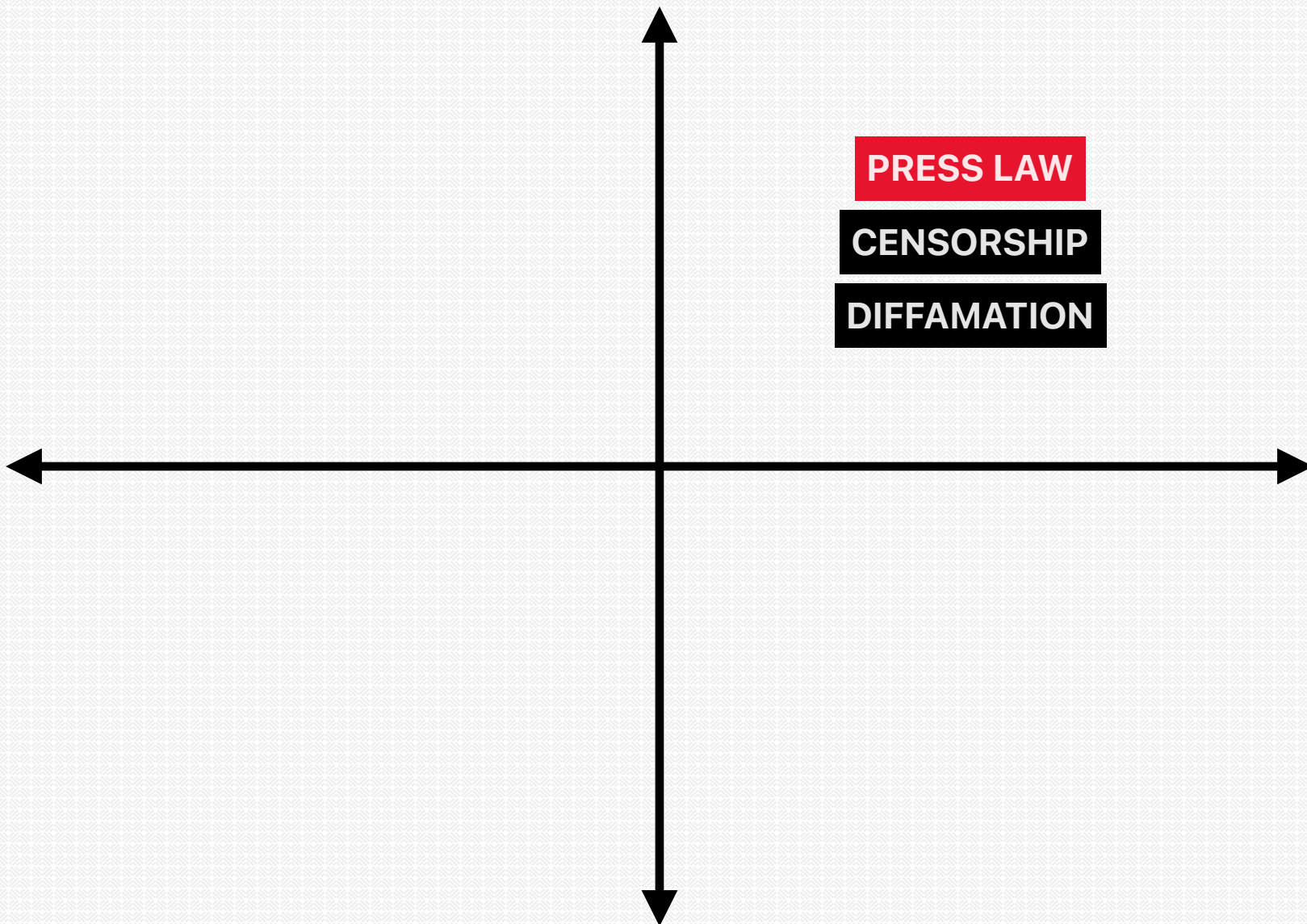
CENSORSHIP

DIFFAMATION

PROFESSIONAL SPEAKER

INDIVIDUAL SPEAKER

INDIVIDUAL / QUIDAM



PUBLIC FIGURE / INSTITUTION

INDIVIDUAL SPEAKER

PROFESSIONAL SPEAKER

PRESS LAW

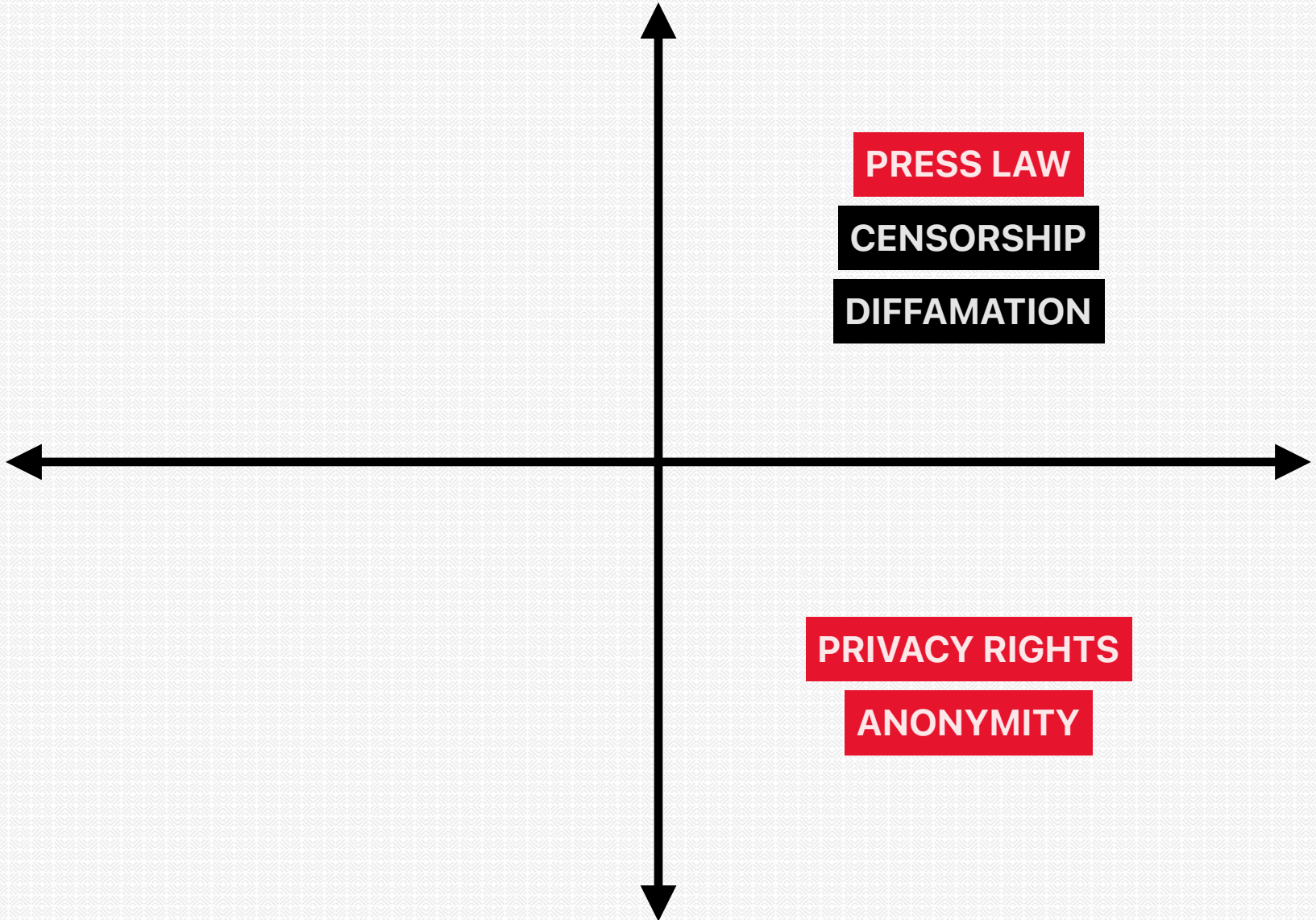
CENSORSHIP

