

Rule of Law, Legitimacy and Effective COVID-19 Control Tech.

This collaborative project between TUM, the Centre for Artificial Intelligence and Data Governance (CAIDG) at Law School Singapore Management University and the British Institute of International and Comparative Law (BIICL) at the Bingham Center for Rule of Law is one of five new year-long projects for the IEAI aimed at promoting research on the use of AI to manage pandemics. It also aimed to build our partnerships within the Global AI Ethics Consortium (GAIEC). The project interrogates questions of rule of law protections in the course of the creation, implementation and maintenance of COVID-19 control technologies.

A number of nation state jurisdictions, in differing forms and at different trajectories, use a variety of technologies to control the spread of COVID-19. Many of these involve the compromise of personal data and the restrictions of individual liberties. These intrusions have prompted community reactions ranging from compliance to hostility and resistance. Popular discontent with these potentially intrusive controls (in Europe and Asia) has focused on challenges to personal data protection, questions about equal application of the measures, as well as restrictions on freedom of movement and association.

In response to this discourse, this collaborative project addresses possible regulatory approaches to mediate such concerns through the lens of the rule of law. While the project focuses on the COVID-19 context, its outcomes are of relevance for other crisis contexts and different technologies as well. Thus, the focus is COVID-19 specific, but with interest in what learnings can be distilled from this crisis to be applied to future scenarios. The project uses standardisation, legal and discourse analysis, as well as empirical methods, such as the App walkthrough method, to provide answers to the research questions.

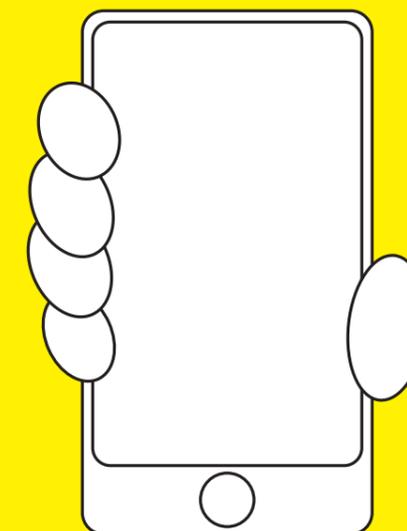
The research team kicked off the project in September 2020, conducting monthly roundtable discussions between the collaborators to provide input to one another. They have developed several working papers and organized an event related to the topics of rule of law and technology and community disquiet during the COVID-19 pandemic.

Plans for 2021

In early 2021, the team will host an Online Workshop Day. The initial aim of 2021 research is to focus on disaggregating the rule of law into key safeguards that facilitate and promote legitimacy and public trust. This will work as a foundation for other parts of the project. They will also work with a Ethnographic App Walkthrough paired with Media Go Along to investigate how and which rule of law aspects are prevalent in the design and functionalities of COVID-19 tracing apps. Finally, they will conduct an analysis of governance and oversight over COVID-19 technologies in different nation jurisdictions, also in relation to trust and community disquiet. These findings will be published individual publications and in form of a white paper. ●

2020 Papers and Project Highlights

- ▶ Examining Community Disquiet in The Age of COVID-19 (Wee, A., Findlay, M.).
- ▶ AI and Data Use: Surveillance Technology and Community Disquiet in the Age of COVID-19 (Wee, A., Findlay, M).
- ▶ Organised Event: “The rule of law in the technological age”



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