InterPARES Trust AI

AA01-SG05 On appraisal and disposition y Latin America.

Report

October 14, 2023

AA01-SG05 On appraisal and disposition y Latin America

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Introduction

The SG5 case study was conducted to identify weak points and difficulties in the development of processes on appraisal and disposition. This is because in Latin American Spanish speaking countries coexistence of paper and digital records prevail, there are huge volumes of paper, and digital records that are still waiting for appraisal and disposition processes, and it is perceived that artificial intelligence (AI) would be a tool that might be of help.

1. About the case study

SG05 aimed to understand the appraisal and disposition processes applied for both physical and digital records in selected countries of Latin America (Argentine, Columbia, Chile, Costa Rica, Mexico, and Peru) to identify challenges that affect appraisal and the possible uses of artificial intelligence applications to solve them. The activities conducted and here reported are:

1. To implement a survey to learn about the processes of appraisal of physical and digital records to identify weak points and difficulties related to the above-mentioned processes and the possibility of using artificial intelligence (AI) applications in selected countries in Latin America.

2. Study of normative and regulation provisions related with appraisal and disposition in federal or national institutions objective was carried out, to detect: a) main characteristics on disposal regulations and date of issuance, b) regulations regarding records/archival classification and disposal schemas and dates of issuance, as well as others related to issues of records/archives disposition; and c) national policies on AI related with the use of data, regulations and ethics are reviewed. The study comprehends the already mentioned selected countries.

3. To review and comment on literature AI related with appraisal, disposition, ethics, biases and explainability topics in Spanish.

4. To continue review and update regulations and dispositions.

5. To look for institutions to continue for a second stage.

About the survey

1. Methodology

In a first approach it was thought to work with certain countries because of our knowledge about their digital preservation advances, six Latin American countries were selected for the survey: Argentine, Columbia, Chile, Costa Rica, Mexico, and Peru.

Criteria for respondents.

- It was targeted specifically to get responses from public officials responsible for ruling disposal of physical or digital records of selected countries, who might have a more far-reaching knowledge of the processes to which the study refers.

Criteria for the type of organizations that should respond the survey:

- National archives that authorize the final disposal of records in national institutions or organizations, according to the country's policy and regulations and government scheme.

- National archives that only authorize the disposition of records and archives to federal offices, in accordance with their government policy and scheme

- Autonomous national organizations at the national level

- Congresses at the national level

- Judiciary or National Court

Notwithstanding, as reported below, the results were different to our criteria.

2. Design and results

The Survey was designed by the team, created in google and disseminated through the Latin American Association of Archives (ALA as in Spanish) in its different media, the National Council of Archives (CONARCH, as in Spanish) of Mexico, and by means available to the team.

The survey was conducted in Spanish (there is also a version in English) since it was perceived that there would be more participation than in English. Due to the lack of someone speaking Portuguese it was not possible to include Brazil. The survey was first opened from November 1st to November 15th and there was an extension to December 15th, 2022,

The survey was structured in three sections.

- Overview of final disposition processes, whether for physical, digital, or hybrid records. (3 questions, with three breakdown questions). The objective was to get information about processes that could help to understand characteristics about targeted organizations.

- Information about physical or digital records and problems about their disposition that could benefit from using AI applications (3 questions with three breakdown questions. One break question was eliminated because of the clear inconsistency of the responses). In this case the objective was to identify situations on records/archives and try to identify if AI would help to solve them.

- Information on the use or use of AI applications in digital records. (10 questions with three breakdown questions). The objective was to look for certain topics on appraisal and disposition where AI may be applied.

The survey amounted to twenty-four questions. Besides, questions of the name of the institutions, country and information related with mail of those that accepted to continue with the project were included and are maintained confidentially.

ALA and CONARCH dissemination were relevant, but also brought responses from different institutions and countries not initially selected, although said participation criteria was stated in the introduction of the survey.

Thus, there were seventy-three responses, two were duplicated and were eliminated so it amounted to seventy-one for the report.

As for the organization's criteria the following graphic shows the distribution of respondents.

Graphic Nº 1
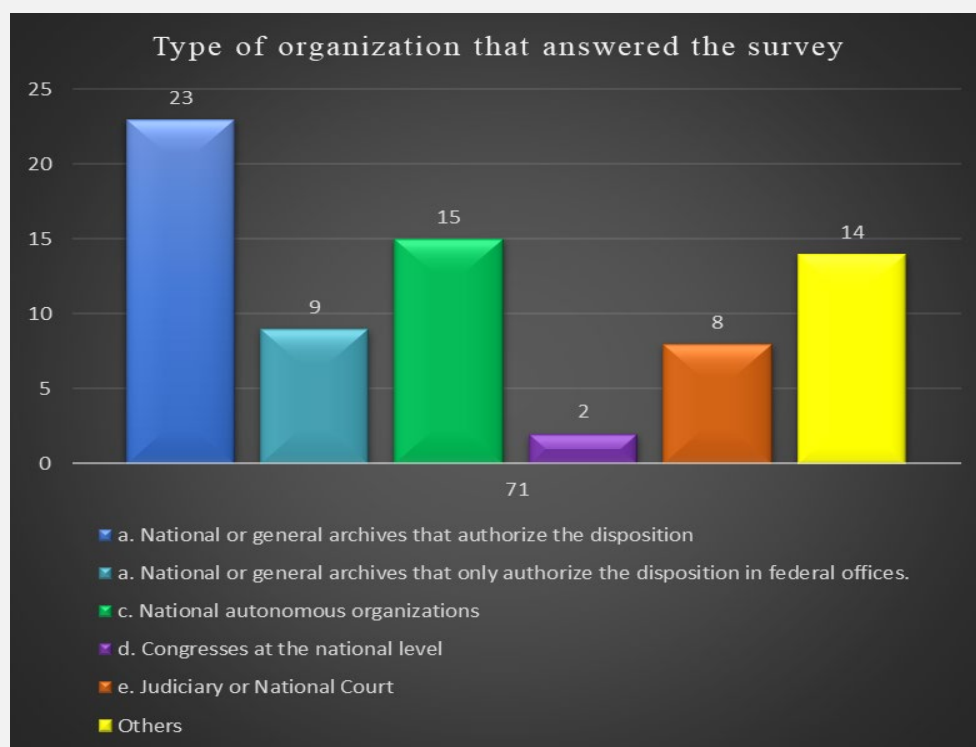
Although there were fourteen respondents not filling the organization's criteria, responses accepting follow up amounted to forty-seven responses from selected and non-selected countries. So, it was decided to consider all the countries that participated in the survey. The next graphic shows participating countries.

Graphic Nº 2

Participants by country

	71
México	28
No response	22
Colombia	4
Ecuador	4
Perú	2
España	2
Chile	2
Costa Rica	1
Argentina	1
Portugal	1
Honduras	1
Panamá	1
República Dominicana	1
Bolivia	1

In looking for the possibility of a partner to carry out an AI application on appraisal among the 43 respondents that accepted follow up, on July 5ᵗʰ an email was sent explaining our objectives for a second phase: a) to know specific cases with possibilities for applying AI or b) to get information about AI models that are already being used, either for appraisal or any other records processes. We asked:

About experience in technologies, or a direct link with the information technology area.

- If collaborators have basic knowledge about the application of AI in the field of records or archival management or appraisal process evaluation/evaluation process.

- If there are digitized files where appraisal is still pending or automated inventories or databases that describe their content and that may be eligible to design and implement an artificial intelligence tool to conduct the process.

- To continue in the second stage of the SG5 case study, we asked for an interview (either in person or online) if there was interest, we also prevented on the necessity to record the interview with the confidentiality according to applicable legislation, as well as in accordance with the policies of the InterPARES Trust IA Project.

A second reminder was sent on August 24th, before closing this report we have five interested institutions to continue. Interviews will be conducted in 2023 and results will be reported in 2024.
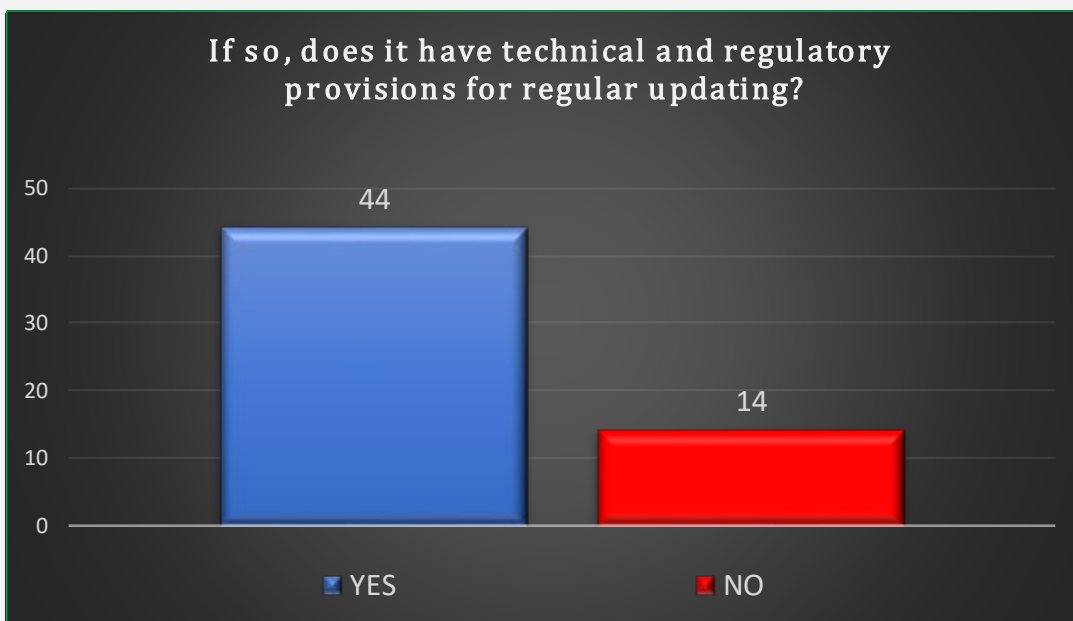
3. About responses

3.1 Overview of disposition processes, whether for physical, digital, or hybrid records.

Graphic Nº 3

Does your organization have mandatory records classification schema?