DIFFAMATION

PRIVACY RIGHTS

ANONYMITY

INDIVIDUAL / QUIDAM



PUBLIC FIGURE / INSTITUTION

PARTICIPATORY WEB

REGULATION BY PLATFORMS

PRESS LAW

CENSORSHIP

DIFFAMATION

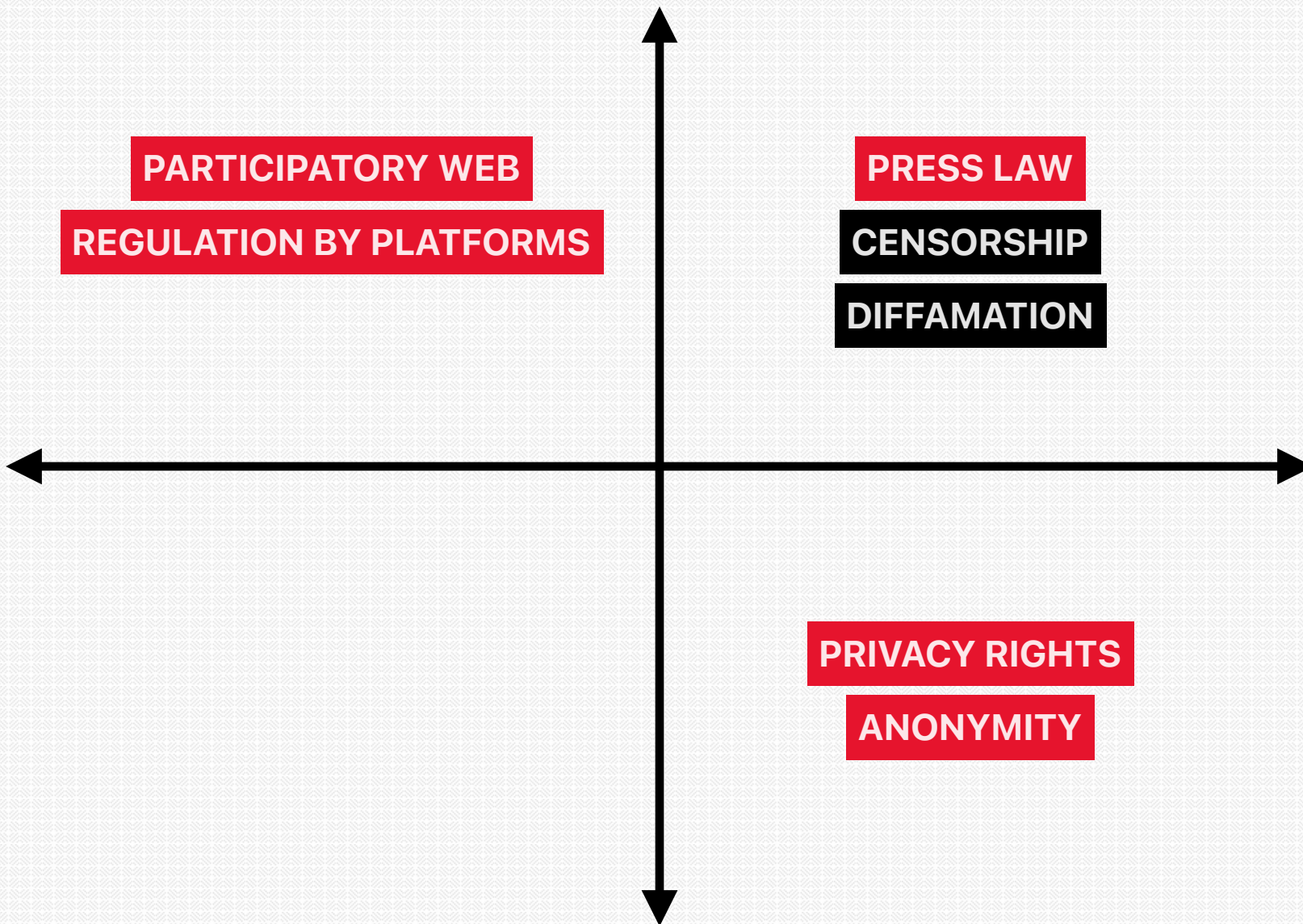
PROFESSIONAL SPEAKER

PRIVACY RIGHTS

ANONYMITY

INDIVIDUAL SPEAKER

