V.E. Right to Informed Consent in Data Collection and AI Interactions

V. Privacy · https://aiethicslab.rutgers.edu/Docs/v-e-consent/

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[Insert statement of urgency and significance for why this right relates to AI.]

Sectors

The contributors of the *AI & Human Rights Index* have identified the following sectors as responsible for both using AI to protect and advance this human right.

- GOV: Government and Public Sector
- REG: Regulatory and Oversight Bodies
- COM: Media and Communication
- TECH: Technology and IT
- HLTH: Healthcare and Public Health
- EDU: Education and Research
- LAW: Legal and Law Enforcement
- SOC: Social Services and Housing
- FIN: Financial Services
- INTL: International Organizations and Relations

AI’s Potential Violations

[Insert 300- to 500-word analysis of how AI could violate this human right.]

AI’s Potential Benefits

[Insert 300- to 500-word analysis of how AI could advance this human right.]

Human Rights Instruments

Universal Declaration of Human Rights (1948)

G.A. Res. 217A (III), Universal Declaration of Human Rights, U.N. Doc. A/810 (Dec. 10, 1948).

Article 12

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

European Convention on Human Rights (1950)

Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, Nov. 4, 1950, ETS No. 5.

Article 8

> 1. Everyone has the right to respect for his private and family life, his home and his correspondence.

International Covenant on Civil and Political Rights (1966)

G.A. Res. 2200A (XXI), International Covenant on Civil and Political Rights, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171 (Dec. 16, 1966)

Article 17

> 1. 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.
>
> 2. Everyone has the right to the protection of the law against such interference or attacks.

American Convention on Human Rights (1969)

American Convention on Human Rights, “Pact of San José, Costa Rica,” Nov. 22, 1969, O.A.S.T.S. No. 36, 1144 U.N.T.S. 123.

Article 11

> 2. No one may be the object of arbitrary or abusive interference with his private life, his family, his home, or his correspondence
>
> 3. Everyone has the right to the protection of the law against such interference or attacks.

OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data (1980)

OECD, Guidelines on the Protection of Privacy and Transborder Flows of Personal Data (Sept. 23, 1980).

Part Two: Collection Limitation Principle

> There should be limits to the collection of personal data, and any such data should be obtained by lawful and fair means and, where appropriate, with the knowledge or consent of the data subject.

Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (1981)

Council of Europe, Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, Jan. 28, 1981, ETS No. 108.

Article 5

> a. Personal data undergoing automatic processing shall be obtained and processed fairly and lawfully.

U.N. Guidelines for the Regulation of Computerized Personal Data Files (1990)

G.A. Res. 45/95, United Nations Guidelines for the Regulation of Computerized Personal Data Files, U.N. Doc. A/RES/45/95 (Dec. 14, 1990)

Principle 5

> Requests governmental, intergovernmental, and non-governmental organizations to respect those guidelines in carrying out the activities within their field of competence.

U.N. Human Rights Council, Mental Health and Human Rights (2020)

H.R.C. Res. 43/13, Mental Health and Human Rights, U.N. Doc. A/HRC/RES/43/13 (June 19, 2020).

In totality.

1.0 Research

2.0 Curate

3.0 Review

4.0 Revise

5.0 Published

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