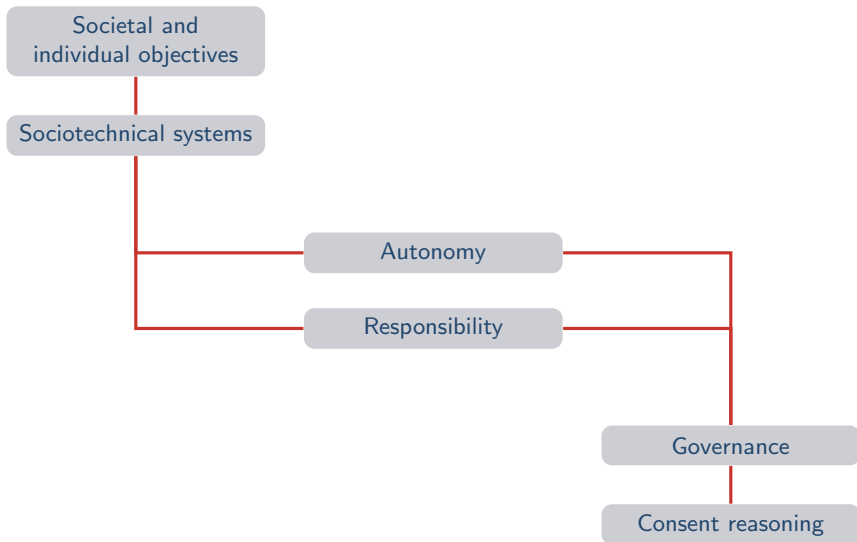


Consent: A Foundation for Governance



Does anyone else feel like their being watched?



Like



Comment



Share



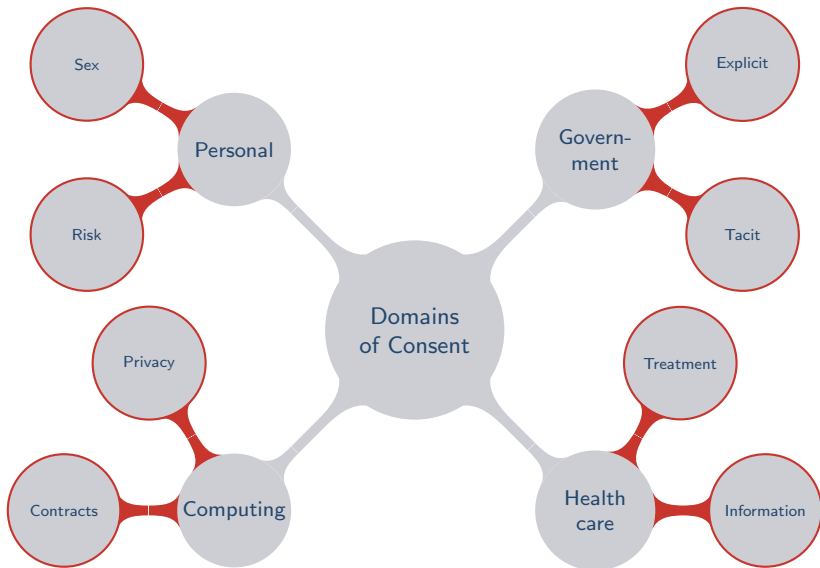
Central Intelligence Agency (CIA)