INDIVIDUAL / QUIDAM



Question

How are contents moderated on Facebook, Twitter or Instagram?

PUBLIC FIGURE / INSTITUTION

PARTICIPATORY WEB

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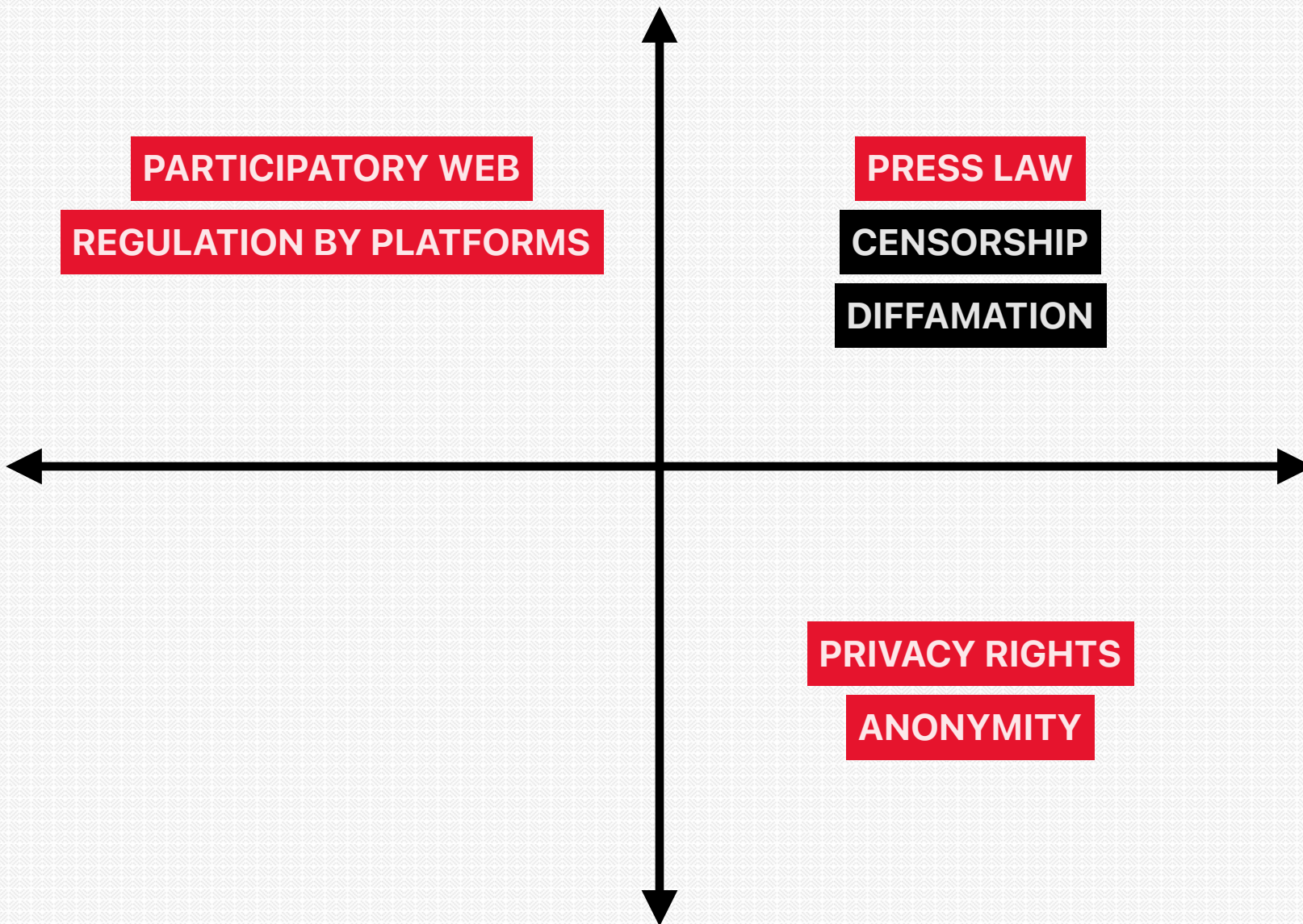
PROFESSIONAL SPEAKER

