




AI
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Amsterdam - London - Singapore

EU AI Act

*Trustworthy AI Playbook
for Enterprises*

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Amsterdam - London - Singapore

AI & Partners defends and extends the digital rights of users at risk around the world. By combining direct technical support, comprehensive policy engagement, global advocacy, grassroots professional services, regulatory interventions, and participating in industry groups such as AI Commons, we fight for fundamental rights in the artificial intelligence age.

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Our playbook shows how, ahead of the EU AI Act's imminent entry into force, trustworthy AI initiatives are key to secure both long-term value creation and foster a sustainable AI ecosystem following the first stage of the global AI industry's evolution, from the late introductory phase to the early growth stage.

We show how enterprises can seize the initiative by implementing trustworthy AI programmes across the organisation, aligning people, process and technology with the EU AI Act's stringent demands. Given that the EU AI Act places a large emphasis on the uptake of trustworthy AI, firms are obliged to, both formally and informally, to put in place the necessary processes and procedures to safeguard their organisations. Working with the AI ecosystem on trustworthy AI helps.

About this report

This report is based on market research, publicly available data, and interviews with AI specialists in AI & Partners, financial services organisations, and relevant third-parties. Moreover, quotations provided on specific topics reflect those of AI specialists at AI & Partners to be as representative as possible of real-world conditions. All references to EU AI Act reflect the version of text valid as at 16 April 2024. Accessible [here](#).

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Foreword

When AI & Partners embarked on its European Union (EU) artificial intelligence (AI) Act (EU AI Act) preparations in 2021, the broad relevance of trustworthy artificial intelligence (TAI) to enterprises was still under discussion. The role of enterprises in expediting the adoption of TAI, particularly given other expectations placed on them in the areas of climate change, equity, diversity and inclusion, and cybersecurity, remains also unclear.

With the release of the EU AI Act proposal on 21 April 2021, both the opportunities and risks of AI came into sharper focus. In this sense, the imperative of promoting the uptake of TAI while also ensuring the protection of health, safety, and fundamental rights gained more stakeholder confidence.

What, then, is the specific function of enterprises in advancing the adoption of TAI?

As espoused by Metcalfe's Law, the value of a network is proportional to the square of the number of connected users of the system. This adage emphasizes that, as the number of users of general purpose AI (GPAI) increases, the more valuable the AI ecosystem, including actors interacting within this, becomes. A growing social network requires strong regulatory pillars to provide a robust, secure, and safe substrate on which to build. On a cross-sectoral basis, enterprises are already struggling with risks such as data breaches, privacy loss, job loss, ethical challenges, misinformation and disinformation. Regulation can help address these burdens.

To protect their organisations' stability both now and in the future, enterprises should tackle both these immediate issues as well as the deeper implications of AI. This starts with establishing strong governance frameworks and clear principles, processes, procedures and practices to integrate TAI standards into all applications.

If successful, the term "TAI" will resonate globally, as high-quality, trustworthy and safe AI becomes the norm. Just as we don't distinguish between "businesses" and "businesses that don't fail", the qualifier "trustworthy" will become an unspoken expectation. Today, we are at the embryonic stages of this era, as the EU AI Act, together with new AI laws and regulations, emerge to ensure that all AI applications are trustworthy.

This circles us back to our original question, for which there is an unequivocal answer: large enterprises can and should exercise the influence afforded by their resources (e.g. operational, technological, financial, etc.) to promote the use of TAI in their organisations, in their work with clients and partners, and in the ecosystem at large.

This white paper offers a playbook for how enterprises can accelerate the adoption of TAI, as loosely recognised by the EU AI Act, to help drive value. While it is not a comprehensive view of all levers available, we believe it provides useful guidance, theoretical examples and concrete steps for engaging with other stakeholders.



Executive Summary

Trustworthy AI solidifies firms' for success in this frontier technology transformation.

Artificial intelligence (AI) is taking a core role in the frontier technology transformation, a period defined by the intersection of cutting-edge technologies and a period of 'transformative innovation to change the current way in which social, economic and political pillars of society operate. AI is rapidly finding its way into a wide range of business-to-business (B2B) and business-to-consumer (B2C) applications. For large enterprises, ensuring all AI applications are trustworthy (i.e. Reliable, Ethical, and Transparent) is not merely a technological upgrade but a strategic imperative. Ensuring it is developed and deployed in a manner consistent with trustworthy AI (TAI) standards is an important step for enhancing value-added growth and positioning themselves for success.

