

AI Procurement

Due Diligence Questions

Artificial Intelligence Due Diligence Questions
<p>For purposes of these due diligence questions, “AI System” is defined to refer to various methods and technologies that utilize machine-based systems that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments or perform tasks normally requiring human intelligence that Company has commercialized or otherwise uses to provide products and services.</p>
Purpose and Scope of Use
<p>1. Describe the intended scope of use, goals, and expected outcomes of the AI System and any known limitations of the AI System. Explain how the Company ensures the AI System does not drift from its intended scope of use or outputs.</p>
<p>2. Describe how the AI System works to generate outputs (including what algorithms or techniques the AI system utilizes to generate outputs).</p>
AI Policies and Guidelines
<p>3. Does the Company have acceptable use policies, guidelines, governance programs, or training (e.g., on the use of generative AI, controlling for bias, content, or output risks) in place for</p> <p style="margin-left: 20px;">(A) internal use of AI by employees, and</p> <p style="margin-left: 20px;">(B) Company’s products and services that use AI technologies?</p> <p style="margin-top: 20px;">If so, please provide copies or other evidence of all such policies, guidelines, governance programs, and training materials.</p> <p style="margin-top: 20px;">Examples of relevant policies or guidelines include generative AI acceptable use standards, AI software development guidelines, or written considerations for software engineers utilizing AI tools, etc.</p>
<p>4. Given the considered use case for the AI System, what additional legal requirements does the AI System need to comply with?</p>

Training Data, Inputs, and Privacy
5. What is the source of the Company's AI system training data?
(A) Why was the training dataset created, and how was the data collected?
(B) Can the Company provide the documented provenance of the training set?
(C) How does the Company ensure the training dataset is reliable, comprehensive, and representative?
(D) If training data includes individually identifiable information, how does the Company ensure that its use of such data is permitted under applicable law, and how does it protect the privacy of such data? (e.g., de-identification/pseudonymization/anonymization, proper management and administration, consent)
6. What type of information will the AI System collect and how? How do the AI System and the Company use that information?
Design, Development, Testing, and Infrastructure
7. Describe your testing processes, including specialist expertise, used to assess the AI System. Does the Company test the AI System before deployment and periodically on an ongoing basis to ensure the system runs as intended and avoids unintended outcomes?
8. How does the Company ensure that the AI System output is fair, impartial, and otherwise complies with applicable laws, regulations, or standards?
9. Does the Company use any third-party AI platforms or foundation models to augment, integrate, configure, or customize the Company's products or services? Does the Company have a continuity plan for the AI System or its other impacted offerings in case of changes in access or terms and conditions of third-party AI platforms, foundation models, or other critical licensed AI products?
10. Please describe, and provide related policies and procedures on, how the Company tracks the AI System performance and tests the quality of the performance. Please provide the most recent quality review results for the AI System.
11. Does the Company comply with the terms and conditions of applicable third-party AI platforms or foundation models for its AI System? Please provide a copy of or describe the Company's policies and procedures regarding compliance with such terms and conditions.

12. Has the Company used any generative AI (e.g., ChatGPT or GitHub Copilot) to create any portion of its products, services, or documentation regarding its products and services?
13. How does the Company approach representation and warranty disclaimers and risk allocation with developers or providers of any third-party AI platforms, models, or tools used to augment, integrate, configure, or customize the Company's products or services? For example, what is the Company's approach to broad disclaimers of warranty; does the Company require third parties to make warranties as to certain standards, and what is the Company's approach for proposed damages exclusions and liability caps for third-party AI platforms or tools?
14. Does the Company utilize technical means to monitor and/or block access to third party generative AI systems?
15. Is the AI System designed with capabilities enabling the automatic recording of events (e.g., event logging) while the AI System is operating?
16. Where or how does the AI System store or retain data?
17. Does the Company have a retention policy and/or plan for retained data?
18. Explain how the AI System conforms to applicable/relevant interoperability, safety, accessibility, and usability standards.
Oversight, Governance, and Accountability
19. Describe how the AI System or the Company provides an explanation for the AI System's output, and if not, what aspects of AI System processes are unknowable and why.
20. Describe the intended interplay of human oversight over the AI System.
21. Describe the Company's processes for identifying, tracking, and complying with any applicable laws, regulations, or other standards for the AI System.
22. Describe the approach for monitoring for and eliminating (or minimizing) bias, ethical issues, or other safety risks resulting from the use of the AI System. For example, does the Company have specific protocols and criteria for audits and related controls to ensure adherence to fundamental ethical and legal principles and requirements? If so, how often is the AI System audited for issues and other deviations? Please provide relevant documentation.