

**NUJ Briefing – Artificial Intelligence**

**June 2023**

The National Union of Journalists welcomes the UK government’s paper on artificial intelligence, including its publication of principles informing the development of AI.

**AI principles**

Whilst principles on safety, security and robustness; appropriate transparency and explainability; fairness; accountability and governance; contestability and redress are all useful starting points for discussion on AI’s impact on journalism, the NUJ believes further analysis must be conducted in conjunction with the union to understand the breadth of journalists’ concerns including on copyright infringement and moral rights.

When initially implemented, AI principles will be issued on a non-statutory basis leaving the union concerned some businesses will fail to comply with them, risking discriminatory practices and poor security in the development of AI. Government must create a legal framework allowing a regulator to issue considerable financial penalties to developers who breach journalists’ rights.

**Journalism and AI**

For individuals and consumers to confidently use AI technologies, there must be a belief that systems are ethical and trustworthy. This inherently includes respecting the rights of those whose content is used at various stages. Data sets used to inform AI systems use journalistic content and there have been reported instances of these being used without approval. Weakened rights are not a fair trade-off in government’s pursuit of AI innovation and any implication that strengthened rights hinders progression wrongly pits journalists and creators against developers. Instead, there must be transparent processes on how developers source information and licences, with clear accessible ways to seek compensation should breaches occur.

Some media owners are reportedly in negotiations with AI companies to effectively licence their material for use. If such licensing arrangements are available, they should also include copyright owners who own material in their own right. This could mirror the arrangements reached by ‘collecting societies’ such and the Authors Licensing and Collecting Society. Individual creators should always retain the right to opt their material out of such arrangements.

Developers stand to gain financially from the use of content and while the NUJ recognises the potential benefits of AI, it opposes the unlawful exploitation of journalists and urges government to inform businesses of their legal obligations to comply with existing laws as part of any guidance issued. These include laws on data protection, privacy and copyright.

Journalists including freleances with limited financial resources are concerned about the risks posed to their work and profession as AI continues to rapidly develop without sufficient regulatory oversight. Fears include loss of earnings, an imbalanced focus on efficiency, dismissal of the talent and creativity they hold, and failure to acknowledge skill sets.

Journalism is relied upon by society to inform decision making and uphold democracy and the failure to label AI content as such is likely to exacerbate these concerns and erode public trust. All work produced by AI should always be labelled clearly as such.

**Government action**

Existing regulators will hold responsibility for considering approaches in sectors and government will eventually create a legal obligation on regulators to have due regard to the principles. It is unclear however, when this duty will be introduced. Government states it is adaptable in its approach, and the NUJ hopes this extends to addressing gaps in its [paper](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1146542/a_pro-innovation_approach_to_AI_regulation.pdf), including on trade union engagement.

**Engagement**

Bolstering measures to support businesses in their development of AI without similar focus for the impact on journalists and creators fails to capture the overall realities of how this technology will affect rights owners. Analysis of the economic benefits of AI for the UK economy must be contrast with research into short and long-term impacts on journalists.

Where employers are using AI in recruitment, selection or appraisal they should do so with the consent of affected workers and with all algorithms being transparently and intelligibly available for inspection as a matter of right. Government must require those who use generative AI to enter licensing arrangements with those upon whose work they ultimately rely.

The NUJ is keen to engage with government on its proposals to inform discussions and share the experiences and concerns of journalists. AI is a complex field with wide-ranging cross-sector impacts on how technology is accessed and informs daily life. Businesses and AI experts should not be the sole stakeholders in engagement on government principles and frameworks. Democratic participation must be pursued with recognition of the UK’s global influence and how decisions reached may be replicated by other countries.