RAI reduces risk and promotes growth in the following ways:

It enhances safety and reliability: Trustworthy AI systems are designed to be robust and secure, minimizing errors and vulnerabilities. This ensures consistent performance and reduces the risk of harm, fostering a safer environment for users and operators (**Recital 27**).

It aids ethical and fair decision-making: By adhering to principles like non-discrimination and transparency, trustworthy AI promotes fairness and accountability. This builds public trust and encourages wider adoption, driving growth in various sectors (**Recital 27**).

It boosts innovation and market confidence: Trustworthy AI frameworks provide clear guidelines and standards, reducing legal uncertainties. This encourages investment and innovation, as businesses feel more confident in developing and deploying AI technologies (**Article 15**).

To capitalise on AI's potential, enterprises should engage with stakeholders in many ways, including:

Conduct inclusive impact assessments:

Enterprises should involve relevant stakeholders, including civil society organizations and independent experts, in conducting impact assessments for high-risk AI systems. This ensures comprehensive risk evaluation and fosters trust among affected groups (**Recital 96**).

Hold balanced advisory forums: Establish advisory forums with balanced representation from industry, SMEs, academia, and civil society. This diverse input helps shape AI strategies that are both innovative and ethically sound (**Recital 165**).

Promote voluntary codes of conduct: Encourage the creation of voluntary codes of conduct that incorporate ethical guidelines and best practices. Engaging stakeholders in this process ensures that AI systems are developed responsibly and sustainably (**Recital 165**).

A few key areas requiring further development are:

Enhanced Data Governance: There is a need for improved data governance frameworks to ensure high-quality, unbiased data for training AI systems (**Recital 27**).

Ethical and Inclusive Design: Further development is required in creating AI systems that adhere to ethical guidelines, promoting diversity, non-discrimination, and fairness (**Recital 20**).

AI Literacy and Public Awareness: Increasing AI literacy among all stakeholders, including developers, users, and the general public, is crucial (**Recital 20**).

Introduction

Trustworthy AI can protect and create value for enterprises and other stakeholders.

Artificial Intelligence (AI) is a rapidly evolving technology that enhances various aspects of economic, environmental, and societal activities. By improving prediction, optimizing operations, and personalizing digital solutions, AI provides significant competitive advantages and supports beneficial outcomes in sectors such as healthcare, agriculture, education, and public services. Its ability to analyse vast amounts of data and make informed decisions is transforming industries, making processes more efficient and effective.

AI's integration across industries is evident in its diverse applications. In healthcare, AI aids in diagnostics and personalized treatment plans. In agriculture, it optimizes crop management and resource use. The technology also enhances energy efficiency, environmental monitoring, and climate change mitigation efforts. By embedding AI into various systems, industries can achieve greater innovation, sustainability, and productivity.

Box 1: TAI Dimensions and Principles

TAI encompasses several key dimensions and principles aimed at ensuring ethical and reliable AI systems. These include human agency and oversight, which ensures AI serves people and respects human dignity, and technical robustness and safety, which focuses on resilience and minimizing unintended harm. Privacy and data governance ensure compliance with privacy laws and data integrity, while transparency promotes traceability and explainability of AI operations.

Additionally, diversity, non-discrimination, and fairness are crucial, ensuring AI systems avoid biases and promote equal access. Societal and environmental well-being emphasizes sustainable and beneficial AI development, monitoring long-term impacts. Lastly, accountability ensures clear mechanisms to address AI-related issues, fostering trust and ethical AI deployment. These principles collectively contribute to the design of coherent, trustworthy, and human-centric AI systems.

TAI has the potential to mitigate risk and increase value for stakeholders. All stakeholders for whom AI is a material risk or opportunity (e.g. enterprises developing, deploying and embracing AI, enterprises managing these businesses and players in the broader ecosystem) have an incentive to accelerate TAI's adoption. Yet this often lags behind other strategic AI priorities.

This playbook draws on publicly available research and insights from stakeholders across the AI ecosystem. It aims to help enterprises understand and assess the integration of TAI in their businesses and opportunities for engagement. Enterprises can consider adopting elements of this playbook as they develop their own AI strategies ahead of EU AI Act'.

1. The Business case for TAI and the role of stakeholders

Enterprises have an incentive and an opportunity to embrace TAI.