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Reporting Functionality and Regulation



PUBLIC FIGURE / INSTITUTION

PARTICIPATORY WEB

REGULATION BY PLATFORMS

CONTENT REPORTING

PRESS LAW

CENSORSHIP

DIFFAMATION

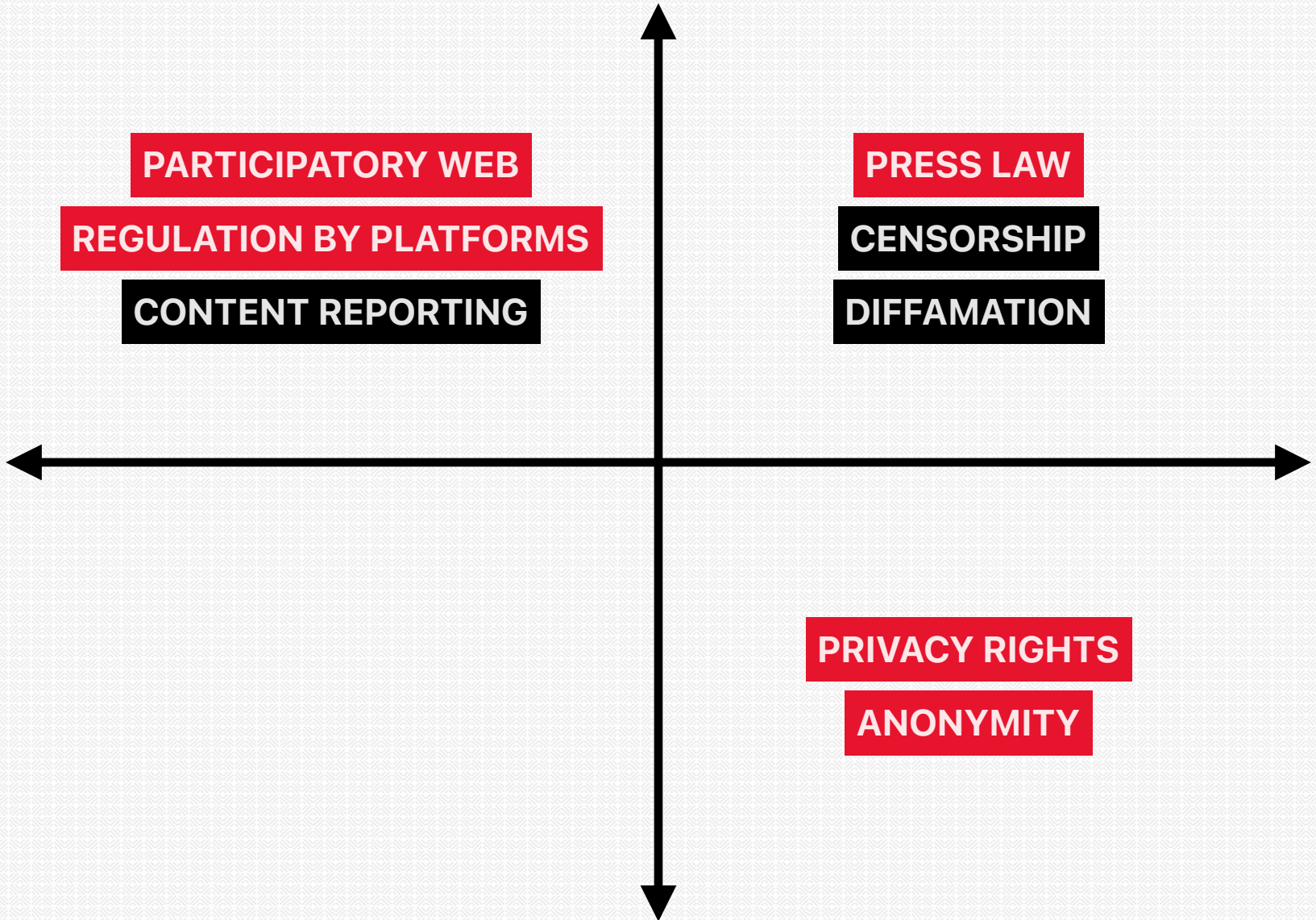
PROFESSIONAL SPEAKER

PRIVACY RIGHTS

ANONYMITY

INDIVIDUAL / QUIDAM

INDIVIDUAL SPEAKER



