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LDF Encouraged Over OMB Memo on Artificial Intelligence

Yesterday, the Office of Management and Budget (OMB) [released](#) its Memorandum on “Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence,” which sets requirements and offers guidance for federal agencies’ development, procurement, and use of artificial intelligence (AI) systems.

In response, [Legal Defense Fund](#) (LDF) Manager of the Justice in Public Safety Project Puneet Cheema issued the following statement:

“Artificial intelligence systems continue to be developed and deployed at an increasing pace though they risk perpetuating or exacerbating inequalities and racial discrimination in many spheres. The requirements and guidance issued by OMB are a positive step towards creating standards to prevent the many harms that these systems pose in all sectors of society, including in health care, employment, housing, policing, and interactions with the criminal-legal system. Whether the Memorandum actually achieves one of its intended goals—to protect the rights of members of the public—will depend on how agencies interpret and implement it.

“The Memorandum grants agencies a concerning level of discretion in a number of ways. It allows agencies to waive, in certain cases, requirements designed to reduce the risk that agencies’ uses of AI may impact people’s rights or safety. It also simply encourages, rather than requires, agencies to take certain steps. For example, instead of prohibiting agencies from using systems that collect people’s identifying information without their consent, such as photos of their faces from social media, OMB only encourages agencies to consider whether data was lawfully collected.

“Moving forward, it is critically important for federal agencies to continue engaging with civil rights communities and federal civil rights officials to ensure their implementation of OMB’s guidance effectively protects people’s civil rights. We look forward to

continuing to work with the Biden administration and federal agencies to strengthen and develop strategies that curb the potential for civil rights violations through their use of artificial intelligence.”

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Founded in 1940, the Legal Defense Fund (LDF) is the nation’s first civil rights law organization. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.