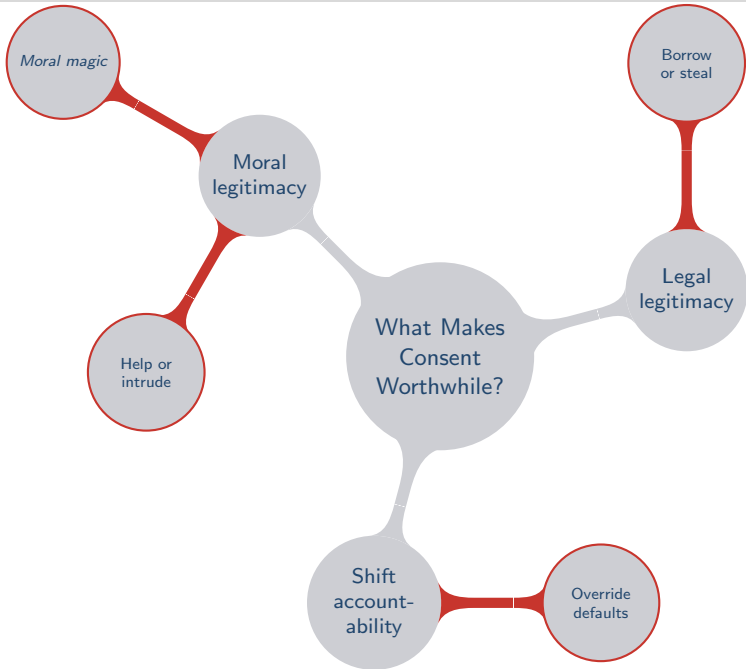
*They're

Just now • Like • Reply



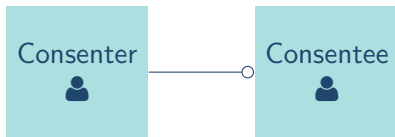
"It's free, but they sell your information."





