

The Human Process of Trust in Automated Decisions and Algorithmic Explainability as a Fundamental Right in the Exercise of Brazilian Citizenship

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Abstract : Access to information is a prerequisite for democracy while also guiding the material construction of fundamental rights. The exercise of citizenship requires knowing, understanding, questioning, advocating for, and securing rights and responsibilities. In other words, it goes beyond mere active electoral participation and materializes through awareness and the struggle for rights and responsibilities in the various spaces occupied by the population in their daily lives. In times of hyper-cultural connectivity, active citizenship is shaped through ethical trust processes, most often established between humans and algorithms. Automated decisions, so prevalent in various everyday situations, such as purchase preference predictions, virtual voice assistants, reduction of accidents in autonomous vehicles, content removal, resume selection, etc., have already found their place as a normalized discourse that sometimes does not reveal or make clear what violations of fundamental rights may occur when algorithmic explainability is lacking. In other words, technological and market development promotes a normalization for the use of automated decisions while silencing possible restrictions and/or breaches of rights through a culturally modeled, unethical, and unexplained trust process, which hinders the possibility of the right to a healthy, transparent, and complete exercise of citizenship. In this context, the article aims to identify the violations caused by the absence of algorithmic explainability in the exercise of citizenship through the construction of an unethical and silent trust process between humans and algorithms in automated decisions. As a result, it is expected to find violations of constitutionally protected rights such as privacy, data protection, and transparency, as well as the stipulation of algorithmic explainability as a fundamental right in the exercise of Brazilian citizenship in the era of virtualization, facing a threefold foundation called trust: culture, rules, and systems. To do so, the author will use a bibliographic review in the legal and information technology fields, as well as the analysis of legal and official documents, including national documents such as the Brazilian Federal Constitution, as well as international guidelines and resolutions that address the topic in a specific and necessary manner for appropriate regulation based on a sustainable trust process for a hyperconnected world.

Keywords : artificial intelligence, ethics, citizenship, trust

Conference Title : ICAIL 2024 : International Conference on Artificial Intelligence for Law

Conference Location : Cairo, Egypt

Conference Dates : December 16-17, 2024