- YES: 58
- NO: 13

The responses (81.69%) clearly reflect the existence of regulations about classification schemas, which may conduct series appraisal or even record appraisal.

Graphic Nº 4

If so, does it have technical and regulatory provisions for regular updating?
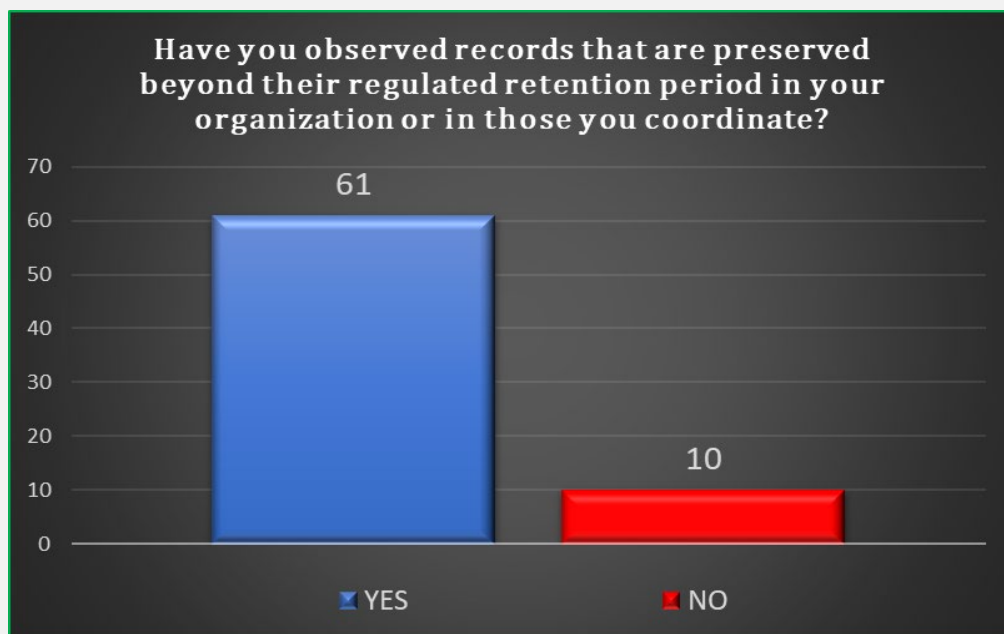
- YES: 44
- NO: 14

Also, classification schema updating is no doubt a positive activity for records organization. Still, it remains to know about its instrumentation.

Graphic Nº 5

Does your organization have records retention or disposition schedules for your records or for the entities coordinated by your organization?

Positive responses add up 81.69% but only 33.80% indicate the existence of retention schedules when asking with coordinated agencies. It could be since not all respondents coordinate other entities.

Graphic Nº 6

Have you observed records that are preserved beyond their regulated retention period in your organization or in those you coordinate?

As it can be seen, most entities (85.91%) maintain records longer than the retention periods established by regulatory dispositions. This question is linked to the following breakdown questions that explain the reasons for lack appraisal processes and consequences.

If yes, please select one or more of the following reasons:

The question admitted more than one answer. However, it is a serious and unfortunate issue that 80,33 % of the entities acknowledge the lack of trained staff to conduct the appraisal process, taking in account that answers come from different countries and different operational levels, although there are also responses from national archives.

The second reason (54,10 % of the answers) is the existence of disorganized records that might also reflect the lack of staff for organizing and maintaining records; besides 39,34% respondents referred to the lack of resources in general. 13,11% responses were related to the problem of records location. Doubts for destroying or damaging records for long term preservation also were raised (19,68%). There were few answers were about the existence of files with pending issues.

Graphic No. 8

If yes, please select one or more of the following consequences
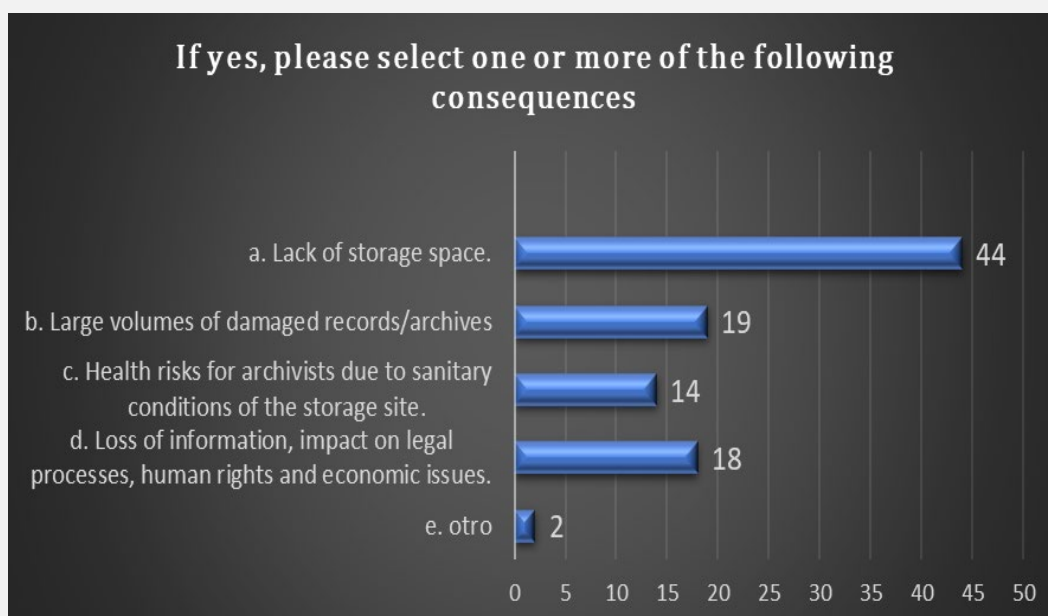
The consequences or effects produced by keeping records beyond their established disposition date refer mainly to the lack of storage (72,13%), but other relevant responses were the existence of damaged or deteriorated records (31,15%), and loss of information that may impact legal processes, human rights, or economic issues (29,50%). Health risk of the staff due harmful environmental conditions of the storage site (22,95%) was also an issue.
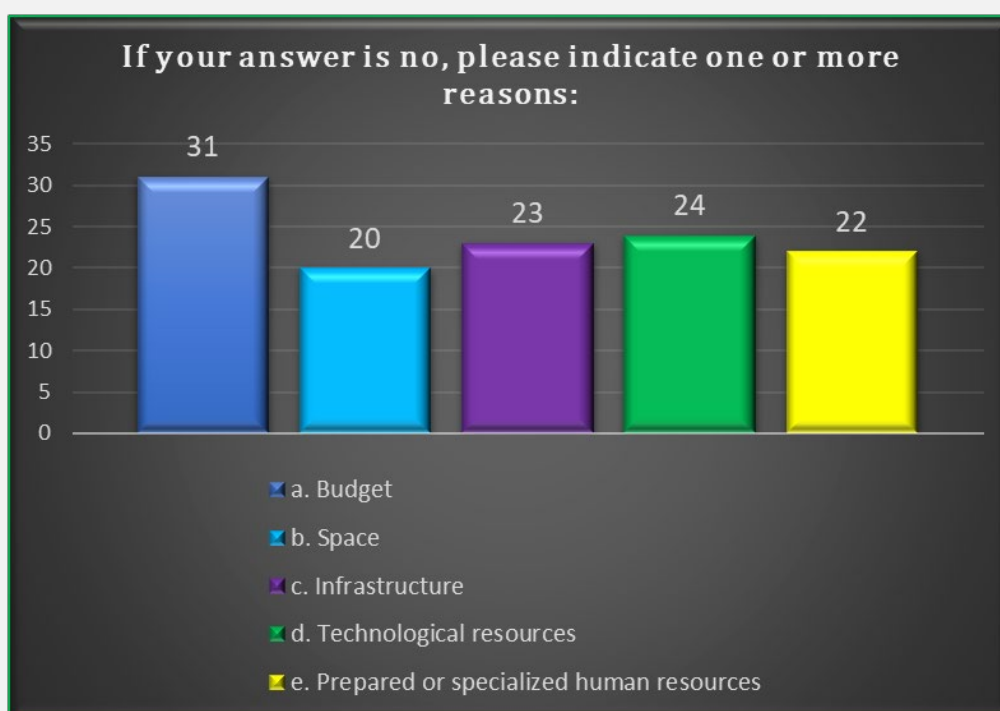
Graphic Nº 9

It seems to be that 66.19% of the organizations scope is not only about archives.