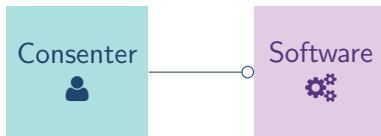
Parties to Consent

Traditionally



Parties to Consent

In computing, apparently



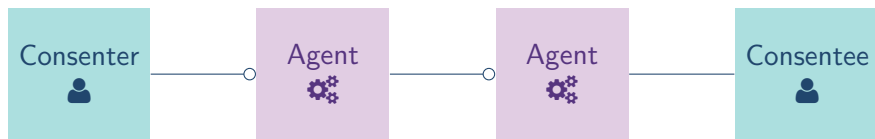
Parties to Consent

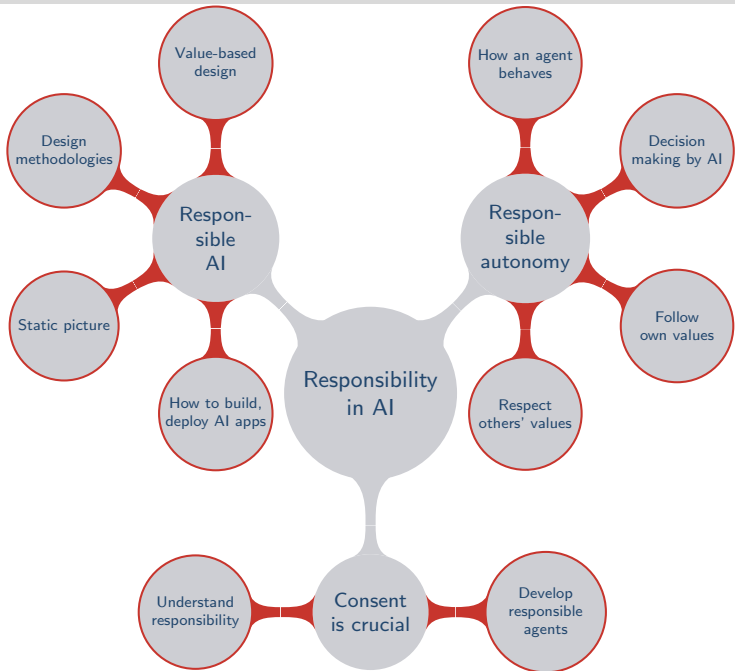
In computing, actually

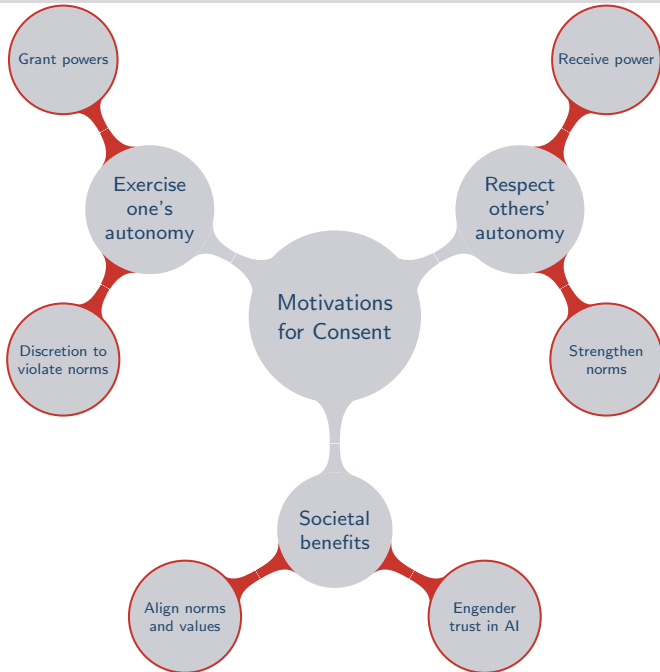


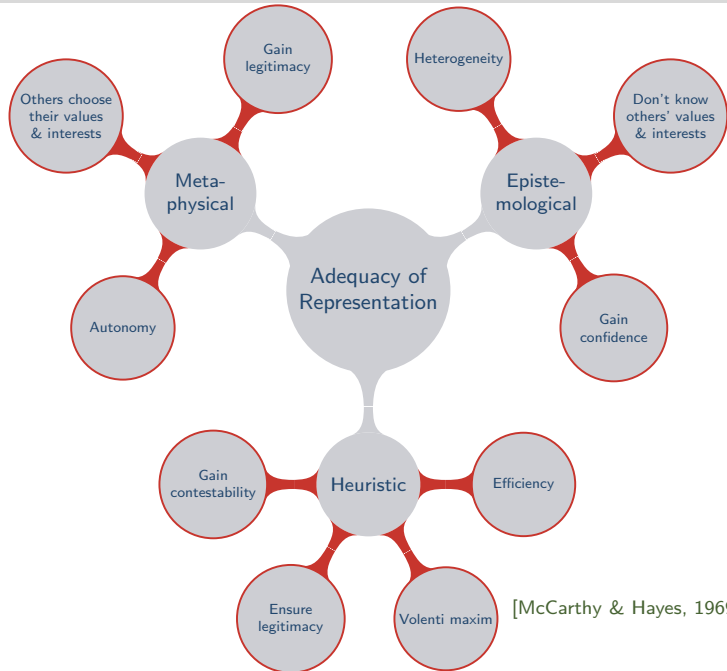
Parties to Consent

With AI agents, user to agent and agent to agent

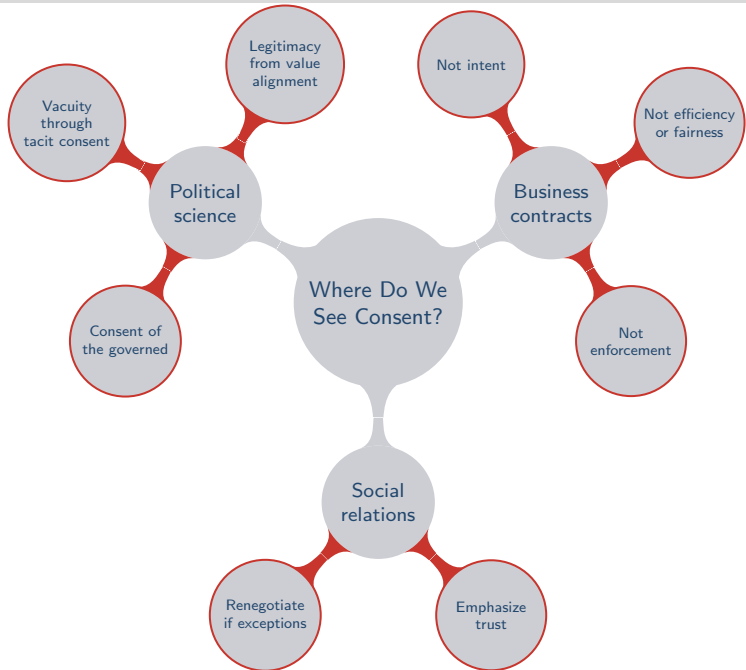


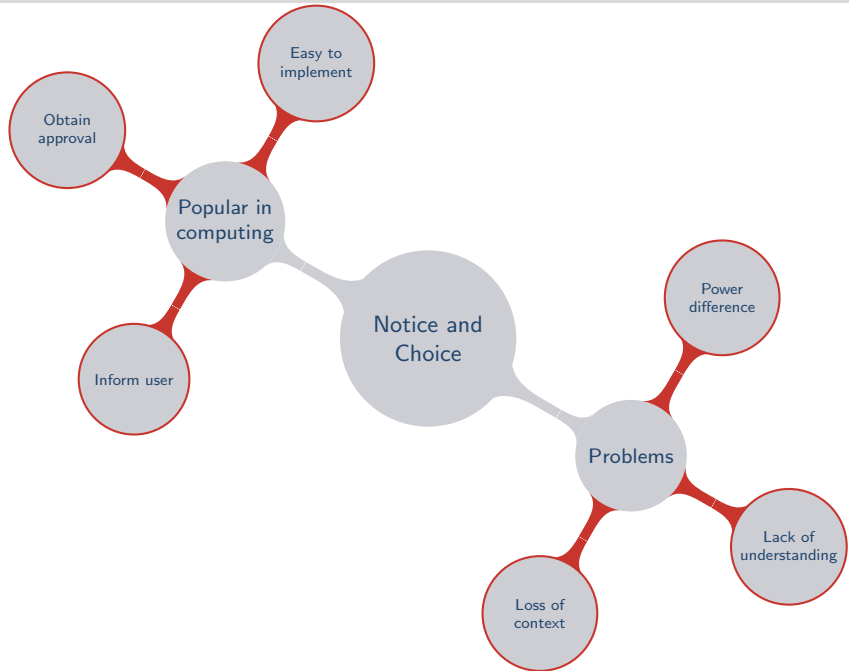


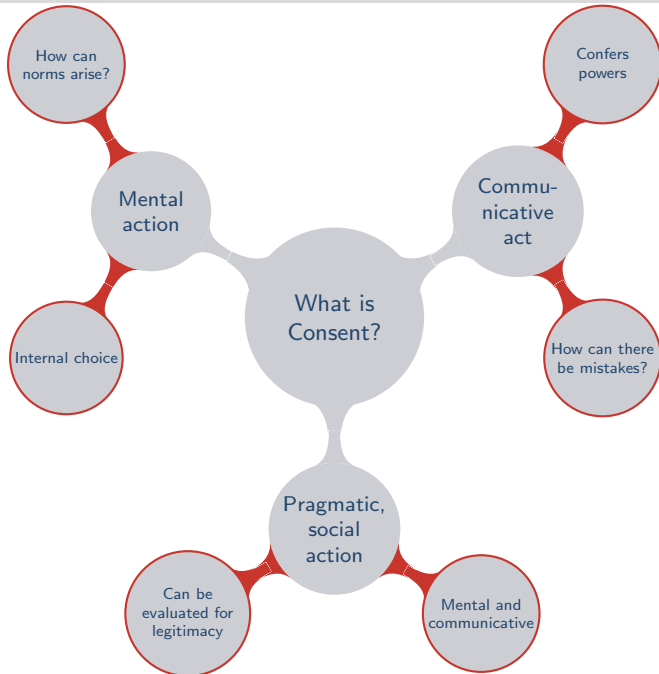


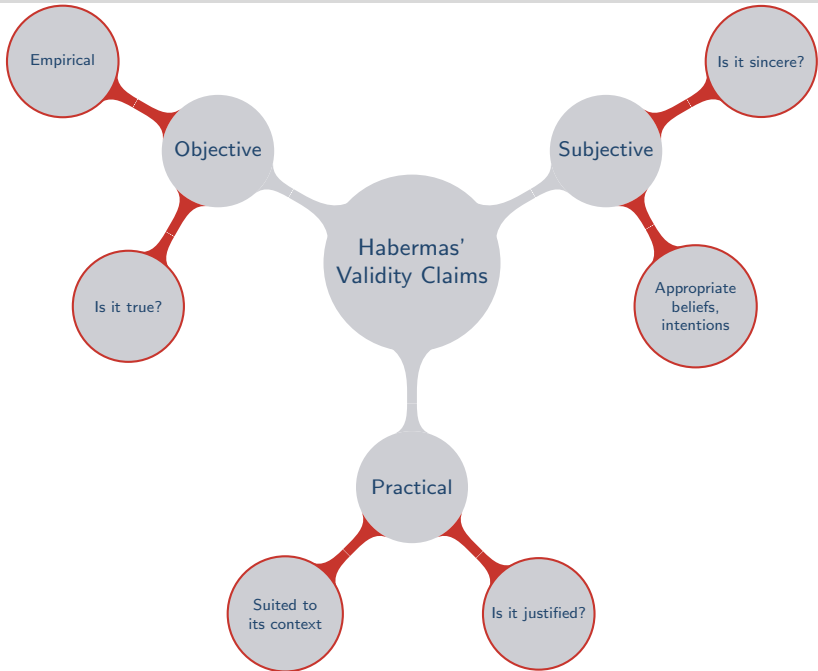


[McCarthy & Hayes, 1969]









Criteria for Valid Consent

Visibility

Consent is observable, i.e., a communication



