

# AI (potential) Legislation in South America

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Marcelo Goyanes

# Brazil



- Several proposals and studies since 2019. In August 2023, Senate started a Temporary In-house Committee on AI.
- **Bill No. 2338/2024** (the “AI Legal Framework”):

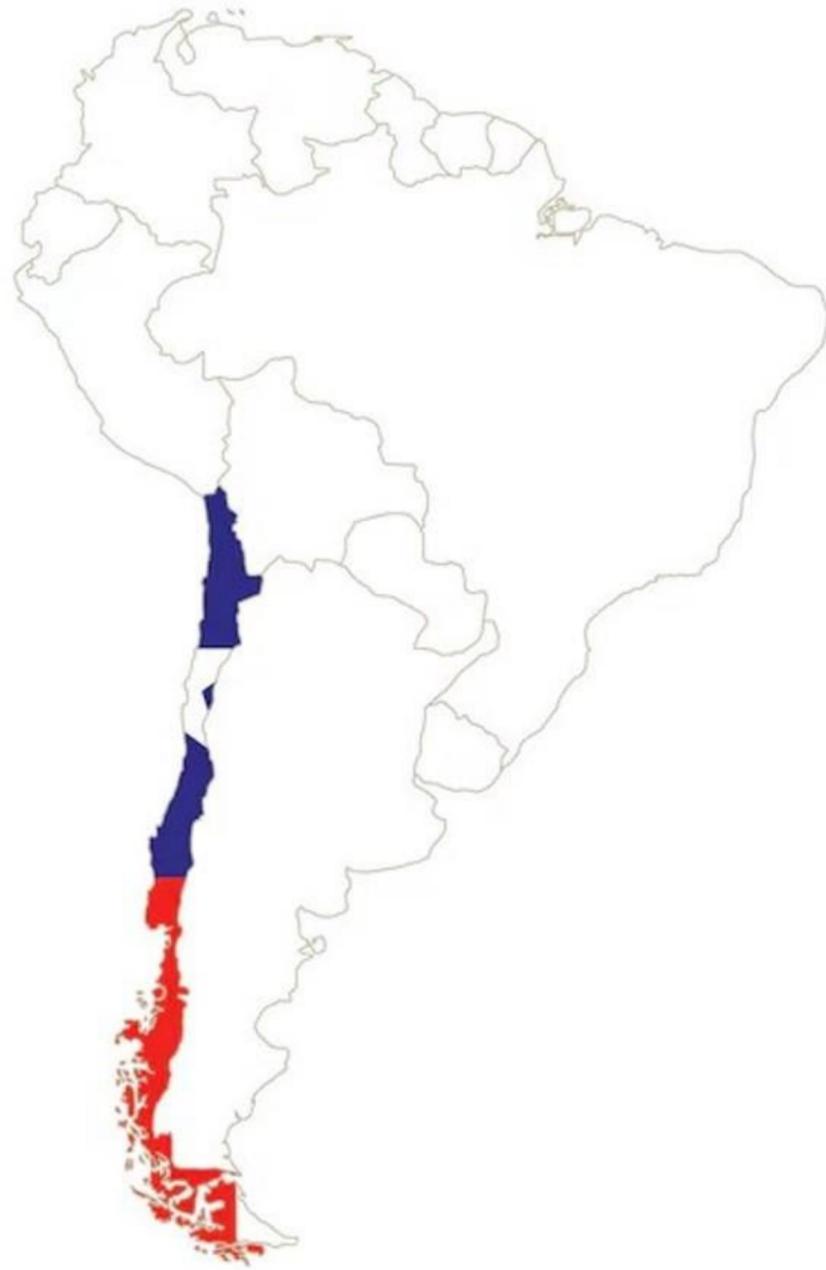
Hybrid model - Inspiration on the decentralized approach of the EUA, with a single central AI agency like the EU.

Human-centric. Protection to persons considered potentially affected by AI applications.

AI systems assessed according to their risks and regulated accordingly.

Copyright owners may prohibit the use of works for training AI systems (exceptions applied), and AI systems must inform use of protected works.

# Chile



- The **AI National Policy** updated in 2024 incorporating some provisions similar to the EU Act, especially the risk-based approach.

Draws inspiration on the UNESCO's Recommendation on the Ethics of AI focused on the development and use of AI in a responsible manner.

- **Bulletin 15869-19** – a Bill to regulate AI systems inspired by the EU AI Act: risk assessment, creation of Central Agency, and set of obligations for suppliers, developers, and users of AI applications.

Promote adjustment in copyright law introducing a copyright exception for the extraction, analysis, and classification of large datasets, including language, sound, or images, as long as it doesn't constitute hidden exploitation of copyrighted works.



# Argentina

- Latest Bill (**Responsabilidad Algoritmica y Promocion de la Robotica, Algoritmos Verdes e IA**) proposed in March 2024 focused on establishing certifications for good practices, implementing a public registry of significant risks, and encouraging accountability and algorithmic transparency of new technology.
- It also establishes a Consultive Council on AI, and outlines a set of principles: safeguarding fundamental rights, promoting the development of AI systems, and attracting foreigner investment for the country with low restrictions.

# Peru



- **Bill No. 31814** submitted to public consultation on May 02, 2024.
- Goal is establishing a regulatory framework aimed at promoting the ethical and responsible use of AI, while encouraging the development of AI systems at the national level, in favor of the country's economic and social development.
- Also provides a classification of the AI applications based on a risk assessment, and that the AI systems' agents must comply with Intellectual Property and related rights.

# Uruguay



- Law No. 20,212 enacted on Nov 2023 establishing the **guiding principles to be observed by the AGESIC** (*Agencia para el Desarrollo del Gobierno de Gestión Electrónica y la Sociedad de la Información y el Conocimiento*) when elaborating and regulating AI-related issues: ethical development, protection of human rights and the promotion of technological innovation.
- In 2024, AGESIC produced a **Report addressing the main topics to be considered when drafting AI legislation**, highlighting the importance of balancing the protection of copyrighted works with the promotion of innovation.

# Colombia



- Public Policy for Digital Transformation and AI (2019) + regulatory measures referencing the use of AI, predominantly addressing AI deployment within services rendered by public entities.
- **Bill No. 005/2024** establishing that AI systems must respect and recognize copyright and reveal the sources used to train such platforms. It highlights the importance of accreditation of original works and the promotion of digital innovation.

Inspired by international precedents, such as the UNESCO's Recommendation on the Ethics of AI, the OECD (Organization for Economic Cooperation and Development) Recommendation on AI, and the EU AI Act.



## AI in South America in a nutshell:

- No AI laws to date. Bills under analysis.
- Tendency to follow UNESCO's Recommendation on the Ethics of AI (2021) and EU AI Act (2024).
- Protection of human rights.
- Classification and level of regulation of AI systems based on risk assessment.
- Promotion of ethical and responsible development, while fostering innovation.
- Protection of IP and related rights.



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