Graphic Nº 10
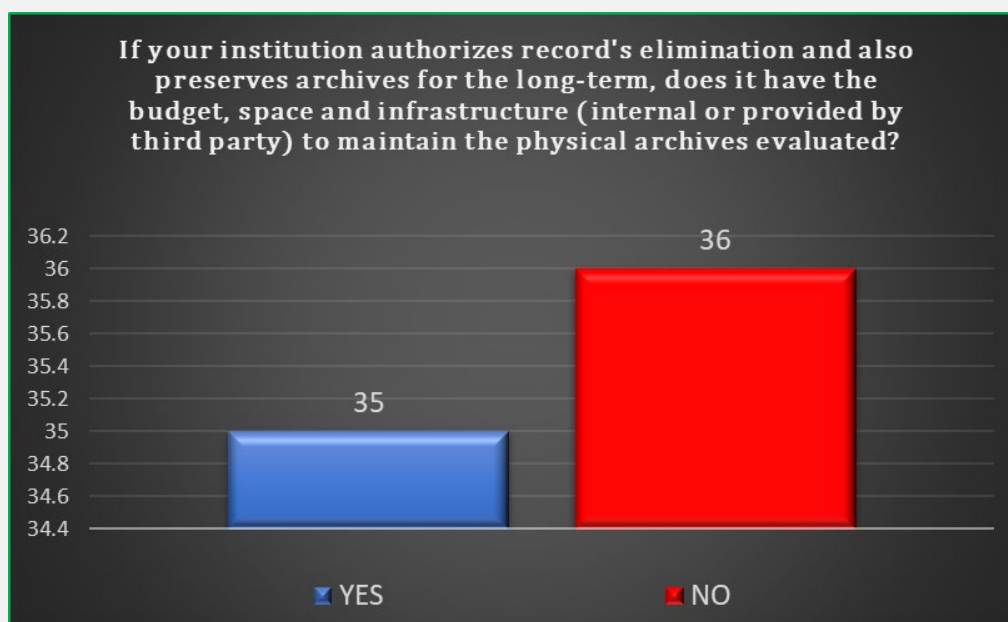
The no responses reflect realities already known but not in numbers. They suggest the weakness of archives in the Region, the possibility to improve but also far from applying AI tools.
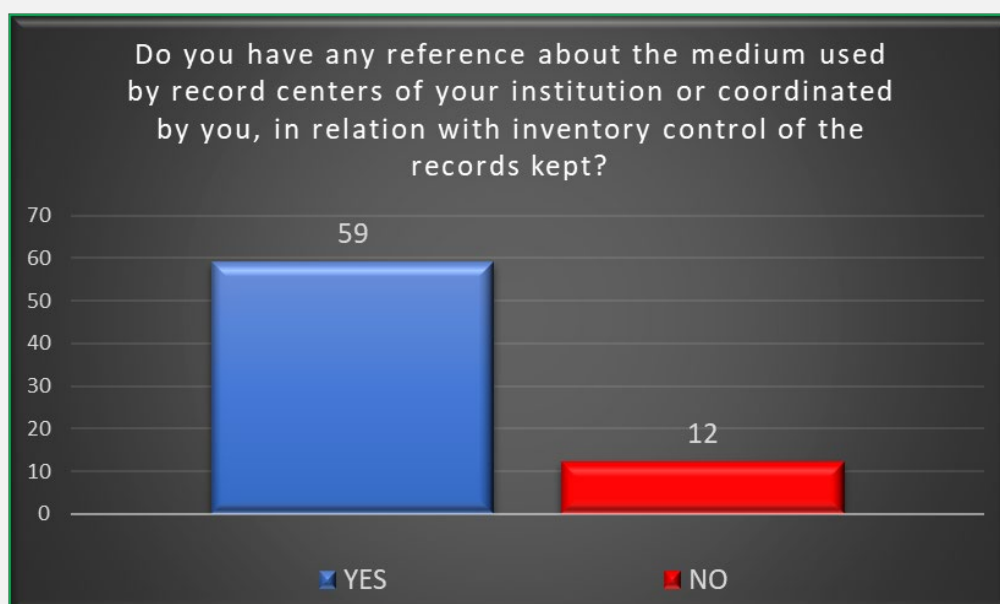
Graphic Nº 11

Budget issues are the main problem (43.83%), followed by infrastructure problems (34%), lack of technological equipment to manage documents (33%), lack of human resources with abilities to manage long term preservation (30%) and lack of space (27%). The results suggest important challenges for applying AI.
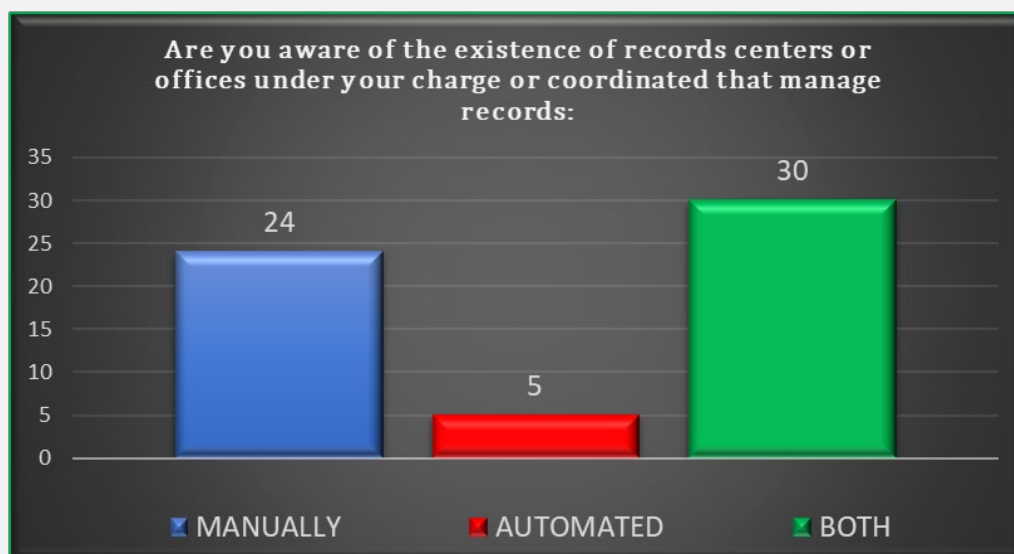
3.2 Information about physical or digital records and problems about their disposition that could benefit from using AI applications.
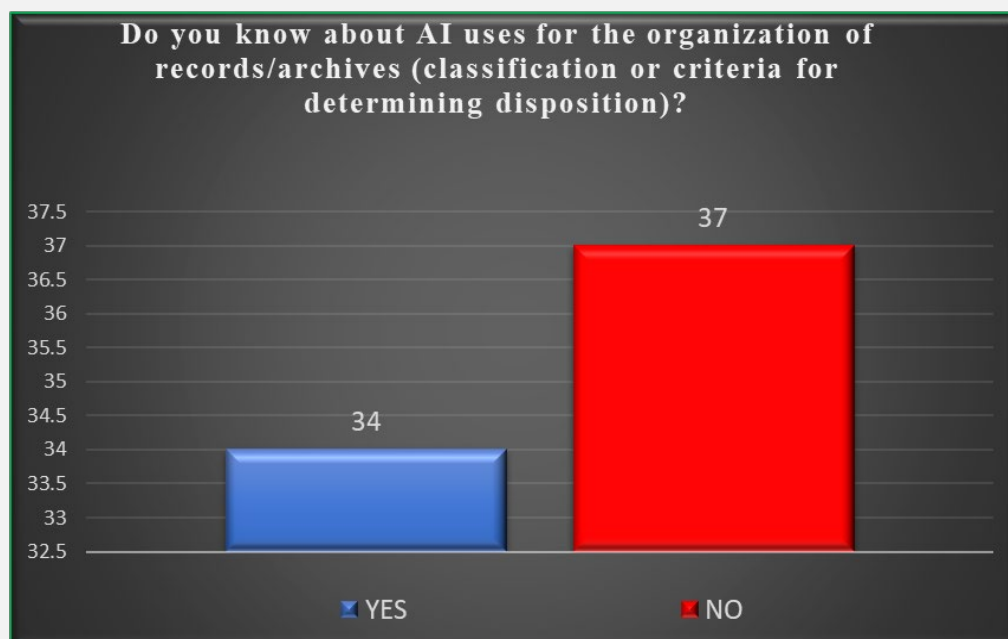
Graphic Nº 12

Reference about the medium for records control with 83% is a relevant issue since inventories might be a tool for appraisal.

Graphic Nº 13

As for the way records are managed (controlled) there were fifty-nine positive responses 40,68 % still have manual inventories only 8,47 % in automated modus and 50,85% responded to use both kinds of inventories. If automated inventories would have enough data, perhaps they could be useful for AI applications.

Graphic Nº 14

As can be seen 47,89 % of the respondents answered in an affirmative way, while 52,11 % did not. Notwithstanding the yes responses only mean knowing, it is an issue that prevails around organizations.

Graphic Nº 15
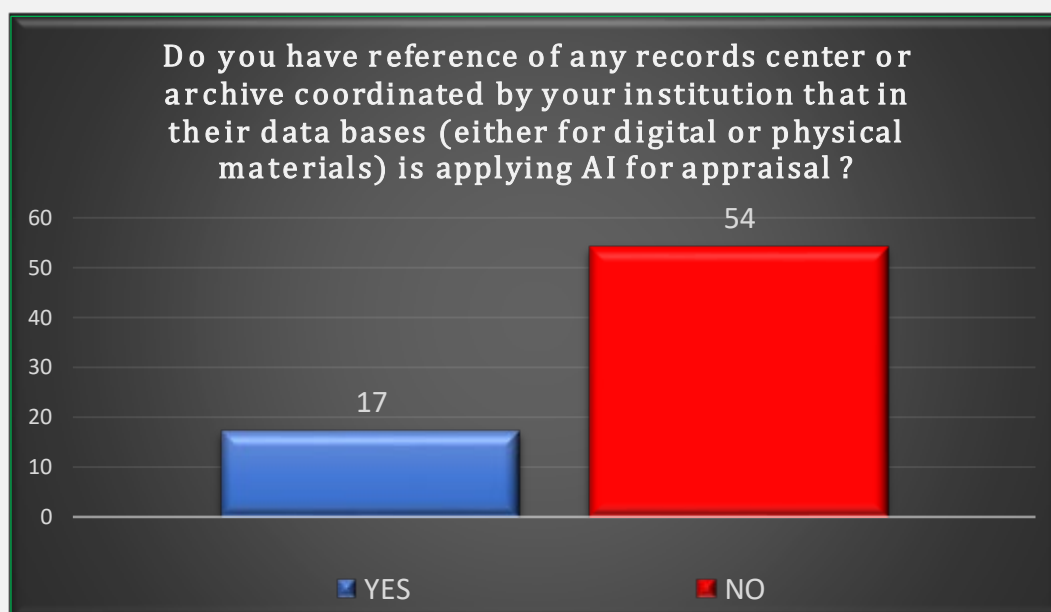
In relation to databases for records or archives controls, three quarters of the responses (76%) are negative, the yes responses (23.94%) indicate that only some are applying AI for retention schedules or appraisal criteria this is consistent with following question.

