The Real Facebook Oversight Board

Policy Platform

ARTIFICAL INTELLIGENCE

INTRODUCTION

The Real Facebook Oversight Board (RFOB) is an emergency response to the ongoing harms on Meta/Facebook's platforms from leading global scholars, experts, and advocates. Formed ahead of the 2020 election, RFOB sounded the alarm on the way that Facebook and its platforms were being used to sow doubt in the election and spread misinformation. The rampant and viral algorithmic amplification of those lies culminated in the January 6th attack on the U.S. Capitol in 2021.

Ahead of 2024, artificial intelligence (AI) poses new threats to aid and abet the same harms that RFOB has been calling attention to since its inception. We have watched as an unregulated, unchecked landscape has resulted in casualties in the U.S. and around the world.

As democracies face a reckoning in 2024 with elections in more than 70 countries, **RFOB believes it is critical that lawmakers and regulators craft and enforce policies to meet the moment and safeguard the rule of law in our digital ecosystems.**

FRAMEWORK

RFOB will support policies and enforcement that adhere to the following principles and values around the governance of AI platforms, companies, and the industry.

1. **Promoting competition:** Regulators like the Federal Trade Commission and the European Commission should take action to act early and halt market concentration scrutinizing both AI companies and Big Tech companies. Moves to consolidate market power often come at the expense of safety and testing requirements in order to hastily roll out products.

    a. Special attention should be paid to limiting anti-competitive or monopolistic behavior, especially amongst Big Tech. Regulators should be aware of the potential for social media companies to utilize the vast troves of personalized data they collect on its users to train and enhance AI models, stifling competition. Regulators should act to investigate and charge platforms that act in an anticompetitive manner.

2. **Creating and upholding privacy standards:** AI models are trained on input data. Utilizing users' personal information or purchasing large quantities of data from third-party data brokers fails to uphold standards of privacy spelled out under frameworks like the General Data Protection Regulation. As the Italian data protection enforcer has already challenged OpenAI, other regulators should be wary of the ability of new products to comply with privacy standards.

    a. The disparity in regulatory schemes across jurisdictions emphasizes the need for comprehensive privacy in the United States. Regulation that governs Big Tech's data practices will also govern AI companies' data practices.

2. **Reducing electoral misinformation**: Generative AI offers the potential for creating deepfakes and digitally manipulated images, audio, and video that can be used in elections. AI-generated images created and [used by a campaign political action committee of Gov. Ron DeSantis](#) and images of the [Pentagon](#) showcase the potential destructive uses of AI-generated content to disrupt democratic processes.

    a. Lawmakers should move swiftly to enact new legislation that requires both technical and audiovisual watermarking of AI-generated political ads either shown on television or on social media.

    b. The U.S. Federal Election Commission should use its existing authority to limit or ban the use of AI-generated content in election ads and/or implement strict disclosure and watermarking requirements.

3. **Ensuring future action**: AI poses significant short-term risks to competition, privacy, and elections. In addition, lawmakers and regulators should begin consideration, drafting, and implementation of policy standards that do not exist in the regulatory landscape. These principles are about designing safer AI products for the next decade.

    a. Producers of [high-risk](#) AI products should be required to submit their products to licensing requirements by a *truly* independent authority made up of experts in the technology and in regulation to ensure compliance with testing, data requirements, risk management, and adverse incident reporting.

    b. AI systems should allow for human intervention, when necessary, especially when reports are made to the developer of potentially harmful impacts or use cases.

    c. Transparency mechanisms should allow authorities and third-party researchers to study, test, and report on an AI product's impact on society. This includes understanding the potential bias a platform may have. Platforms should allow access to regulators to help them craft new policies.

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