

## From Rights to Rationale: Assessing the Legal Grounds for an Autonomous Right to Explanation



**Uchenna Nnawuchi, Dr Carlisle George, and Dr Florian KammueLLer**

Dept of Computer Science, Middlesex University, Hendon, London, UK

In the contemporary landscape dominated by the ascendancy of artificial intelligence and decision-making machine learning algorithms, the imperative of understanding and justifying the outcomes generated by these systems has sparked profound discourse on the nuanced concept of a right to explanation. This presentation delves into the multifaceted dimensions of such a right, tracing its genesis and significance against the backdrop of the burgeoning influence of algorithmic decision-making. A meticulous evaluation of existing legal frameworks on Artificial Intelligence including international human rights law, case law, and soft law serves as a crucible for scrutinising the historical foundations germane to the development of the right to explanation as well as providing a legal ground and reason for this right.

A critical component of this analysis is the justification of the right, exploring its inherent necessity, importance, implications, and associated limitations. A proposal for a comprehensive right to explanation is articulated, emphasising its potential to address the complex ethical and legal quandaries posed by algorithmic decision-making. Furthermore, the article conducts a judicious comparative analysis, deftly juxtaposing the right to explanation with the duty to give reasons and drawing insights from the French legal code.

Finally, this presentation gives a compelling argument for adopting a robust right to explanation, asserting its relevance in safeguarding a myriad of human rights interests and constitutional principles. By examining the tapestry of the existing legal landscape and proposing a forward-looking framework, the work presented contributes to the ongoing discourse on reconciling algorithmic decision-making with legal and ethical imperatives.

### References

#### Cases

NJCM ET AL V. THE Dutch State (2020) the Hague district court ecli : nl: RBDHA:2020;1897; Hous. Fed'n of Teachers, Local 2415 v. Hous. Indep. Sch. Dist., 251 F. Supp. 3d 1168 (S.D. Tex. 2017).

#### Statutes

The European Union Artificial Intelligence Act 2022.

The European Union General Data Protection Act 2016.

European Convention on Human Rights.

#### Websites

The OECD Artificial Intelligence (AI) Principles - OECD.AI <<https://oecd.ai/en/ai-principles>> accessed February 14, 2023.

#### Journal Article

S Wachter, B Mittelstadt, and L Floridi, 'Why a Right to Explanation of Automated Decision-Making Does Not Exist in the General Data Protection Regulation' (2017) 7 International Data Privacy Law 76.