Graphic Nº 16
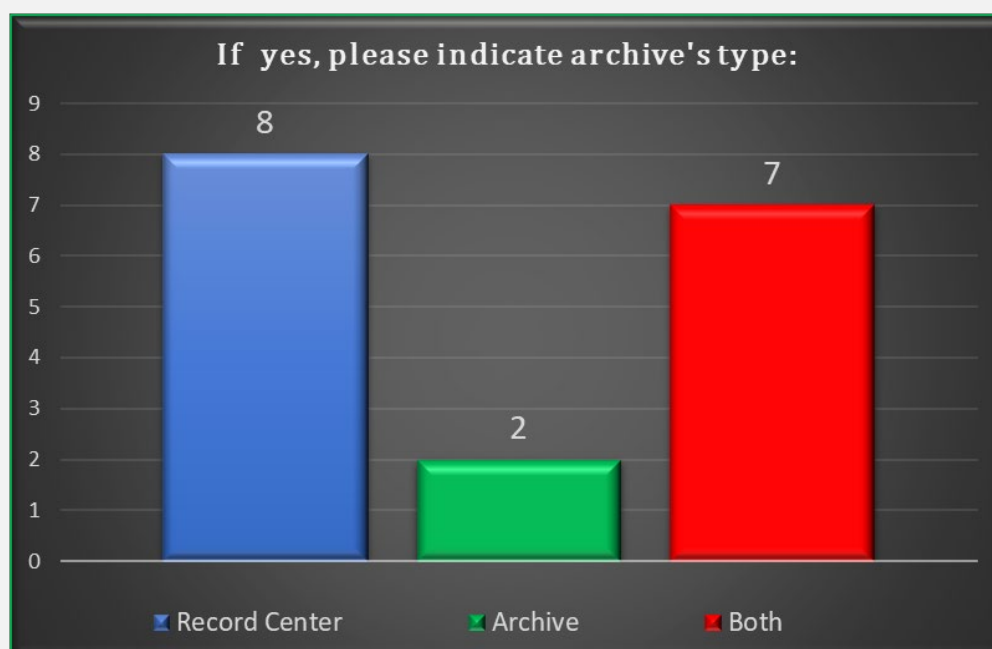
There were seventeen affirmative responses. Although in Latin America appraisal processes should be conducted before transferences to an archive, there are IA responses applied in two archives and seven more when referring to both records centres and archives. Could they refer to re-appraisal?

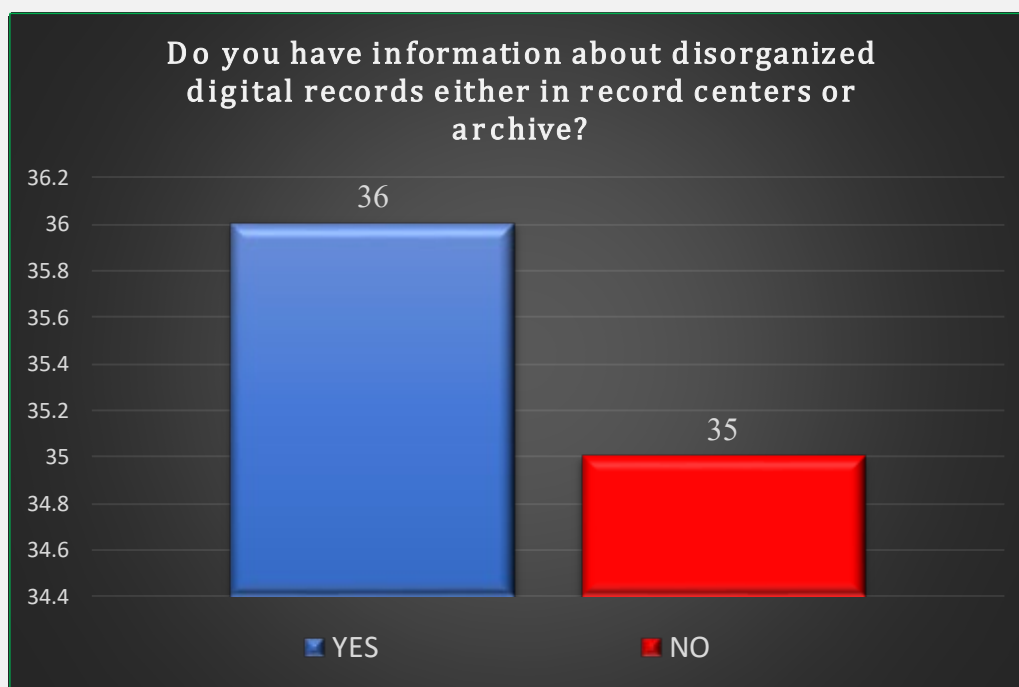**3.3 Information about the possibility of using AI tools for digital records and archives.**

Graphic Nº 17

Do you have information about disorganized digital records either in record centers or archive?

50.7% indicated yes and 49.2% indicated no, perhaps because of not having digital records in their record centres or archives.

Graphic Nº 18

If yes, indicate:
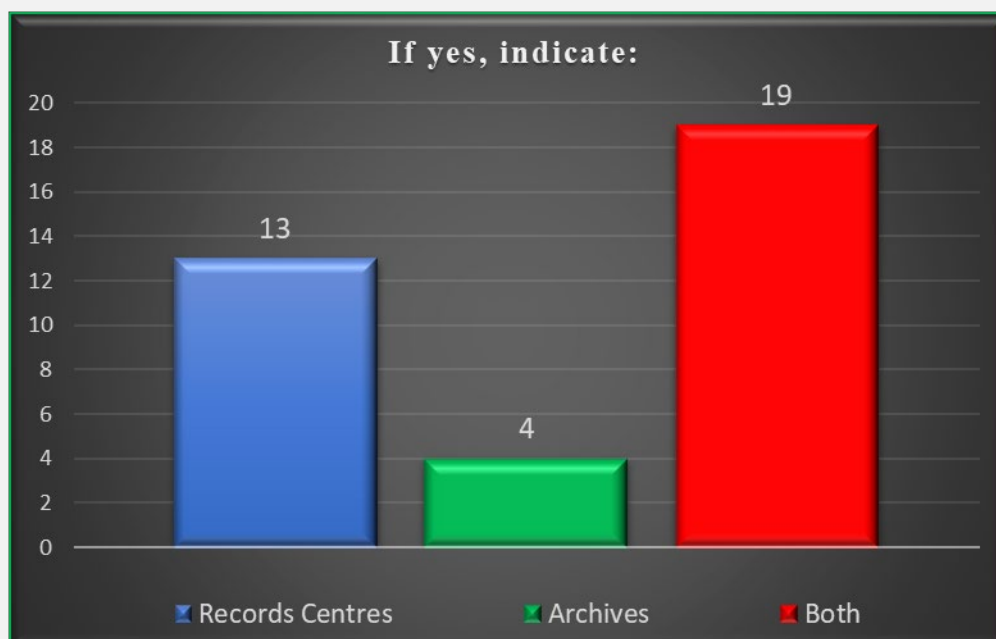
Of the thirty-six yes responses, 36% indicated having disorganized digital records in records centres, 11% in historical archives and 52% indicated in both. When answering in both it could be because records in archives are kept permanently, either appraised or not.

Does your institution receive requests for appraisal and disposal of digital records?

YES 31 — NO 40
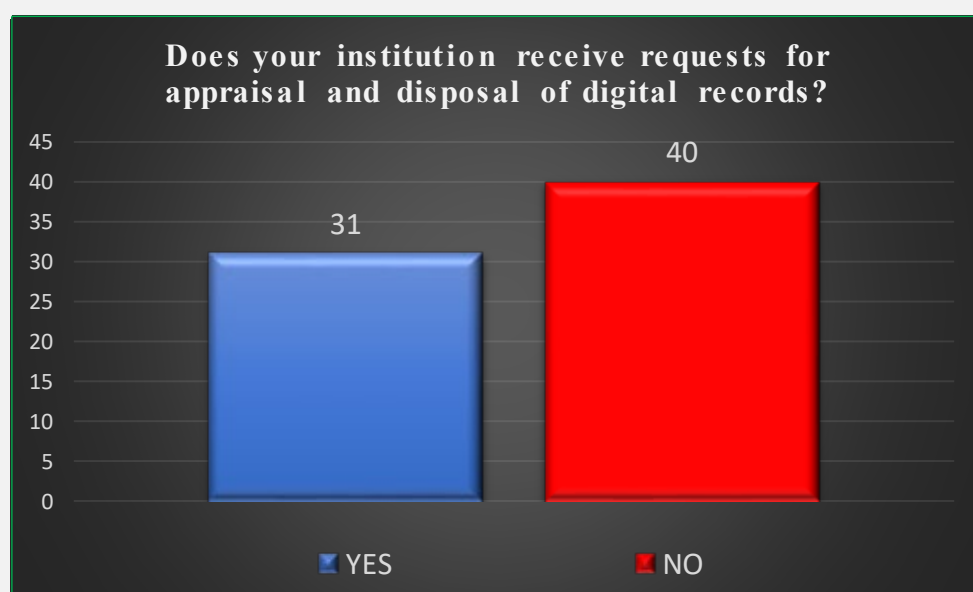
56.3% said no, although the 43.6% yes responses are significant. It could mean that respondents should be conducting said processes.