"Did I say sprinkles? Did I say foofaraw, flavors, or swirls? Or did I say gimme a damned Scotch?"

Criteria for Valid Consent

Free Will

Consenter acts without being coerced



"I don't want you to be the one that got away."

Criteria for Valid Consent

Truth

Consenter's beliefs are true and complete



"Let's just say I thought I had one wish left."

Criteria for Valid Consent

Capacity

Consenter is mentally fit



Criteria for Valid Consent

Cognition

Consenter believes and intends to



"So, you see, what you were really looking for was a deeper connection with your father, and not the dentist's office down the hall."

Criteria for Valid Consent

Attention

Consenter exercises mental faculties



"Hub? Ob, yeab—I do."

Criteria for Valid Consent

Statutes

Consenter meets statutory criteria, e.g., age



"Why wasn't a list of these sins made available to me, and why wasn't I allowed to have it examined by my own experts?"

Criteria for Valid Consent

Power

Consenter is not subjugated by consentee



“In your case, Dave, there’s a choice—elective surgery, outpatient medicinal therapy, or whatever’s in the box that our lovely Carol is holding.”

Criteria for Valid Consent

Honesty

Consentee does not mislead consenter



JOEDATOR

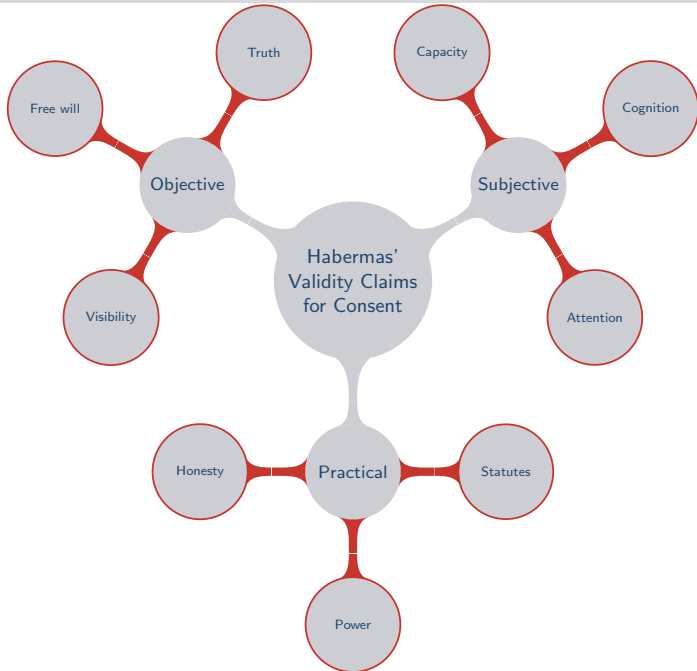
“Full disclosure—I really need this hug.”