PUBLIC FIGURE / INSTITUTION

INDIVIDUAL SPEAKER

PARTICIPATORY WEB

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PRESS LAW

CENSORSHIP

DIFFAMATION

PROFESSIONAL SPEAKER

SELF-REGULATION

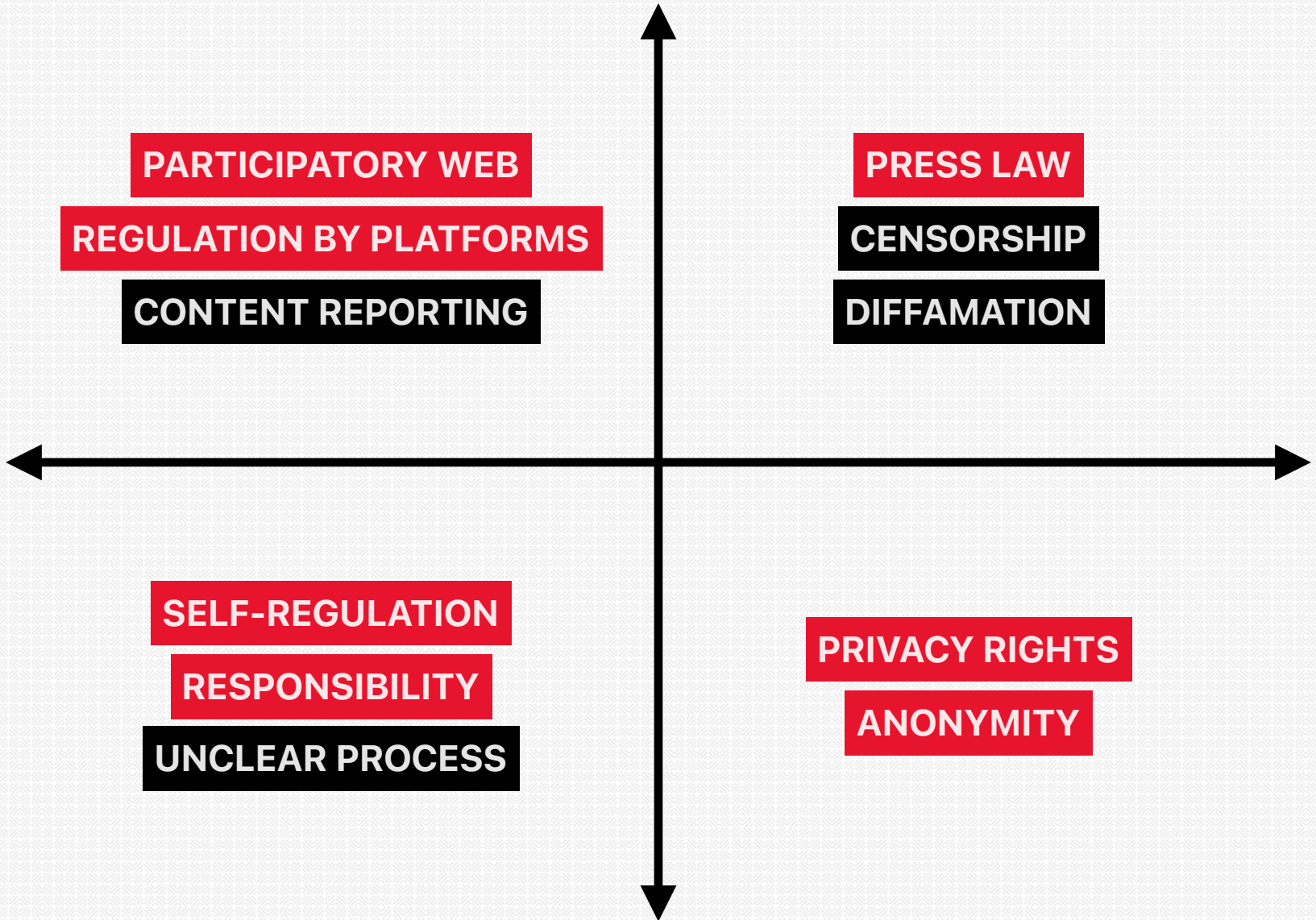
RESPONSIBILITY

UNCLEAR PROCESS

PRIVACY RIGHTS

ANONYMITY

INDIVIDUAL / QUIDAM



PUBLIC FIGURE / INSTITUTION

INDIVIDUAL SPEAKER