Graphic Nº 20

If yes, indicate whether the same regulatory provisions apply for digital as those for physical records.

YES 24 — NO 7
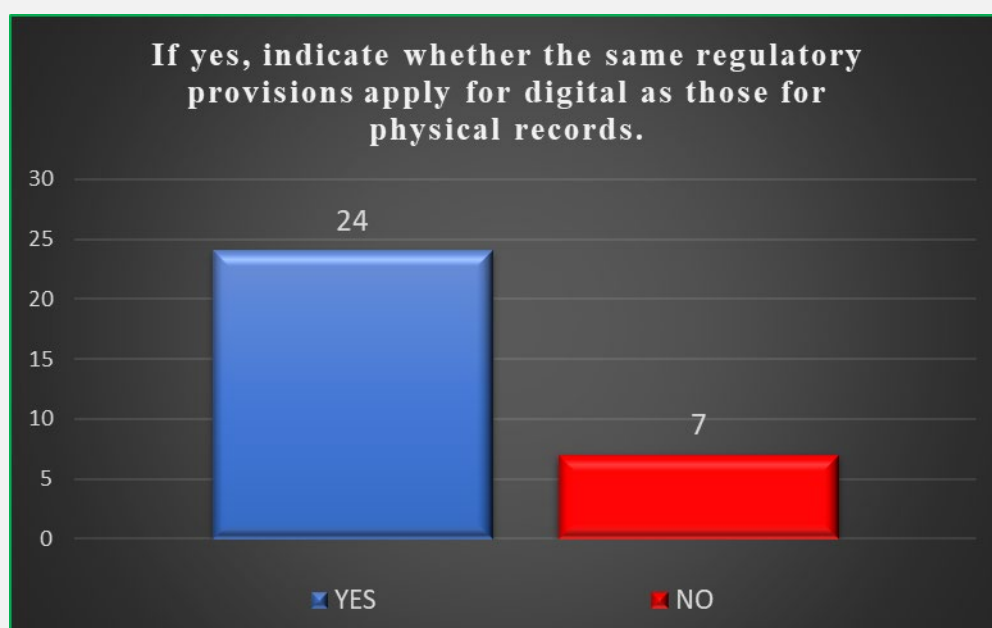
Although provisions for both paper and digital are the same (69.1%) and the no responses amount 30.9%, it might be due to the lack of processes for digital records appraisal and would be related with the next question.

If you do not have the same provisions for digital and physical records appraisal and disposition, are there additional criteria for digital records, ¿are there specific criteria for digital records?
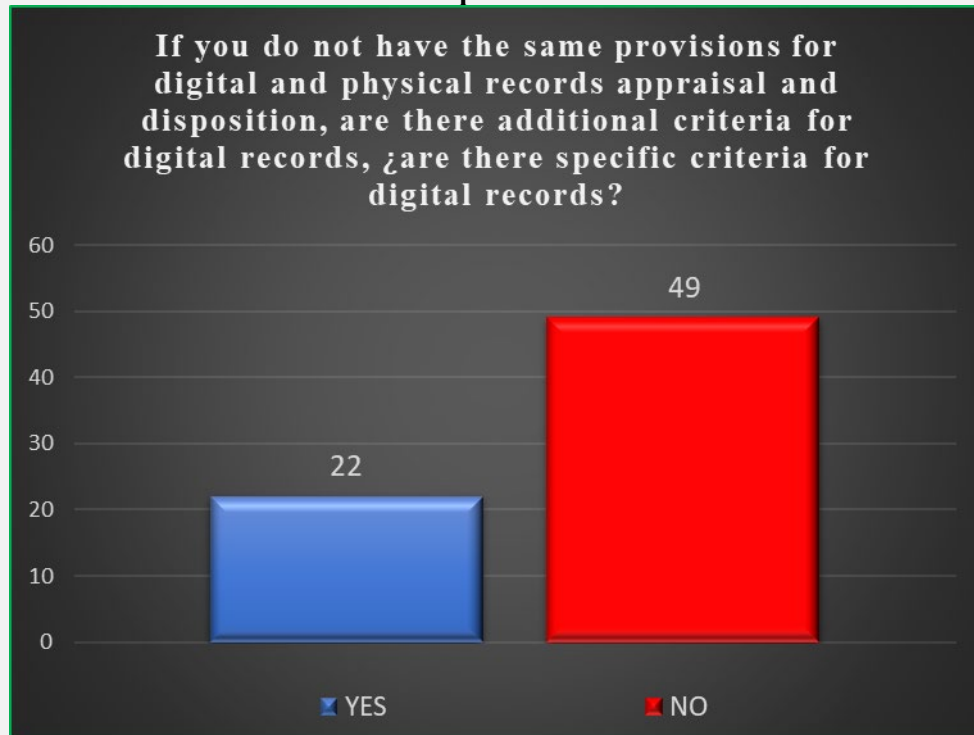
Although responses of receiving or not digital records for appraisal and disposition, all the respondents for the survey 67.12% do not have said kind of criteria and might be an obstacle for applying AI for appraisal.

Graphic Nº 22

Does transference authorization of digital records imply meeting the requirements established for physical records?
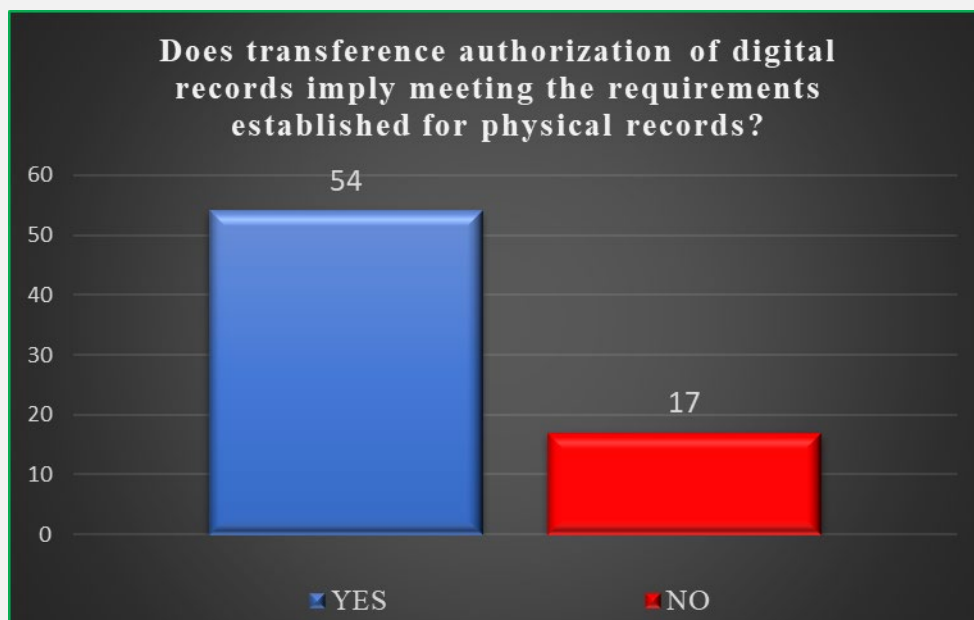
However, this point must be analysed further, because the mechanism used for digital records transferences, due to its technical component, will vary from the dynamics applied on paper.

Graphic Nº 23
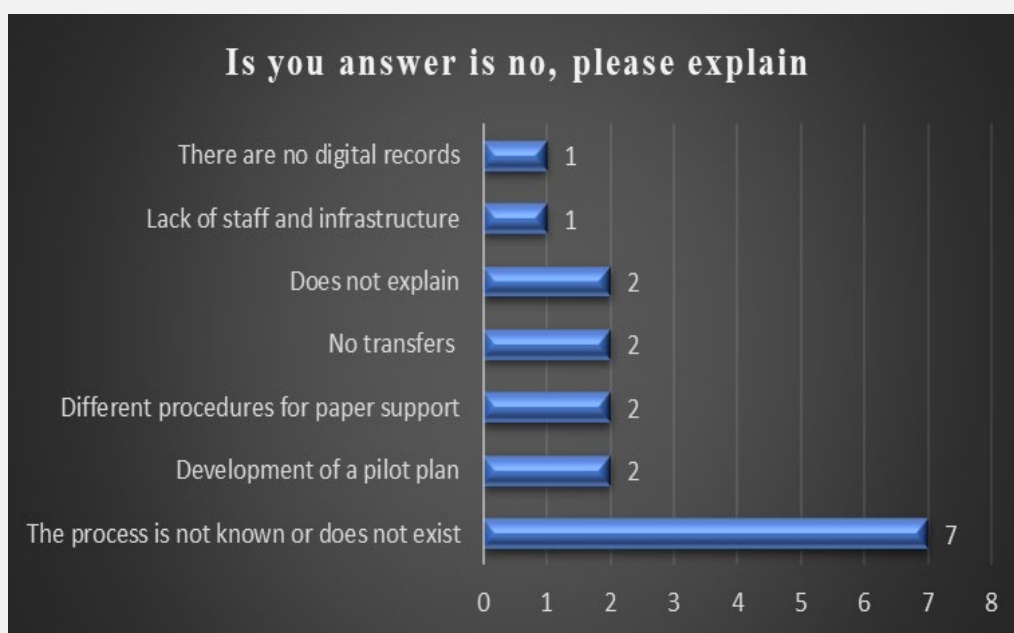
The different responses indicate that besides the lack of requirements of digital records transferences there are other issues about said activity.

Graphic Nº 24

Most of the responses (64.78 %) are positive but the doubt about their authenticity prevails since as seen in graphic twenty-one there is a lack of criteria for appraisal.

If so, do you have regulations and strategies for long-term digital preservation?

