



MEMORANDUM

TO: Interested Parties
FROM: Accountable Tech
RE: The need for increased scrutiny ahead of Senate's first AI Insight Forum
DATE: September 12, 2023

Ahead of this month's Senate hearings on artificial intelligence and Senate Majority Leader Chuck Schumer's first AI Insight Forum, Big Tech will no doubt do everything in its power to advance its self-regulation agenda. Closed-door meetings with tech CEOs is a worrying sign of what's to come, and a step away from the transparency and accountability required of an unbiased regulatory process.

As industry leaders descend on Washington, this memo offers a brief history of how the same tech companies in the room – many of whom are already being applauded for committing to voluntary AI safeguards – have repeatedly failed to live up to their promises. It is critical that legislators take a “zero trust” approach to the AI regulation, as outlined recently by Accountable Tech, AI Now, and EPIC's [Zero Trust AI Governance](#) framework, that puts the burden on companies to prove AI safety.

A HISTORY OF BROKEN PROMISES

The very same tech CEOs invited to participate in upcoming Capitol Hill hearings have a long history of making public commitments on privacy and safety that they repeatedly fail to keep. As they prepare to engage with these CEOs, lawmakers must be clear-eyed about Big Tech's history of broken promises. Big Tech's failures to self-regulate include:

Failing to safeguard elections and public safety despite voluntary commitments.

- After fallout from the Cambridge Analytica [scandal](#) in 2016, Facebook committed to making election integrity a priority. In 2020, the company [committed](#) to “better identify new threats, close vulnerabilities and reduce the spread of viral misinformation and fake accounts.” However, the company [cut](#) its election integrity teams by 80%, [blocked](#) researchers' access to critical resources to monitor dangerous election related information, [allowed](#) 650,000 posts questioning the legitimacy of the 2020 election results between Election Day and the deadly January 6, 2021 insurrection to remain on its site, and [decimated](#) its “Responsible Innovation” team responsible for confronting concerns about its products.

Failing to protect child safety online despite voluntary commitments.

- In 2019, Google's YouTube [committed](#) to make “protecting kids and their privacy” the company's number one priority after facing a [\\$170 million](#) fine for illegally collecting data

on minors and selling it for profit. The company agreed to stop selling personalized ads on children’s content, but just four years later, researchers found evidence that Google was continuing to target children. In response, Google told [The New York Times](#) that it was “useful to run ads for adults on children’s videos because parents who were watching could become customers” – a direct contradiction of their 2019 commitment.

- Despite claiming to [prioritize](#) child safety online, Facebook ignored internal [research](#) warning about the dangers Facebook and Instagram pose to teen mental health, and continued to design its products to keep users maximally engaged. Facebook also [sold](#) data collected from children to advertisers that exposed kids to advertisements for alcohol, tobacco, and gambling.

Failing to protect sensitive user data despite voluntary commitments.

- In 2022 after the overturning of *Roe v. Wade*, Google went out of its way to [commit](#) to deleting the location history of any user visiting particularly personal locations like fertility centers, addiction treatment facilities, weight loss clinics, cosmetic surgery clinics, and others. However, [research](#) from Accountable Tech found that Google continues to track and store sensitive location history data for short trips to abortion clinics, along with search query data collected on Google Maps and stored for 18 months by default.
- In 2010, Google misled the public and collected large amounts of data from unencrypted, private wifi networks in 30 countries to develop its Street View technology. After [admitting](#) to “failing badly,” investigators [found](#) that the technology Google used to harvest that data was intentionally built into the tool in both 2007 and 2010, undercutting Google’s apology. As EPIC’s Marc Rotenberg [said](#), “it is very strange that six years after Google agreed to end this practice and made public service announcements, it’s once again agreeing to do what others had assumed they already had.”

Failing to uphold basic AI-safeguards despite recent voluntary commitments.

- After initially banning political campaigns from using ChatGPT in 2022, OpenAI rolled out a new policy in March 2023 that would allow the generative chatbot to be used by political campaigns for a variety of purposes, but not to generate any content that could target a particular voting demographic. Despite its rules banning that practice, [analysis](#) from *The Washington Post* found that OpenAI failed to enforce its ban for months – allowing users to generate political messages according to specific demographics, posting a threat to election integrity.

THE IMPORTANCE OF FIRST ORDER PRINCIPLES FOR AI REGULATION

As Leader Schumer has rightfully acknowledged, regulating a technology as profound as AI requires running a new process. The AI Insight Forums are designed to “supercharge the [Senate] committee process by getting to the root of AI: where to start, what questions to ask,

how to move forward.” In this moment of great consequence, it’s critical that lawmakers not concede too much power to profit-driven CEOs to answer those questions.

Thankfully, lawmakers don’t have to start from zero. Accountable Tech, AI Now, and EPIC’s [Zero Trust AI Governance](#) offer three basic principles that should be at the center of any regulatory scheme:

1. Time is of the essence – start by vigorously enforcing existing laws.
2. Bold, easily administrable, bright-line rules are necessary.
3. At each phase of the AI system lifecycle, the burden should be on companies to prove their systems are not harmful.

Centering these principles can help ensure Washington isn’t fooled by Big Tech again, and lead to meaningful regulation, responsible American innovation, and a stronger future for all.