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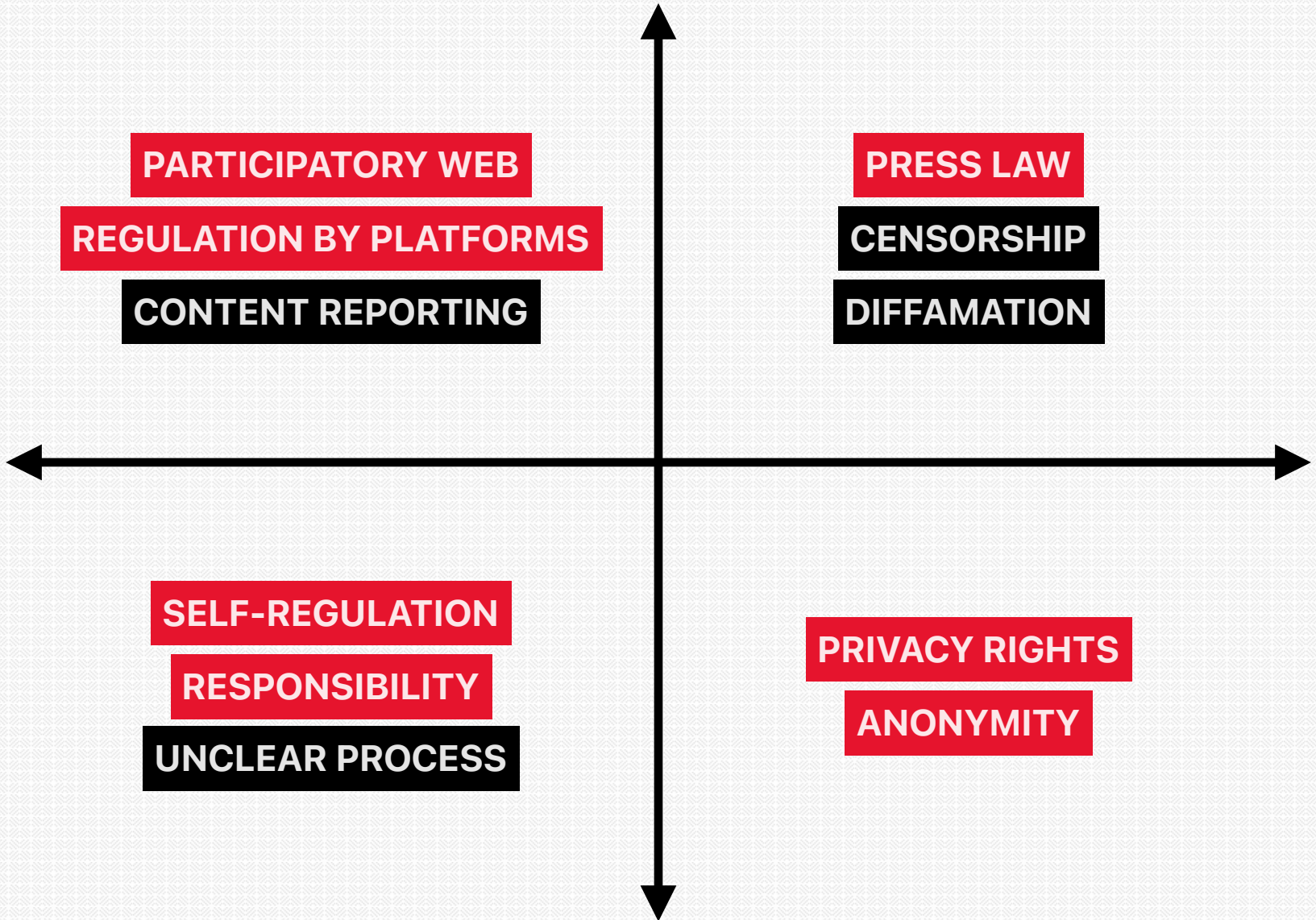
RESPONSIBILITY

UNCLEAR PROCESS

PRIVACY RIGHTS

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Question

How does all this apply in courts?

Privacy in International Law

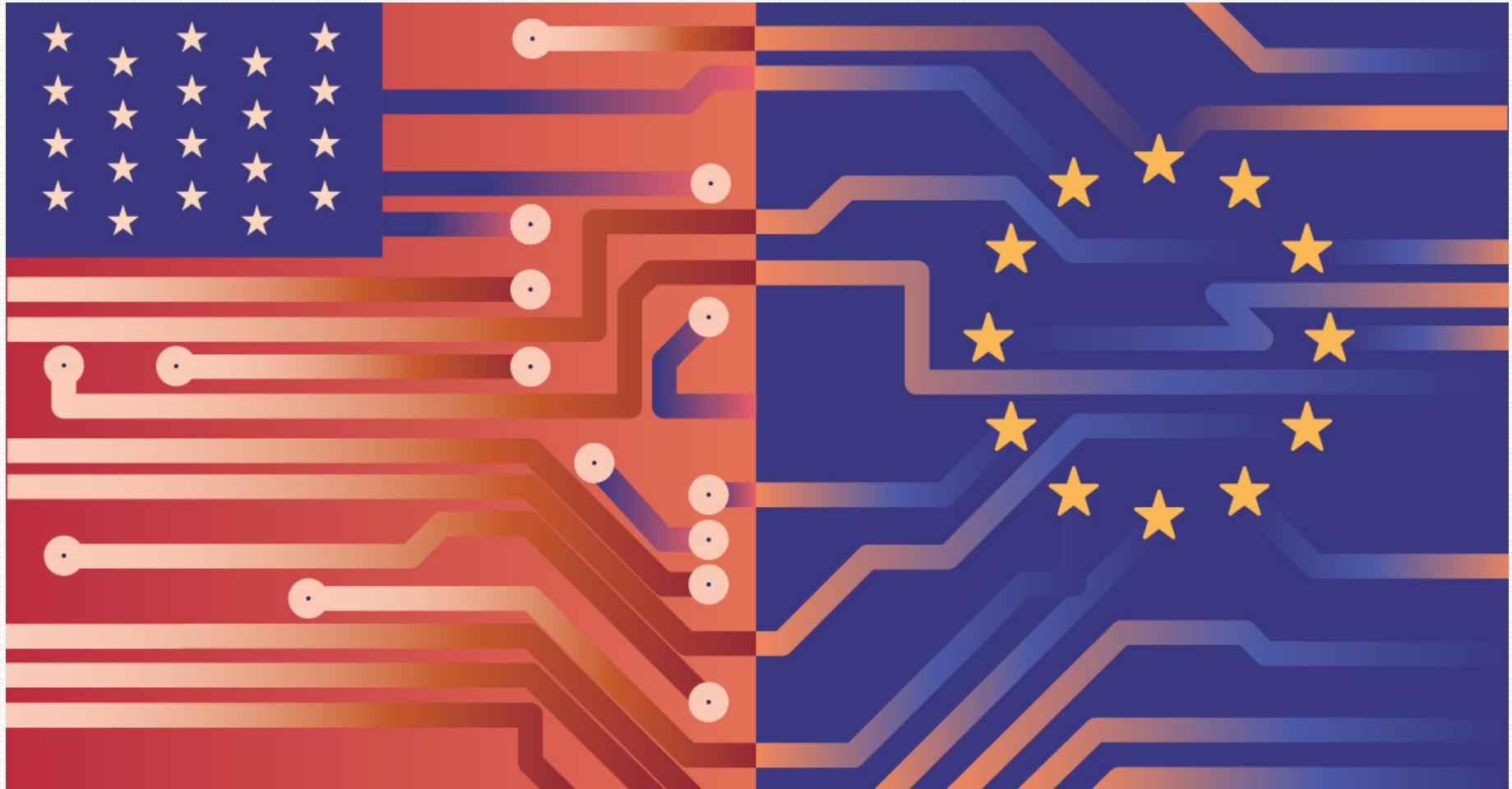
Universal Declaration of Human Rights — Article 12