27
19

YES   NO
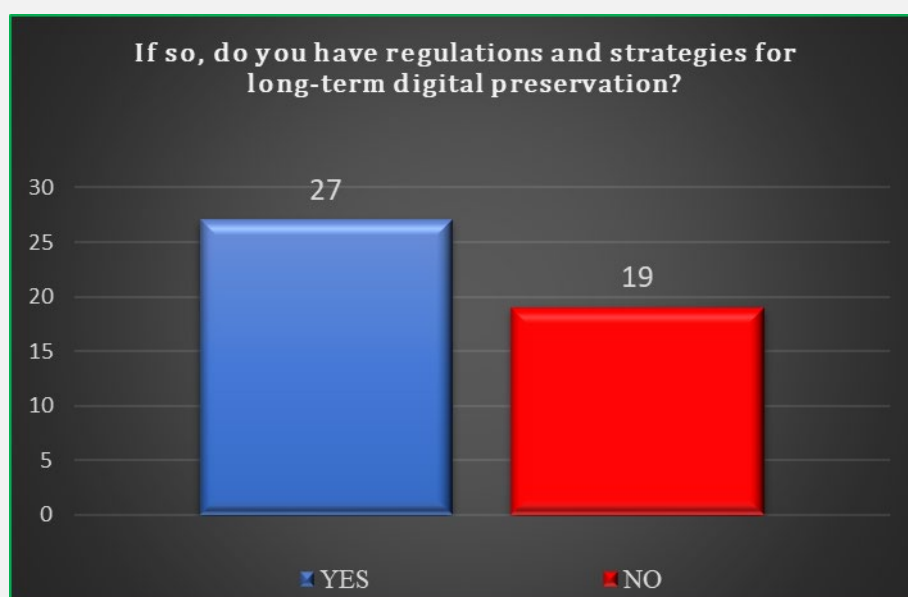
The lack of regulations and strategies responses (26.76 %) would be candidates for an AI application?

Graphic Nº 26

Do you think digital records could be organized using AI applications?

66
5

YES   NO

The 92.95% of responses indicate that AI applications might solve all the troubles that prevail for digital records organization, it is like the ultimate resource for that.

Is your organization being considered within information governance or national digital policies?

YES: 39
NO: 32

When records and archives management are not considered (45,07%) within a strategy of information governance it prevents the possibility of having opportunities to improve plans or strategies.

Graphic Nº 28

Do the digital records for disposal include specific regulations regarding personal data or sensitive personal data?

YES: 42
NO: 29
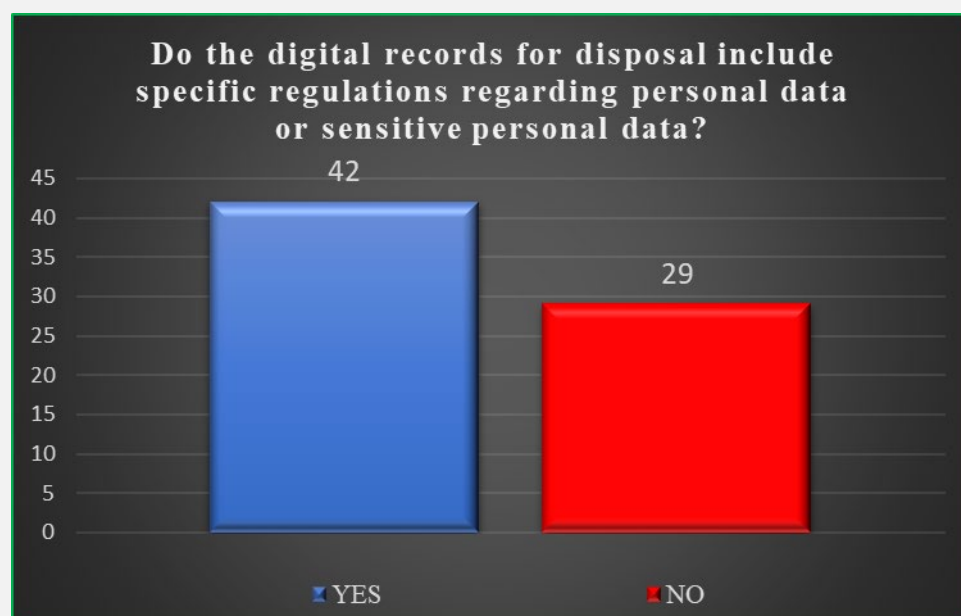
The relevance of responses is due to the fact of those records, already in Record Centers or Archives that might have sensitive personal data in their records or archives that could not be easily open to citizens.
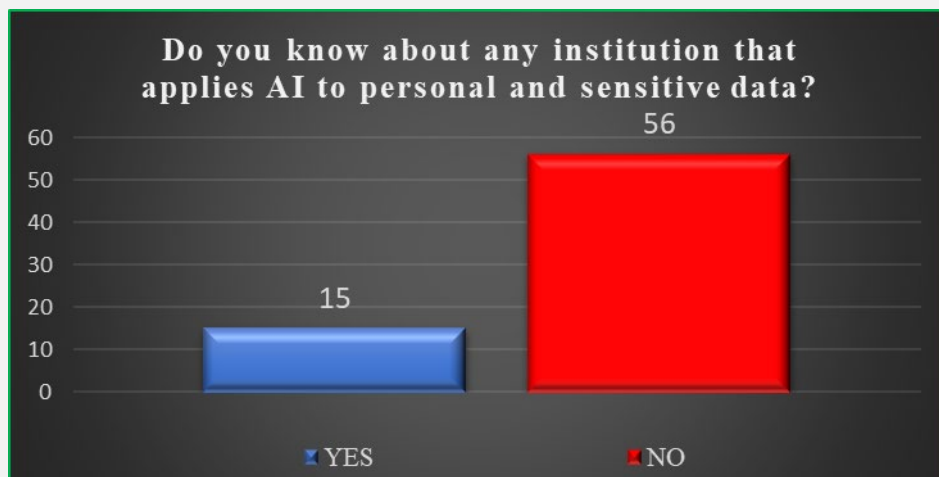
Although there is a minimum yes response (21,12%) it would be interesting to know if they refer to anonymization or extraction of data when it is already in databases or files.

3.4 Comments about the survey

The initial conception of the case study to get responses from records officers having responsibility on appraisal and disposal processes in their organizations was achieved. Besides responses from other identified countries, not selected initially, also filled said criteria. As initially considered, the point of view of public servants with responsibility on appraisal and disposition might have more credibility.

About the forty-three respondents that initially accepted follow up, and only five accepted a recorded interview it seems to be that there are worries about recording and misuse of the same,

1. Overview of disposition processes, whether for physical, digital, or hybrid records

    1. Classification schemas and their updating as well as records retention or disposition regulation prevails in the responses, but this does not mean that said instrument is being applied, although they are an important asset that is being promoted for several years in the Latin American Region.

    2. Although there is a methodology and criteria for appraisal the regulated retention is exceeded because of disorganization and lack of trained staff for the process. It was also perceived that the high volumes of not timely appraised records are before issuing regulations. Consequences like the limitations of staff is no doubt a relevant fact as well as the lack of storage spaces, and budget, all might lead to forgiveness and abandonment also due to other minor responses like health care on appraising in non-adequate spaces.

    3. Most of the respondents confirmed that they are responsible for keeping physical records in an archive or similar institutions, although it is not clear where the respondents keep their archives, it could be a contracted warehouse or other spaces not considered in the question.

    4. The lack of resources is no doubt a problem, it is referred in the different responses, the situation is multifactorial. Therefore, thinking about applying AI

in public agencies is still a challenge, unless available AI applications are used without any criteria about regulatory or normative issues that might conduct serious issues for the organizations.

2. Information about physical or digital records and problems about their disposition that could benefit from using AI applications.

    1. According to the responses it is important to know that there are some types of controls for records, and the responses give information of automated inventories or registries in general archives, would they be useful for an initial phase selection of disposal, as a yes or no mechanism.

    2. Responses about applying IA in appraisal processes are doubtful, it would need more analysis about it.

3. Information about the possibility of using AI tools particularly in digital records or databases kept in Records Centers or Archives.

    1. It is observed that there are volumes of disorganized digital records either in Records Centers or in Archives, although in Latin America the re-appraisal in archives is a process not yet in practice, the inventories or control could help for using AI applications for appraisal and disposition.

    2. The number of respondents that receive requests for appraisal and disposal of digital records is relevant, but the majority lack specific regulation criteria for their appraisal and disposition, as mentioned above, applying only the criteria for physical records is not enough, and accepting transference would not guarantee their authenticity and endurance for long term. There is a perception that digital records appraisal and disposition provisions are still not well known in Latin America.

    3. The idea of applying AI for records organizations or appraisal was welcome but this does not mean if respondents have some knowledge of IA, although joint activities with technology areas are not discarded. The question was general, not specific for appraisal to get an idea of respondents hearing about IA. In fact, it would be interesting to know about those respondents that are already applying IA.

    4. The lack of participation in an information governance structure limits most possibilities to acquire a different concept of records and archives.

    5. Regulation for disposition of PI was considered because either they are already anonymized or need specific treatment with all the questions to do it when records or archives require a trustful tool to do that.

    6. The lack of knowledge of what and how AI applications for appraisal and disposition would solve troubles, and besides the lack of explainability about it are impediments to know if they will really bring solutions, above all when now AI seems to be the magical pill to solve old problems carried by records and archives.

Report on regulations on appraisal and possible related dispositions of Artificial Intelligence in selected countries (AI).

By Aída Luz Mendoza

1. Introduction

The InterPARES Trust AI Project, on Retention and Disposition as processes for appraisal SG05 has raised the study on regulations in Argentine, Colombia, Chile, Costa Rica, Mexico, and Peru. With this purpose, regulations and review of policies and strategies on IA was conducted. The results of the same are commented below.

2.   Initial approaches and methodology

The issuance of laws always helps to open the way for other lower-level regulations that are necessary for a given sector of activity.