1.1 AI will drive both risks and value

As AI adoption increases, it will become a driver of both risk (i.e. combination of the probability of an occurrence of harm and the severity of that harm under Article 3(2)) and value. This means it will also become an important part of the due diligence enterprises are subject to acquire potential investments. Essentially, how it is governed and managed will become a core oversight priority for corporate boards.

Table 1: Some categories of AI risks under Article 27 (Fundamental rights impact assessment for high-risk AI systems) (illustrative, non-exhaustive)

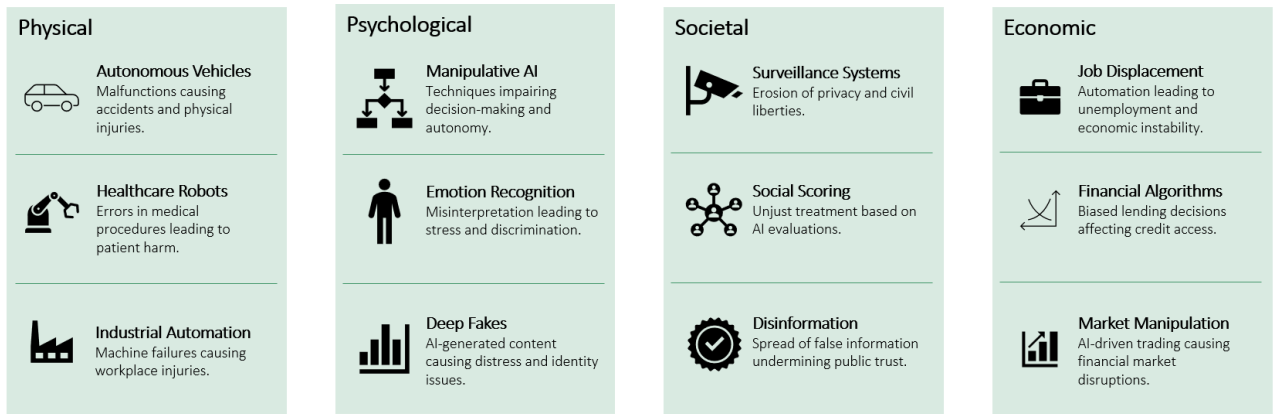
Risk Category	Sub-Risks	Description
Data	Bias in data	Data sets may contain biases that lead to unfair or discriminatory outcomes, affecting the reliability and fairness of AI systems.
	Data privacy	Inadequate data governance can lead to breaches of personal data, compromising user privacy and violating regulations.
	Data quality	Poor-quality data can result in inaccurate AI predictions and decisions, undermining the system's effectiveness and trustworthiness.
Operational	System failures	Technical malfunctions or software bugs can cause AI systems to fail, leading to operational disruptions and potential harm.
	Security vulnerabilities	AI systems may be susceptible to cyberattacks, which can compromise their integrity and lead to unauthorized access or manipulation.
	Human Oversight	Insufficient human oversight can result in AI systems making critical decisions without proper review, increasing the risk of errors.
Ethical	Transparency issues	Lack of transparency in AI decision-making processes can erode trust and make it difficult to understand or challenge AI outcomes.
	Discrimination	AI systems may inadvertently perpetuate or exacerbate existing biases, leading to discriminatory practices against certain groups.
	Accountability	Ambiguities in accountability can make it challenging to determine who is responsible for AI-related harms or errors, complicating redress mechanisms.

Overall, AI risks can result in significant unintended or maliciously intended negative consequences or harms for enterprises and their shareholders.

These harms can negatively impact financial performance, non-financial performance, legal and compliance issues, and reputational integrity.

Beyond the direct organizational impact, Recital 5 outlines how AI generates risks and causes harm to public interests and fundamental rights that are protected by Union law harms. These are further specified in Figure 1 below.

Figure 1: The four areas of potential harm generated by AI under Recital 5.



While TAI is primarily about preventing or reducing the AI risks and harms above, it can also create additional benefits for companies. Other sources of value from TAI are built upon trust – they include its ability to improve top- and bottom-line growth by growing customer engagement, widening revenue streams, offering procurement advantages in competitive bidding processes, and increasing pricing power in the marketplace. Business leaders increasingly show that the potential long-term benefits and cost savings associated with implementing TAI far outweigh the initial costs.



