

# Regulating AI

## Policy Considerations

Presented by:  
Noel Corriveau

# About Me

- 10 years at Federal Department of Justice. Founder of DOJ's Taskforce on AI
- Special Advisor to the CIO of Canada (Treasury Board of Canada Secretariat) AI Policy and Implementation
- Senior Counsel at INQ law
- Part-time professor and guest lecturer at uOttawa Common Law Faculty



## *Overview*

- 1. Foundations and rationale for AI Policy*
- 2. AI Policy Making Process*
- 3. Establishing “what” to regulate*
- 4. Defining “how” to regulate*
- 5. Predictions and Trends*

# Foundations and Rationale

Inherent tensions in AI adoption



**Accelerated AI  
and innovation  
agenda**

**Increased  
demand for  
transparency &  
accountability**

- National approaches and differing values (EU, Canada, US)
- AI Strategies, Memoranda, and Whitepapers
- Persistent trust deficit
- Bureaucratic challenges



# AI Policy Making Process

**Inclusive and Collaborative**  
**Future-Facing**  
**Proactive and Experimental**



## What to regulate?

**Defining the problem**  
**Technology agnostic**  
**Focusing on capacities**



## How to Regulate

**Integration with existing frameworks**

**Risk-Based Approaches vs Checklist Compliance**

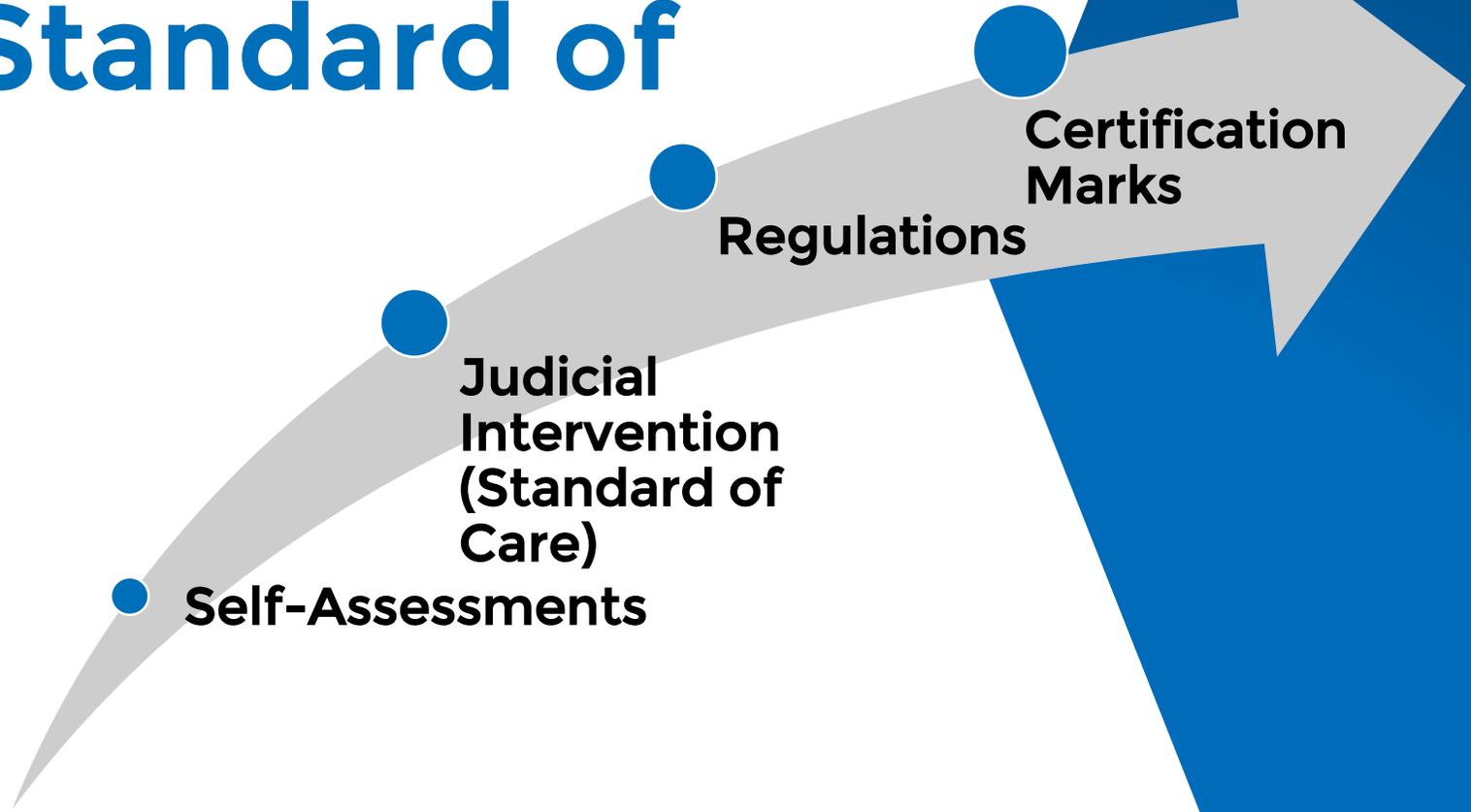
**Hard Approaches vs Soft Approaches**

**Compliance and the Role of Regulators**

**Regulatory Competition vs Certification Schemes**

# *TRENDS AND PREDICTIONS:*

## Regulated AI Governance and Emerging Standard of Care



# Future Facing Policies

1. Algorithmic Impact Assessment Frameworks
  2. Guidelines on the use of Automated Decision-Making Systems
  3. Policies on Explainability & Transparency
  4. Policies on the use of De-identified Data
  5. AI Procurement & Vendor Management Policies
  6. Guidelines on Model Evaluation and Testing
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# Questions and Discussion

