Checklist: 18 Key AI Compliance Issues.

Go to vischer.com/ai for free resources on the issues below and on AI governance & risk management (no registration required)

AI = any system that produces output on the basis of training instead of only programming

Data Protection

- Do we have a proper contract when using a provider (e.g., a DPA, EU SCC, no own use of our data)?
- Do we tell people about the purposes for which we use their data or create data about them, and do we have a legal basis insofar required?
- Do we have measures in place if the AI produces wrong or otherwise improper data about them?
- When an AI makes important decisions about them, can they have it reviewed by a person?
- Is our AI protected against misuse, attacks and other security issues, in particular if we allow third parties to use it (e.g., chatbot)?
- Can we honor access and correction requests?
- Have we done a risk assessment (incl. DPIA)?

Contractual Commitments, Secrecy

- Do we comply with our secrecy obligations (e.g., when using providers, data leakage prevention)?
- Do any of our contracts prohibit our intended use case (e.g., NDA that also restricts use of data)?

Third-Party Content Protection

- Do we feed third-party content to AI systems only where our licenses or legal exemptions permit so?
- Do we avoid generating content that resembles pre-existing content of third parties?

EU AI Act (applies on a rolling basis from 2025-2027)

- Do we make sure we are either not subject to the AI Act or what we do is not a prohibited practice and, if possible, also not a "high risk" AI system (and do we otherwise deal with it properly)?
- Where an AI creates deep fakes or interacts with or watches people, are they made aware of this?

Other (also ethical) Aspects

- Do we avoid discrimination when using AI?
- Do humans (really) keep control over the use of AI?
- Does our AI generate output we can justify/explain?
- Do we tell people how we use AI where it may be unexpected and allow them to opt-in or opt-out?
- Do we have adequate testing, monitoring and risk management of AI?

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