1.2 The role of enterprises in promoting uptake of trustworthy AI

A growing global consensus emphasizes that TAI solutions must align with innovation in AI. As AI's uptake and potential impact gain ground globally, enterprises, shareholders, governments and regulators will face a potential rise in the scale of risks and consequences.

For enterprises, building a resilient organisation will involve staying ahead of AI developments. The motivation for enterprises to accelerate the adoption of TAI is based on the anticipation that the worldwide community will persist in moving towards the acquisition, development and implementation of AI, along with the expectation of government-imposed regulations, such as the EU AI Act, responding to corporate promises, and evolving consumer and corporate practices.

Table 2: Stakeholders' role and incentive in accelerating uptake of Trustworthy AI

Stakeholder Grouping	Stakeholders	Examples	Role in TAI	Incentive to Accelerate the Uptake of TAI
Industry	Large corporations	Tech giants like Google and Microsoft.	Develop and deploy AI systems, ensuring compliance with ethical guidelines and regulatory standards (Recital 165).	Enhance brand reputation and trust.
	Start-ups	AI-focused start-ups like OpenAI and DeepMind.	Innovate and create cutting-edge AI technologies, often leading in ethical AI research and development (Recital 165).	Attract investment and market opportunities.
Academic and Research Institutions	Universities	Institutions like MIT and Stanford.	Conduct foundational AI research, develop ethical frameworks, and educate future AI professionals (Recital 165).	Secure research funding and partnerships.
	Research organisations	Entities like the European AI Alliance.	Provide independent assessments and guidelines for ethical AI development and deployment (Recital 165).	Influence policy and industry standards.
Civil Society Organisations	Consumer protection groups	Organizations like Consumer Reports.	Advocate for consumer rights, ensuring AI systems are safe, fair, and transparent (Recital 165).	Protect consumer interests and rights.
	Human rights organisations	Groups like Amnesty International.	Monitor and report on AI's impact on human rights, pushing for ethical AI practices (Recital 165).	Uphold human rights and ethical standards.

Business leaders are increasingly looking to the potential long-term benefits and cost savings associated with implementing trustworthy AI as they far outweigh the initial expense of implementing TAI.

2. Enterprise engagement in TAI

To prevent or mitigate risks and harms, enterprises will need to engage on TAI across the organisation and potentially beyond.

2.1 Prioritising areas of highest impact

Where can enterprises start? The following steps will help guide them as they begin to engage with stakeholders, investors, and the broader ecosystem. Additional tools have also emerged to assist them.

Step 1: Develop TAI commitments and apply its principles and practices to internal operations.

The first step for enterprises looking to integrate TAI across business functions is to become knowledgeable on AI/TAI and apply it to their own operations. This includes defining their own TAI principles and priorities, including what they will not do. If using AI in their own operations, enterprises should adopt an AI governance framework with clear policies and standards and promote a culture of accountability and transparency around AI development, adoption and use.

Step 2: Conduct TAI due diligence on the business.

AI will soon be at play in nearly all enterprises, from the innovation labs of big tech to factory floors. The question for enterprises is, where in the organisation should they first focus on TAI? Given the diversity of business functions and client types, engagement and mitigation strategies should be tailored to business functions and corporate strategies.

Enterprises should perform proper due diligence to assess how they and strategic partners are positioned to meet TAI principles. In primary business functions, potential areas for strengthening or instilling TAI practices may occur where AI drives core revenue streams, is deployed in high-risk areas, such as Articles 6-7 and Annex III, is highly regulated, or has high adoption rates. In addition, enterprises in the “real economy” that have not yet adopted AI in any meaningful way represent an opportunity for enterprises to help make TAI a part of the company’s AI strategy foundation. In enterprises with outsourced business functions, enterprises may perform diligence on their outsourced partners to ensure appropriate TAI policies and procedures are in place.

Step 3: Engage with shareholders, and the broader ecosystem.

Working with shareholders, and other players can extend enterprises’ influence and help them maximize the value of their AI activities by building bespoke plans to accelerate the adoption of TAI. Engagement with shareholders, and the broader ecosystem is covered more in the following chapters of this playbook.

Enterprises’ priorities will often depend on what is discovered during due diligence and stakeholder needs (e.g. corporate governance, capacity building, strategy and risk management). That said, AI governance is a key point of leverage and impact.

+ Governance establishes the foundation.