- No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

International Covenant on Civil and Political Rights — Article 17

- No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
- Everyone has the right to the protection of the law against such interference or attacks.

E.U. vs U.S. on Privacy and Data Protection



Privacy in the U.S.

U.S. Constitution — 4th Amendment

- The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Katz v. United States — 1967

- It is unconstitutional under the Fourth Amendment to conduct a search and seizure without a warrant anywhere that a person has a reasonable expectation of privacy, unless certain exceptions apply.

United States v. Jones

United States v. Jones

- Landmark U.S. Supreme Court case
- In 2004 defendant Jones was suspected of drug trafficking
- Police investigators asked for and received a warrant to attach a GPS tracking device to the underside of the defendant's car
- Police investigators then exceeded the warrant's scope in both geography and length of time
- Case was taken to the U.S. Supreme Court

Debate

What do you think the Supreme Court ruled?

Carpenter v. The United States

Carpenter v. The United States

- Landmark U.S. Supreme Court case
- In April 2011, police arrested four men in connection with a series of armed robberies, and one of the men confessed to the crimes and gave the FBI his phone number and that of other participants
- The FBI used this information to apply for three orders from magistrate judges to obtain "transactional records"
- The transactional records obtained by the government include the date and time of calls, and the approximate location where calls began and ended based on their connections to cell towers

Carpenter v. The United States

- Based on the cell-site evidence, the government charged Timothy Carpenter with, among other offenses, aiding and abetting robbery
- Carpenter moved to suppress the government's cell-site evidence on Fourth Amendment grounds, arguing that the FBI needed a warrant based on probable cause to obtain the records

