

Annex: GNI Framework in AI

GNI Implementation Guidelines Category 2: Freedom of Expression & **Category 3:** Privacy

GNI PRINCIPLE DESCRIPTION ⁴⁸	MATCHING IG ITEMS ⁴⁹	INTERPRETATION
2.1 Participating companies will respect and protect the freedom of expression of their users by seeking to avoid or minimize the impact of government restrictions on freedom of expression, including restrictions on the information available to users and the opportunities for users to create and communicate ideas and information, regardless of frontiers or media of communication. 3.1 Participating companies will employ protections with respect to personal information in all countries where they operate in order to protect the privacy rights of users.	2.4, 3.1(c), 3.2, 3.3	• All:⁵⁰ Conduct ongoing HRDD identifying, preventing and mitigating potential FoE and privacy impacts⁵¹ arising from the launch and operation of AI services, including but not limited to those arising from government interventions in AI as highlighted in Section 4 of this Policy Brief (“AI risks”) • All: Adopting (and where possible, publishing) policies and procedures which set out how the company will respond to government interventions on AI services • All: As highlighted in IG3.2 and IG3.3, when specific government interventions related to AI services are received, ensure appropriate documentation by the government and the company, assess legality, legitimacy and necessity, interpret narrowly, and advocate against /challenge disproportionate interventions on AI services

⁴⁸ Numbering system for Principles and sub-Principles based on [Assessment Toolkit](#) Appendix IV

⁴⁹ Based on [Assessment Toolkit](#) Appendix IV

⁵⁰ Applies to entire value chain of AI, i.e. data, hardware and software vendors

⁵¹ While not within the scope of the GNI Principles, other fundamental rights significantly impacted by AI– e.g. discrimination due to model bias, should ideally be included within any HRDD/HRIA

GNI PRINCIPLE DESCRIPTION	MATCHING IG ITEMS	INTERPRETATION
2.2 Participating companies will respect and protect the freedom of expression rights of their users when confronted with government demands, laws and regulations to suppress freedom of expression, remove content or otherwise limit access to information and ideas in a manner inconsistent with internationally recognized laws and standards. 3.2 Participating companies will respect and protect the privacy rights of users when confronted with government demands, laws or regulations that compromise privacy in a manner inconsistent with internationally recognized laws and standards.	2.4, 3.1, 3.5	• All: In line with IG3.1: ◦ Proactive direct or indirect advocacy to governments on minimisation of AI risks arising from their interventions in line with the GNI Principles and international laws and standards on FoE and privacy ◦ Setting out company's response when governments fail to provide a written directive or adhere to domestic legal procedure within policies and procedures ◦ Advocating for rights-protecting laws and regulations relevant to AI where such laws are absent or deficient • Deployer: User disclosure / information on: ◦ Relevant laws and policies that form the basis of government interventions that AI services are subject to ◦ Company policies & procedures to respond to such government interventions ◦ Disclosure on use of AI in any systems, the limitations of such systems and methods for opting out ◦ Information on user data collection, storage, processing and retention by AI services ◦ Case-by-case user notification if governments request user information from AI services, or restrict AI services to users where legally possible

GNI Implementation Guidelines Category 4: Responsible Company Decision Making

GNI PRINCIPLE DESCRIPTION	MATCHING IG ITEMS	INTERPRETATION
4.1 Participating companies will ensure that the company board, senior officers and others responsible for key decisions that impact freedom of expression and privacy are fully informed of these Principles and how they may be best advanced.	2.1, 2.2, 2.3, 2.4, 2.12, 2.13	• All: In addition to all the requirements mentioned thusfar: ◦ Board oversight of AI risks supported by regular reporting from management ◦ Regular review and management of AI risks by Board or senior management while preserving safety and liberty of personnel ◦ Risk-based training on AI risks for Board, senior management and relevant employees ◦ Internal structures (including a senior-directed, human rights function), policies & procedures to oversee, sign-off and implement measures to manage AI risks in line with the GNI Principles ◦ Record-keeping of government interventions related to AI services ◦ Grievance mechanisms ◦ Communicating aforementioned policies & procedures company-wide and escalation procedures

GNI PRINCIPLE DESCRIPTION	MATCHING IG ITEMS	INTERPRETATION
4.2 Participating companies will identify circumstances where freedom of expression and privacy may be jeopardized or advanced and integrate these Principles into their decision making in these circumstances.	2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.12, 2.13, 3.4	• All: In addition to all the requirements mentioned thus far: ◦ HRIA (supported by algorithmic IA / ethical AI assessment, privacy IA where needed) focused on the most salient AI risks identified from HRDD in circumstances suggested in IG2.6, conducted as per IG2.7 ◦ Assessing human rights risks in the collection, storage and retention of data that is collected and used in model training and deployment
4.3 Participating companies will implement these Principles wherever they have operational control. When they do not have operational control, participating companies will use best efforts to ensure that business partners, investments, suppliers, distributors and other relevant related parties follow these Principles.	2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11	• All: In addition to all the requirements mentioned thus far: ◦ Best efforts management of AI risks in line with the GNI Principles involving upstream partners, downstream partners and (where relevant) end users, prioritized based on salience

GNI Implementation Guidelines Category 5: Multi-Stakeholder Collaboration

GNI PRINCIPLE DESCRIPTION	MATCHING IG ITEMS	INTERPRETATION
5.1 Participants will take a collaborative approach to problem solving and explore new ways in which the collective learning from multiple stakeholders can be used to advance freedom of expression and privacy	2.7(a), 2.7(b)	• All: ◦ Ensuring diverse stakeholder consultation during HRIAs related to AI risks as defined in IG2.7(b), with follow-up on company decisions arising from feedback received
5.2 Individually and collectively, participants will engage governments and international institutions to promote the rule of law and the adoption of laws, policies and practices that protect, respect and fulfil freedom of expression and privacy	3.1	• All: Proactive advocacy to governments on minimisation of AI risks due to their interventions in line with the GNI Principles and international laws and standards on FoE and privacy

GNI Implementation Guidelines Category 6: Governance, Accountability & Transparency

GNI PRINCIPLE DESCRIPTION	MATCHING IG ITEMS	INTERPRETATION
6.1 Participants will adhere to a collectively determined governance structure that defines the roles and responsibilities of participants, ensures accountability and promotes the advancement of these Principles.	2.1	• All: Board oversight of company's AI risks
6.2 Participants will be held accountable through a system of (a) transparency with the public and (b) independent assessment and evaluation of the implementation of these Principles.	3.5	• All: In addition to all the requirements mentioned thus far, publishing HRDD/HRIA & supporting algorithmic impact assessments / ethical AI assessments where possible, and inclusion of AI services in GNI assessments where relevant