Mechanisms like regulation, principles, policies, standards and oversight lay the groundwork for TAI.

+ There is a gap before EU AI Act. Laws and regulatory expectations governing AI are still emerging in most regions. This creates an opportunity for enterprises to promote strong self-governance mechanisms that proactively address stakeholder concerns.

+ Governance supports innovation and trust.

With effective governance in place, firms can confidently pursue innovative applications of AI, knowing they have mechanisms to identify and mitigate risks.

Overall, ecosystem AI governance informs and enforces organizational AI governance, which leads to the delivery of TAI principles. The transparency provided to enterprises allows them to hold themselves accountable.

2.2 Engagement with shareholders

A company's shareholders, board directors and management all play critical roles in creating sustained long-term value. The division of authority and responsibilities among this group of roles is the core of good governance.

In regarding this division of authority and responsibilities, enterprises engage with organisations through their board representation and employee empowerment. Directors of companies are responsible for providing oversight and counsel to management about material business opportunities and risks, and ensuring that these are considered in strategy-setting, operational implementation and in relevant disclosures to the market. Where AI is a material risk or opportunity, the board should assume oversight as it would any other material business risk. Table 3 highlights sample objectives, tools and examples to further help enterprises strategize engagement with shareholders on TAI.

Table 3: Productive engagement with shareholders on TAI

Issue	Engagement Objective	Description	Example
Transparency in AI Operations	Ensure clear, understandable AI processes and decisions.	Enterprises should make AI operations transparent, allowing stakeholders to understand how decisions are made and ensuring accountability (Recital 165).	Implementing explainable AI models that provide clear reasoning for decisions, and regularly publishing transparency reports detailing AI system operations and impacts (Recital 165).
Inclusive Stakeholder Participation	Engage diverse stakeholders in AI development.	Involve a broad range of stakeholders, including civil society, academia, and industry experts, in the design and development of AI systems to ensure diverse perspectives and needs are considered (Recital 165).	Establishing advisory boards with representatives from various sectors to provide input on AI projects, ensuring that the systems developed are inclusive and fair (Recital 165).
Ethical AI Guidelines	Develop and adhere to ethical AI standards.	Create and implement ethical guidelines for AI development and deployment, ensuring that AI systems are designed and used in ways that respect human rights and promote fairness (Recital 27).	Drafting a comprehensive code of conduct for AI development that includes principles from the EU's Ethics Guidelines for Trustworthy AI, and training employees on these standards (Recital 27).
Continuous Risk Assessment	Regularly evaluate and mitigate AI risks.	Conduct ongoing risk assessments to identify and address potential harms associated with AI systems, ensuring they remain safe and reliable throughout their lifecycle (Recital 114).	Implementing a robust risk management framework that includes regular audits, adversarial testing, and post-market monitoring to continuously assess and mitigate risks (Recital 114).

2.3 Engagement with wider AI ecosystem

To create a structured approach for elevating TAI standards, enterprises must work collectively with an array of stakeholders. These include investors, strategic partners, government and regulators, professional and research organizations, and other actors and observers.

Table 4 provides sample objectives, tools and real-world examples enterprises can consider when engaging on AI across the ecosystem:

Table 4: Productive engagement with shareholders on TAI

Issue	Engagement Objective	Description	Example
Collaboration with Regulatory Bodies	Ensure compliance with evolving AI regulations and standards.	Enterprises should actively collaborate with regulatory bodies to stay updated on AI regulations, ensuring their systems meet legal and ethical standards (Recital 4).	Participating in AI regulatory sandboxes to test and validate AI systems under the supervision of competent authorities, ensuring compliance and gaining insights into regulatory expectations (Recital 27).
Engagement with Civil Society Organisations	Address societal concerns and ethical implications of AI.	Engage with civil society organizations to understand and address societal concerns, ensuring AI systems are developed and deployed ethically and responsibly (Recital 4).	Hosting regular forums and workshops with human rights organizations to discuss AI impacts, gather feedback, and incorporate ethical considerations into AI development processes (Recital 4).
Partnerships with Academic Institutions	Foster innovation and ethical AI research.	Collaborate with academic institutions to drive AI innovation and research, focusing on ethical AI development and addressing potential risks (Recital 4).	Establishing joint research projects with universities to explore new AI technologies, develop ethical guidelines, and create educational programs for future AI professionals (Recital 4).



