

10 Evolving AI Compliance Considerations for Employers

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In the pursuit of finding more effective and efficient ways to recruit, train, evaluate and retain employees, employers have turned to the use of automated tools.

Some employers use artificial intelligence to sort through high volumes of applications, select applicants for automated interviews or guide candidates through the application process. Meanwhile, others are leveraging AI to ensure employee safety and monitor productivity and performance. Following a momentous year in 2022, employers must now consider the application of, and potentially prepare to comply with, a series of new transparency, data and auditing requirements imposed by state and local AI and privacy laws affecting such tools, many of which are taking effect in 2023. For example, beginning in April, New York City employers using automated employment decision-making tools in hiring and promotion will have to navigate new notice and bias auditing requirements. Meanwhile, California employers will need to be ready for the enforcement of applicant and employee data rights under the California Consumer Privacy Act, as amended by the California Privacy Rights Act, which took effect Jan. 1. At the same time, we are continuing to see increasing involvement from the [U.S. Equal Employment Opportunity Commission](#) in this space, as well as ongoing legislative efforts to regulate the use of automated tools in the workplace. In this article, we will address the top 10 takeaways for consideration regarding AI and privacy developments for employers already using, or contemplating the use of, automated tools in the employment lifecycle.

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Gibson Dunn's lawyers are available to assist in addressing any questions you may have regarding these developments. To learn more about these issues, please contact the Gibson Dunn lawyer with whom you usually work, any member of the firm's [Artificial Intelligence](#) or Labor and Employment practice groups, or the authors:

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