Criteria for Valid Consent

Criterion	Meaning
Visibility	Consent is observable, i.e., a communication
Free Will	Consenter acts without being coerced
Truth	Consenter's beliefs are true and complete
Capacity	Consenter is mentally fit
Cognition	Consenter believes and intends to
Attention	Consenter exercises mental faculties
Statutes	Consenter meets statutory criteria, e.g., age
Power	Consenter is not subjugated by consentee
Honesty	Consentee does not mislead consenter

Criteria for Valid Consent

	Criterion	Meaning
Objective	Visibility	Consent is observable, i.e., a communication
	Free Will	Consenter acts without being coerced
	Truth	Consenter's beliefs are true and complete
Subjective	Capacity	Consenter is mentally fit
	Cognition	Consenter believes and intends to
	Attention	Consenter exercises mental faculties
Practical	Statutes	Consenter meets statutory criteria, e.g., age
	Power	Consenter is not subjugated by consentee
	Honesty	Consentee does not mislead consenter



Criteria for Valid Consent

	Criterion	Meaning
Objective	Visibility	Consent is observable, i.e., a communication
	Free Will	Consenter acts without being coerced
	Truth	Consenter's beliefs are true and complete
Subjective	Capacity	Consenter is mentally fit
	Cognition	Consenter believes and intends to
	Attention	Consenter exercises mental faculties
Practical	Statutes	Consenter meets statutory criteria, e.g., age
	Power	Consenter is not subjugated by consentee
	Honesty	Consentee does not mislead consenter

Challenging Cases

- ▶ Free will: avoidance of coercion
 - ▶ No one forces the consenter to check a box or install an app
- ▶ Truth: The consenter has the right background knowledge
 - ▶ Confusion about identity (Heidi Hurd)
 - ▶ You install Chrom thinking it is Chrome, which you wanted
- ▶ Cognition: The consenter is in the right mental state
 - ▶ You wanted to open the Chrome app, not to install the new version with ads
- ▶ Power: The consenter chooses (hence free will) but only because they feel like they can't say no because of the consentee's power
 - ▶ Invalidates consent because of the power disparity
- ▶ Honesty: The consentee reveals the proper information
 - ▶ You agree to invest your life savings in a real-estate venture because your accountant doesn't disclose they will get a commission: invalid consent

Challenging Cases

Free will is about exercising choice and power overrides the free will

Free will	Power	Example
Satisfied	Satisfied	You install a gaming app by yourself
Satisfied	Violated	You install Moodle because the TA asks you to
Violated	Satisfied	A stranger takes your picture in public
Violated	Violated	A car rental company places a tracker in the car you rent

Truth is about the consenter and Honesty is about the consentee

Truth	Honesty	Example
Satisfied	Satisfied	You know ads will interrupt a video; YouTube tells you it will show ads
Satisfied	Violated	You know the app will drain your battery the app falsely says it is efficient
Violated	Satisfied	You think Alexa won't listen to your private conversations the app says it listens to everything
Violated	Violated	You think the app won't drain your battery the app falsely says it is efficient

Evaluation

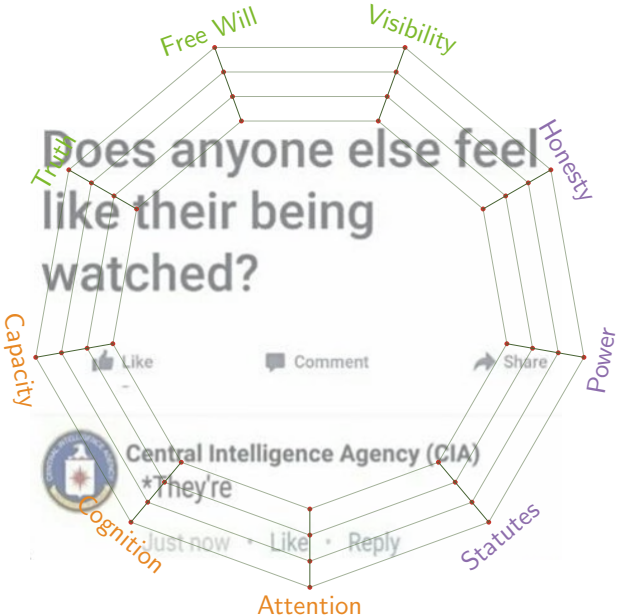
Consider each of the consent criteria in turn

- ▶ X installs an app on Y's phone by coercion/trickery
- ▶ X is a parent/spouse/child of Y
- ▶ Y is a minor or suffering from dementia or neither
- ▶ The app monitors Y's location/actions and reports them to X in detail/aggregate

For the cartoons

- ▶ Assume a nonironic interpretation
- ▶ To avoid vacuous answers, assume consent had been given tacitly

Evaluation



Evaluation