3. The obstacles ahead – and how to successfully beat them

Strategies for effective TAI engagement are starting to emerge

Enterprises encounter a range of challenges in their efforts to engage on TAI, from grappling with regulatory uncertainty to navigating the rapidly evolving landscape of AI development, deployment, marketing, distribution and use. There is still much work to be done, including:

Data Quality and Bias

Ensuring high-quality, unbiased data is critical for trustworthy AI. Poor data quality can lead to inaccurate predictions and biased outcomes, undermining trust and fairness. To overcome this, enterprises should implement robust data governance frameworks, including regular audits and diverse data sources, to maintain data integrity and minimize biases (**Recital 27**).

Transparency and Explainability

Lack of transparency in AI decision-making processes can erode trust and make it difficult to understand or challenge AI outcomes. Developing explainable AI models and providing clear documentation and transparency reports to stakeholders can help. This includes detailing how decisions are made and the system's limitations (**Recital 27**).

Ethical and Inclusive Design

Designing AI systems that adhere to ethical guidelines and promote diversity, non-discrimination, and fairness is complex. Involving diverse teams in AI development and adhering to ethical guidelines, such as those outlined by the EU's Ethics Guidelines for Trustworthy AI, can ensure inclusive and fair AI systems (**Recital 27**).

Regulatory Compliance

Navigating the evolving landscape of AI regulations and ensuring compliance can be daunting for enterprises. Collaborating with regulatory bodies and participating in regulatory sandboxes can help enterprises stay updated on legal requirements and ensure compliance with AI regulations (**Annex XI**).

Security and Robustness

Ensuring AI systems are secure and robust against cyberattacks and technical failures is essential for maintaining trust. Implementing strong cybersecurity measures and conducting regular security assessments to identify and mitigate vulnerabilities in AI systems is crucial (**Recital 27**).

Human Oversight

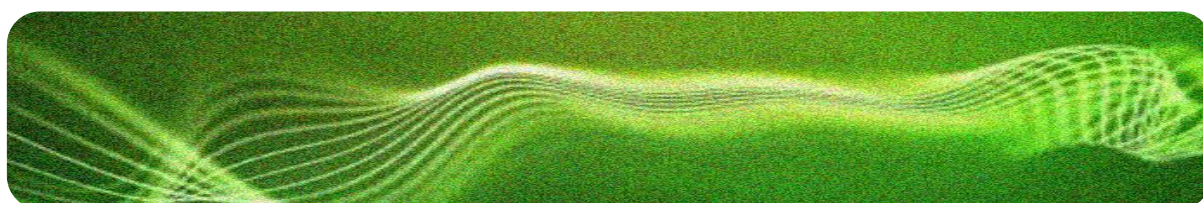
Insufficient human oversight can result in AI systems making critical decisions without proper review, increasing the risk of errors. Establishing clear protocols for human oversight and intervention ensures that AI systems are monitored and controlled by qualified personnel (**Recital 27**).

Public Trust and Acceptance

Building public trust and acceptance of AI technologies is crucial for their widespread adoption. Engaging with civil society organizations and conducting public awareness campaigns to educate stakeholders about the benefits and risks of AI can foster trust and acceptance (**Recital 27**).

Innovation and Ethical Balance

Balancing innovation with ethical considerations can be challenging, as rapid technological advancements may outpace ethical guidelines. Fostering partnerships with academic institutions and research organizations to drive ethical AI research and innovation ensures that new technologies align with ethical standards (**Recital 27**).



Conclusion

The revolutionary potential of AI is becoming clearer, and with this potential comes a riveting economic rationale for prioritizing TAI. While challenges, such as navigating technical complexities, adapting to regulatory changes and establishing consensus on governance are present, they are surmountable with a concerted and collective effort from all stakeholders.

Enterprises play a pivotal role in this endeavour. By driving TAI, they not only help mitigate risks but also unlock opportunities for sustainable growth and innovation. This playbook serves as a strategic guide, offering insights and actionable strategies for enterprises to drive the integration of TAI in AI development and deployment.

For enterprises aiming towards the elixir of long-term value creation, driving TAI is a strategic business decision. Through collaboration, education and proactive engagement, enterprises can help steer the AI revolution towards a future where technology operates with trustworthiness at its core, benefiting enterprises, shareholders, consumers and society at large.



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To find out how we can help you, email contact@ai-and-partners.com or visit <https://www.ai-and-partners.com>.



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