Consequently, as a requirement to have a legal framework, countries and professionals directly involved in the application and use of artificial intelligence (AI) tools currently promote democratic legislative processes before the bodies that have the responsibility of approving laws; there is an active participation in the legislative debate in all countries where initiatives arise to set certain limits for ensuring that individuals are protected by law.

The review of the legal sources and technical regulations located allowed us to analyze its content, considering the information obtained as valid for the purposes of having a previous regulatory framework for the subsequent actions of the SG05 project. The legal and normative reference about the case study, allows us to infer whether there is a basis useful as a starting point to legally sustain the aspects that eventually become an input for the application of AI in the retention and disposition of records that establish the conservation periods in an automated way with the support of AI.

For to the legal aspects for this report, proactive project-based legal research was developed, to find out a regulatory evolution of AI. that should be conducted in the different institutions and international legal systems, as an approach in a reflective way towards viable solutions for the future legal challenges in the field of retention and disposition of the SG5 case study.

What do we have in terms of legislation and technical standards as a reference and on appraisal? The Public Administration implies an integral development of processes and procedures within a legal framework on rights and obligations of public officials, managed organizations, or citizens according to the scope of public bodies, attached to the recognition of political, personal, cultural, human rights, data protection, etc. Thus, administrative actions, public bodies create records that are either physical or digital to integrate public records and archives; these are subjected to archival technical processes to keep them organized, and appraised to maintain their integrity and authenticity to serve to all of those who require them for their different uses or interests.

One of the technical processes is appraisal, which consists of applying certain technical criteria, principles (analysis of the functions of organization and context about the records creation such as content analysis, diplomatic, chronological, functional and production criteria where records from the highest hierarchical levels prevail, etc.), policies and other instruments to make decisions regarding the preservation of documents over time. Some will be eliminated; others will be transferred to an archive for long term preservation. For appraisal, most countries have laws, technical standards, and other normative provisions of different hierarchical levels, directly and indirectly linked to this archival process.

The team did not find specific provisions on appraisal and retention of documents with AI applications. However, there are regulations for the appraisal process in the countries selected. Thus, basic regulations of Argentina, Colombia, Chile, Costa Rica, Mexico, and Peru were reviewed and found provisions that directly or indirectly affect appraisal, which serve as base for regulations that will be necessary for AI applications, with the modifications or additional adjustments that, will be possibly, required. Next, we will refer to the regulations located by country in relation with appraisal:

2.1   Argentina

The country does not have an updated archives act, nor a national archives system (SNA), however, we find some provisions such as Decree 1131/2016, which includes digital records and files; the Personal Data Protection Law 25.326 (2000), on digital records; besides the act records/archives digitization of files and the records management system. On the other hand, the Resolution E44 of "Chart of minimum periods for retention and storage of administrative actions" and the "Procedure of temporary storage, archiving and recovery of electronic files". There is also a standard for digitization procedure 2016. On the other hand, the Records Management and Archives Administration Model (MGD) aims to promote the coordination of policies on document management among the state agencies responsible for improving the administration of archives.

2.2   Colombia

Article 22 of the General Archive Act 594 of 14 July 2000 contains provisions on archival processes; in addition, records management stands out. Among other issues, the Act indicates the final disposition of records and article 24, it establishes the obligation to have retention schemas. The General Regulations on Archives, Agreement 07, of 1994, establishes provisions, among others, appraisal, transfers of records with permanent value and elimination of documents. In addition, there are regulations for records transfer records with permanent or historical value from national organizations to the General Archive of the Nation. Agreement 08 of 1995, Regulation of presentation of the Documentary Retention Schemas, Agreement 09 of 1995 and Base Rules on Appraisal, Retention Schemas, and appraisal... Besides Colombia has an adaptation of the NTC-ISO 15489-1, 2010-03-17, on information and documentation, document management, known as Colombian Technical NTC Standard ISO 15489-1 and technical regulations on information and documentation, document management; also, there is the Act 1581 of 2012 on the Protection of Personal Data National Regulatory Decree 1377 of 2013 and Expiative Decree 1081 of 2015.

2.3   Costa Rica

About current regulations on records selection, elimination, and appraisal there are: the Circular CNSED-01-2019; the circular CNSC-02-2019 on records retention schedules and partial appraisal; Circular CNSED-01-2021 on appraisal procedures; and Law 8968 on the Protection of the Person for treatment of their personal data and its Regulation No. 37554-JP.

2.4   Chile

There are regulations on Minimum Metadata and Formats for Electronic Records Transference from Public Institutions to the National Archive of Chile, Digital Transformation of the State; also, modifications on electronic records, electronic signature, and certification services of said signature, the Code of Civil Procedure and Act No. 19,799 on electronic records, electronic signature, and certification services of said signatures. Among technical regulations, Circular No. 28,704 includes provisions and recommendations regarding records elimination; Circular No. 51. and other similar rules includes provisions and recommendations concerning records

retention, transfer, and disposal; Also, there are the records elimination Procedure; Appraisal Procedure; Procedure for the elaboration of Records Retention Schemas.

2.5 Mexico

In Mexico, the Archives Act, establishes provisions on electronics records; and in Title Three, Chapter I, art. 50 to 59, legislates extensively on appraisal, provides for the creation of an interdisciplinary team, as is the case Peru and Colombia to for records appraisal to establish retention schedules and disposition and in Art. 57. Establishes that the National Council and the local councils shall define guidelines for analyzing, assessing, and deciding on series produced by the obligated subject's disposition. There is also the Official Mexican Standard NOM-024-SSA3-2012 on electronic records information systems for health.

Besides the Agreement for policies, provisions were issued to promote the use and exploitation of computing, digital government, information, and communication technologies (ICT), and information security in the Federal Public Administration of September 6, 2021. In addition, ICT projects must consider the strategic planning process aligned with the provisions of the National Development Plan and programs derived from the National Digital Strategy, as well as the legislation on national development, budget, austerity and transparency, and other provisions to promote the use of information technology, digital government, information and communication technologies, and information security.

2.6 Peru

Peru has the Personal Data Protection Law No. 29733 of 2013 and its Regulations approved by Supreme Decree No. 003-2013-JUS. As for records, in 2017 the Electronic Records Management Model was approved by the Presidency of the Council of Ministers (PCM as in Spanish). The norm regulates the use of information technologies for the management or records and information, made by converting paper-to-digital. There are also the Digital Government Law, Digital Transformation Act, the Digital Trust Framework, as well as the General National Archives (AGN) regulations on Records and the Records Control Appraisal Program that includes the integration of Appraisal Committees in each public entity.

In May 2023, through Legislative Decree 1556, Act 25323 of the National Archives System of 1991 was modified and incorporated subsection f) in article 2 of the National System of Archives Act (SNA as in Spanish) to regulate and to guarantee management, treatment, and preservation of digital records. Article 9 was added as a declaration of principles, indicating that the members of the SNA should use and implement, in a secure and reliable manner, digital technologies for records management and preservation in a digital environment considering their authenticity, security, integrity, interoperability, reliability, availability and usability to achieve an adequate digital archives preservation during its life cycle.

On July 5, 2023, Act 31814 was enacted, the same promotes the use of AI as a tool for digital transformation, considering principles of: risk-based security standards, a participants plurality approach, internet governance, digital society, ethical development for responsible AI, AI privacy. The governing body for said Act is the Ministry of Internal Affairs Digital Transformation of the PCM. Recently the National Archive of the Nation approved the Directive 003-2003/AGN-DDPA on Guidelines for digital records appraisal.

The legal basis described above stands out that all countries have regulations to establish retention periods and regulatory procedures for records elimination. Consequently, we ask ourselves, are there legal conditions to apply AI retention and disposition appraisal for records? Next, we will try to outline some ideas in this regard.

3.	Options for AI solutions in appraisal.

The appraisal is one of the archival processes of a greatest complexity, the process demands time and highly specialized professionals in records/archives field, as well as the integration of a collegiate (interdisciplinary group of various areas of knowledge), as well as the contest of a collegiate like in Costa Rica, Chile and Peru, regulated by the countries of our attention, devoted to appraise, regarding retention periods in order to decide on transfer to archives or dispose records once the established retention period is due. In this context, the following questions arise:
-	In using AI tools for appraisal, once the decisions for elimination are taken, who is responsible?
-	What happens if a deletion executed by an AI application detects a subsequent error?
Consequently, the basic regulations such as the one we have referred above on records retention and disposition should be adapted for AI tools. This means that the elements for appraising series by an AI application do not change, on the contrary, they should be used so that AI results automatically indicate the retention periods on a regulatory basis that countries have already approved. Also, it should be considered that appraisal is applied to series not to a single record or file. In series diverse information converges, and some documents may contain data that must be anonymized or extracted.

However, we also should ask ourselves:
-	¿Are AI tools infallible?
-	Who takes responsibility for any mistake?

So far, the decisions to determine records retention periods and elimination are taken by identifiable humans to assume responsibilities when mistakes are made. They can be wrong, yes, and they can be sanctioned, but when this same operation is conducted by an AI tool, who do we sanction?

AI can make mistakes and make incorrect decisions if the data processed is not enough, and may have negative consequences for government bodies, citizens, or society in general, especially when used in areas where value judgments must be applied, and appraisal is one of them. A first concern arises regarding the responsibility of the professional involved in the entire process until results of the AI model is finished.

3.1	The lower hierarchical level standards that develop a law on AI, as the regulations of the law, and the technical standards of bodies that have competence to issue them, can achieve a specific regulatory framework more quickly in the application of AI. Thus, avoiding legal fragmentation which in turn will increase legal security, because this type of regulation is approved in less time than a law, which demands a complex legislative process. Even better if a broad and general law that contains well elaborated provisions will make it possible to issue the development rules to regulate on the different areas of activity or specify some issues from general law. We are of the opinion that different rules for certain institutions or sectors of activity at the end achieve a global application while maintaining the normative hierarchy that legally corresponds if they are duly systematized among sectors to avoid regulatory conflict.

