

AI in Employment: Privacy Regulation Is Here

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Much ink has been spilled about the role of artificial intelligence (AI) in employment, especially in light of the developing menagerie of laws seeking to govern automated decision tools in the workplace. And rightly so—this is a burgeoning area with daily developments that must be carefully monitored. From enforcement of New York City's [AI employment law](#) beginning on July 5, 2023 to a barrage of proposed bills like U.S. Senator Casey's [No Robot Bosses Act](#), there has seldom been a dull moment in 2023. However, amidst all of the buzz around automation in the workplace, privacy regulations have emerged as yet another piece of the employment puzzle.

Where Does Privacy Come In?

Privacy regulations play a key role in the effective governance of AI in the workplace. AI systems are increasingly processing personal data—ranging from demographic data to biometric data—by using algorithms to analyze and extract insights from various types of information to make predictions, recommendations, or even decisions for an employer. By implementing an AI system that collects and processes this personal data, the employer may be responsible for ensuring compliance with the evolving patchwork of laws governing the use of AI in employment decision making but also with many existing data protection laws, depending on their geographical scope and use.

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Gibson Dunn's lawyers are available to assist in addressing any questions you may have regarding these developments. Please contact the Gibson Dunn lawyer with whom you usually work, any member of the firm's Artificial Intelligence, Labor & Employment, or Privacy, Cybersecurity & Data Innovation practice groups, or the authors:

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