

Best Practices for Using AI

- Select Reputable AI Provider
 - Determine if free or trial versions are appropriate
 - Understand how company's data will be used by AI provider
 - Understand how AI provider uses third party data in training its AI systems and whether it does so in compliance with your company's policies
 - Consider technical, reputation, financial, and other forms of diligence on AI provider
- Review AI terms of use and/or contract – be targeted in negotiations
 - Infringement indemnity
 - Limitations of liability and disclaimers
 - Data segregation
 - Data use and ownership
 - Security controls and protection
 - Privacy controls and protection when personal data in scope
 - Ability to preserve and extract data
 - Ongoing governance/oversight rights (documentation, audit, change control process)
- Create Questionnaire
 - Vendor – how does AI tool operate
 - Business – how will AI tool be used
- Benefit/Risk Assessment

- Proactive benefit/risk assessment about AI tool and foreseeable use cases
 - Level of assessment will vary
- Assessment should inform which controls below are particularly critical
- Controls Around Use of AI
 - Set standards for the input of trade secrets and confidential information
 - Develop internal best practices for writing AI prompts and consider AI prompt retention policy
 - Avoid the use of third-party intellectual property in search prompts
 - Consider conducting a human review of all AI output
 - Ensure use of AI tool complies with applicable laws and regulations