Can certain standards be taken as a legal reference? Do we find any solutions in the current regulations?

From our point of view, this is possible if there is a legal basis as we have indicated in paragraph 3 of this document above, such as data protection, on digital transformation acts (Peru and Chile); acts on the national archives system (except Argentina and Chile, which has a law creating the SNA but does not develop it), technical standards for records retention and disposition processes (all countries under study), etc. It is also pertinent to refer to legislation

that starts from legal approaches that protect the personal privacy of citizens as the laws of protection of personal data that contain legal principles that are of general and Constitutional application.

Other legal aspect, is that countries have laws on administrative procedures, and one of the fundamental principles is motivation, for example, it is required for any administrative act that it has to be written (paper or digital), and must be duly motivated, so in the application of AI this legal principle must be complied with without the need for an AI law when such AI tool is applied for any administrative act. In addition, the countries in our study have transparency laws, specific rules for contracting with suppliers, contractual obligations, and rights, etc.

4.   National policies and/or strategies on Artificial Intelligence

Legislation is the most accurate way when it comes to solving situations that cause risks or harm citizens, however, public policies can be an important start towards the legal aspects on which legislation is required. As such, public policies are the most effective decision-making to meet the needs of citizens and the services they demand from governments.

From our point of view, we think that for SG5 case study it is necessary to refer to AI policies of the countries that are currently on course:

4.1   Argentina

The National Plan for Artificial Intelligence, called ARGENIA, for its implementation by 2030, establishes the need for a national strategy for the elaboration of an AI policy based on the Argentine 2030 Digital Agenda and the National Strategy for Science, Technology, and Innovation (CTI) Innovative Argentina 2030.

The National AI Plan of Argentina   goal is the generation of policies that contribute to sustainable growth and the improvement of equal opportunities in the country through AI technologies, positioning itself as a leader in the region.

To focus on the issue, among strategies, for promoting the adoption of AI, for an agile, efficient, and modern state is a goal for the public sector. The specific objectives are to:
-       Implement AI-based solutions for the efficient management of public administration, identifying areas of opportunity to focus on a successful application.
-       Optimize the provision of public services using traceable AI systems, with grounded and transparent logic that do not affect citizens' rights.
-       Establish methodologies for the formulation of requirements, choice, and selection of solutions to ensure standardized, efficient, and successful AI procurement and implementation processes in the public sector.

Among the proposed goals are the standardization of 100% of public sector databases; development of ontologies to integrate information from various state agencies; and a specific AI tool, a model for the acquisition of solutions/services for public administration.
As such, the perspectives on the use and implementation of AI in Argentina are a national commitment in the form of policies that will allow them to progressively develop AI tools for public administration; and if we look at it from the point of view of archives, these must necessarily be included, since the use of information in the public sector is considered.

4.2.   Chile

The "National Artificial Intelligence Policy" of Chile, 2020 , aims to take advantage of and promote the country's capabilities for its positioning   as the most advanced in AI in Latin

America and the Caribbean, putting as a reference in time the year 2031 and is based on four principles: AI with a focus on the well-being of people, respect for human rights and security;

AI for sustainable development; inclusive AI; and globalized AI.

Among the points of interest work the 1.3.1 political objective on data that is aimed to:

-        Update the regulation on personal data and generate mechanisms that allow adapting to new technological developments. It considers that the European General Data Protection Regulation will be taken as a reference, with spaces for dialogue and promotion of research on anonymization techniques, identification of biases and computational security in the use of data.
-        Create and consolidate adequate data governance in the state that promotes the purpose is to promote the participation of the discussion on Cross-cutting Principles of AI, such as those of UNESCO and the recommendations of the OECD, among others the availability of quality data. In this case, the State undertakes to make available the largest amount of data in compliance with the regulations and the protection of personal data. Adequate governance of quality data with interoperability standards is intended.

On Ethics, legal and regulatory aspects, and socio-economic impacts, objective 3.1.1. promotes the construction of regulatory certainties on AI systems that allow their development, respecting fundamental rights in accordance with the Constitution and laws, to:
-        Develop a survey on ethical and regulatory aspects of AI.
-        Become an active partner of the international discussion on principles and standards, making visible the national reality and taking a leadership role at the regional level.
-        Develop the requirements to safeguard in an agile way the development and responsible use of AI.

Regarding the first item, the purpose is to promote the participation of the discussion on Cross-cutting Principles of AI, such as those of UNESCO and the recommendations of the OECD, among others. The second item is aimed at achieving active communication with regulatory bodies and sectoral regulators in matters of AI and the last one is aimed at preventing the use of AI.

Objective 3.1.2 refers to establishing algorithmic transparency standards and recommendations for critical applications. It focuses on algorithms used for decisions.

This objective is particularly important for appraisal because to establish retention periods in an eventual processing of data with AI, decisions must respond to criteria and technical principles of value of this archival process.

4.3 Colombia

The National Policy for Digital Transformation and Artificial Intelligence presents principles for the development of AI and establishes recommendations to design a plan for providing technical assistance, supervision and surveillance to entities that create and define regulatory test environments (sandbox and regulatory beaches) in AI.

The goal aims to increase the generation of social and economic value through digital transformation of public and private sectors, by reducing barriers, strengthening human capital, and the development of training conditions and taking advantage of opportunities to face the challenges related to the Fourth Industrial Revolution. Some action lines of action related to the public sector for applying AI of interest for SG5 study are:

- Action Line 3 establishes to improve the performance of digital government policy, to address the adoption and exploitation of digital transformation in the public sector; - Action Line 6 aims to promote innovation of ICT in the public sector; and Line of --Action 7 refers to carry out high-impact initiatives supported by digital transformation, under the initiative of a unified plan for integration in procedures and services to the Single Portal of the Colombian State as the only point of digital access for citizens with procedures, services, public information, participation exercises, Collaboration and social control.

4.4 Costa Rica

In February 2023, the first actions towards an Artificial Intelligence Strategy were initiated. It seeks to ensure that Costa Rica becomes the regional reference with a policy of generating alliances and links with large companies for technology transfer, and to promote improvement for providing services through AI To improve management.
Costa Rica works with the United Nations to establish the bases of cooperation with UNESCO in AI, and to achieve an action plan for the Central American nation to develop a strategy in this area. The initiative will be presented in August 2023.

4.5 Mexico

The Mexican National Agenda for Artificial Intelligence 2030 is an action plan whose purpose is to lay the foundations for implementing AI from the public sector. It was created by the IA2030Mx citizens' coalition in which nine institutions from all sectors participated.

In the subject of ethics, it is pointed out:

To increase the protection of privacy in digital spaces in Mexico, strategies for incorporating AI technology are necessary, but also strategies that support digital education, the eradication of impunity for attacks against privacy and the consolidation of our vision of privacy in the global economic framework. (p.70).

In the topic of governance, governance, and public services (p.106) it is proposed to define a model and strategy for the use of AI in government and to generate the necessary capacities for its development, use and application. Transparency of data and algorithms and data management and governance are mentioned.

As far as legislation is concerned, the focus is on regulating the creation, use, application, and collateral damage of AI, establishing data policies in all legislations, determining responsibility for the collection, processing of data and complying with regulations. In addition, it includes the implementation of AI Public Policies at the federal, state, and local levels.

Besides, recently the Senators Chamber launched the National Alliance of Artificial Intelligence (ANIA as in Spanish) as a multidisciplinary mechanism to recognize and strengthen the AI ecosystem in Mexico by means of an open dialogue on AI and its impacts, perspective, and the participation of different interested participants and society in general.

4.6   Peru

The PCM approved the "National Strategy for Artificial Intelligence". It is a working paper for citizens participation during 2021-2026, it is aimed at the development of AI in the academic sector and in economic groups. The strategies of our interest for the SG5 case study are strategies four on Data and five on ethics.

Data 4.1.2 indicates that the abiertos.gob.pe data platform must include a module so that communities can enter with AI codes and models created on data sets to be shared and reused by the public, private, academic, and civil society sectors.

On Ethics, 5.1.5 refers to Implement a platform for a registry of AI algorithms used by the public sector and will include data sources used in cases. In terms of transparency algorithms this commitment is especially important.

5.   Conclusions

-       Starting from the archival regulations on records retention and disposition, technical provisions and procedures are already established in the countries under study of the InterPARES Trust IA SG05 Project, we can indicate that there are elements to be considered when AI applications are to be used in said processes.

-       We consider that any regulation aimed exclusively for treatment of records/archives through AI applications is required to have a risk-based approach for personal data as well as human rights and obligations of individuals and the State itself protection when retention periods for disposition or for the Documentary Heritage of the Nation.

-       Public policies, because they are government commitments, turn out to be a good start and foundation because, according to the analysis conducted on AI policies or strategies in the countries under study, it can be deduced that they contain activities that lead to taking the most appropriate measures. information about data, ethics, and the use of AI in the countries of our study, focused on the public sector. Each assumed policy or strategy can lead to a specific regulation or law on AI.

Insights

SG05 will maintain the purpose of looking for the possibility of a test bed partner to explore AI applications for appraisal.

In the light of the results, we will make some cross reference of the survey results to get deeper information, besides dissemination will continue, and will look for a seminar for using AI on appraisal for 2024.

In working with AA02, the survey in Spanish proposed is also being disseminated, we feel that some of our results might be useful for said project.

Dissemination will continue, particularly will look to carry out an in person/virtual seminar related to AI and appraisal in one of the countries that are participating in SG5.

Also, will maintain with assistance of undergraduate students the literature review with comments in Spanish for dissemination for appraisal and disposition, as well as for ethical and regulations topics.

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