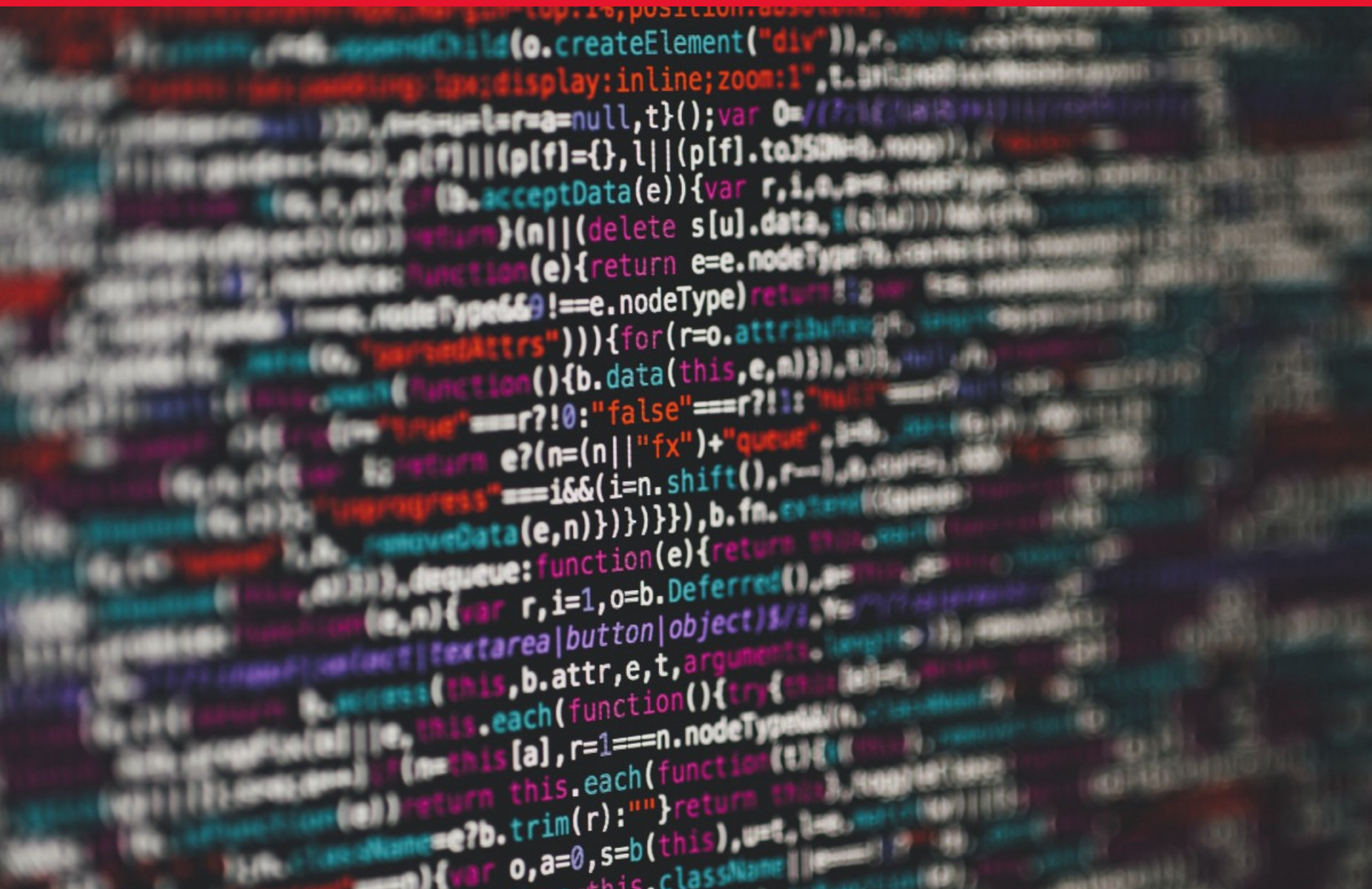
Question

What do you think the Supreme Court ruled?

Regulating Algorithms and AI

Auditing Algorithms

Algorithms Transparency



Three Clarifications

- A shift from a demand of neutrality to a demand of fairness
- Algorithms are procedural
- Yet learning algorithms reproduces human biases

Fairness

- A service (online or not) is **unfair** if:
 - it produces **disparate treatment** :
 - treatment of an individual or entity that is less favorable than treatment of others for discriminatory reasons, where these discriminatory reasons can be argued to be formal or rational
 - or if it has **disparate impact** :
 - practices that adversely affect one group of people of a protected characteristic more than another, even though rules applied by defendant are formally neutral

Three Clarifications

- A shift from a demand of neutrality to a demand of fairness
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Four Configurations of Algorithms

	Identifiable by user	Non-identifiable by user
Predictable by platform		
Non-predictable by platform		

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	Identifiable by user	Non-identifiable by user
Predictable by platform	<ul style="list-style-type: none">• Facebook News Feed• YouTube video recommendations• etc...	
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Non-predictable by platform		

Four Configurations of Algorithms

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Non-predictable by platform	<ul style="list-style-type: none">• Google Auto-Complete• etc..	

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Non-predictable by platform	<ul style="list-style-type: none">• Google Auto-Complete• etc..	<ul style="list-style-type: none">• AirBnb's listings• College Admissions• etc...

Question

How does all this apply in courts?

University of California v. Bakke

University of California v. Bakke

- Allan Bakke, a thirty-five-year-old white man, had twice applied for admission to the University of California Medical School at Davis.
- He was rejected both times.
- The school reserved sixteen places in each entering class of one hundred for "qualified" minorities, as part of the university's affirmative action program, in an effort to redress longstanding, unfair minority exclusions from the medical profession.
- Bakke's qualifications (college GPA and test scores) exceeded those of any of the minority students admitted in the two years Bakke's applications were rejected.
- Bakke contended (all the way to the Supreme Court) that he was excluded from admission solely on the basis of race.

Debate

What do you think the Supreme Court ruled?

Gratz v. Bollinger

Gratz v. Bollinger

- The University of Michigan's Office of Undergraduate Admissions (OUA) considers a number of factors in its evaluative process, including high-school grades, test scores, but also race.
- Beginning in 1998, the OUA used a point system in which students were awarded an additional 20 points for being a member of an underrepresented minority.
- In 1995, Jennifer Gratz (who is caucasian) applied for admission, were denied admission and told that, although they were qualified, they were not competitive enough.
- They argued that the admission procedure discriminated against certain racial and ethnic groups.

Debate

What do you think the Supreme Court ruled?

Students for Fair Admissions v. Harvard

Students for Fair Admissions v. Harvard

- Petitioner Students for Fair Admissions (SFFA) sued Harvard College over its admissions process, alleging that the process violates Title VI of the Civil Rights Act of 1964 by discriminating against Asian American applicants in favor of white applicants.
- Harvard admits that it uses race as one of many factors in its admissions process but argues that its process adheres to the requirements for race-based admissions.
- There is uncertainty in the technical details of the admissions process at Harvard, which may include some pre-processing using algorithms to differentiate between large bodies of students.

Debate

Do you think algorithms taking race as input can be used?

National Union of Students v. France

Students for Fair Admissions v. Harvard

- In 2018, the French Ministry of Education rolled out an algorithmic process to help allocate high school students and other candidates to undergraduate places in France.
- The system was called out for the lack of transparency around how allocation decisions were reached and the algorithmic procedures underpinning such decisions.
- A case was brought to the Constitutional Council (Le Conseil Constitutionnel) of France, to challenge the limitations placed on accessing information on the algorithmic process. It was argued that these limitations were unconstitutional.

Debate

Do you think algorithms taking race as input can be used?

Work on Digital Explorations

Work on Digital Explorations

Homework

- finish the ~10min presentation on your final exploration

Thank you!