

Juryrapport

Internetscriptieprijs 2019: Internet en Maatschappij- en/of Geesteswetenschappen

P.M. (Pauline) Kuss (Tilburg University)

*Deception By Design for the Goal of Social Gracefulness:
Ethical and Legal Concerns of Humanlike Conversational Agents.
An Assessment of European Privacy and Data Protection Law*

As director of SIDN fonds, which supports this award, but particularly as a fellow academic in this field and member of the jury, I am proud to present the award for the social science/humanities best thesis to Pauline Kuss. Pauline wrote this thesis as the final chapter for her master Law and Technology at Tilburg University. Pauline has also completed another master at JADS, the Jheronimus Academy of Data Science in Den Bosch, a joint initiative of Tilburg University and Eindhoven University of Technology. Not only has Pauline brought in highly relevant knowledge from these two fields of data-science and law, she has also combined this with a keen interest in the impact of AI on everyday life and the ethical challenges this entails. This rich interdisciplinary perspective has resulted in an outstanding thesis. The jury - besides myself consisting of professors Susanne Janssen of Erasmus University and Sally Wyatt of Maastricht University – unanimously agreed that Pauline is the winner of the SIDN fonds award.

In her thesis, Pauline addresses the influence that artificial intelligence, and specifically human-like conversational agents like Google Duplex, may have on our everyday life. These systems are voice systems which deceptively present themselves as human beings. They mimic human ‘natural’ language and social interactions, and thus deliberately disguise the fact that they are actually autonomous machines, using vast amounts of data about the person they are interacting with. This is even more important, when we take into consideration that these machines can be quite manipulative, as they are often designed to nudge or steer our behavior in a certain direction.

These conversational agents are - as Pauline has labeled this - deceptive by design. They are “equipped with deceptively human communication skills and conversational flexibility which allows them to gracefully maneuver through the jungle of social interactions”. By presenting themselves as humanoid social actors, they are more or less naturally entering our social life and our mental space, which brings to the fore serious ethical concerns that urgently need to be addressed. Not only concerns about the potential these agents have to derive detailed information about the personal and emotional life of the people they interact with, but also concerns about potential political manipulation, fraudulent misuse or infringement of privacy. As a starting point to address these issues, Pauline conducted a thorough legal analysis, in which she tries to answer the question: is existing European data protection and privacy law able to cope with these challenges? She concludes that, although some protection is offered by these regulatory frameworks, on a fundamental level the most important concerns are not acknowledged in regulation, particularly because the existing regulation vests great trust in *user consent*. The consent principle is, however, seriously challenged by the typical ‘deception by design’ character of these conversational agents. In this analysis Pauline has very skillfully shown how the law falls short in protecting and empowering users of these new pervasive technologies.

The regulatory gap she has detected makes clear that there is a great deal of important work to be done for a new generation of innovative academics and lawyers (such as Pauline)! I congratulate you with this award. As a jury, we have no doubt that we will be hearing more from you in the future!

*Prof. dr. V.A.J. (Valerie) Frissen, directeur SIDN Fonds, hoogleraar ICT en sociale verandering
Erasmus Universiteit Rotterdam*

*Prof. dr. M.S.S.E. (Susanne) Janssen, hoogleraar sociologie van media en cultuur Erasmus
Universiteit Rotterdam*

*Prof. dr. S.M.E. (Sally) Wyatt, hoogleraar Technology & Society Studies, Faculty of Arts and
Social Sciences Universiteit Maastricht*

De jury vergaderde op 1 oktober 2019 onder leiding van Mr. J.J.H. (Jaap) Pop, directeur KHMW; tevens namen deel aan de vergadering Prof. dr. R.B. (Rudy) Andeweg, secretaris geestes- en maatschappijwetenschappen en Drs. S. (Saskia) van Manen, secretaris (notulen).