



AI on the GLAM Job

A review of how laws governing AI affect employees of galleries, libraries, archives, and museums (GLAM), with template language for policy development.

Goals: Attendees will learn the laws impacting use of AI in GLAM institutions, and review template language for adopting policies consistent with the law.

#	Factor, Impact, template language
1.	<p>Factor: This session does NOT review ethics.</p> <p>Impact: It is important to identify the ethics that apply to use of AI in your particular institution.</p> <p>Template language: [that’s on you].</p>
2.	<p>Factor: This session does not showcase or talk about AI to use or avoid.</p> <p>Impact: It is important that your institution keeps current on how AI can enhance and/or risk your mission.</p> <p>Template Language: [that’s on you.]</p>
3.	<p>Factor: AI cannot be an “author” for purposes of the Copyright Act (see <u>Thaler v. Perlmutter</u>, 2025 U.S. App. LEXIS 6294 (D.C. Cir. Mar. 18, 2025)).</p> <p>Impact: AI cannot own copyright.</p> <p>Template Language: “To ensure quality control and assurance of copyright ownership, when using AI to generate material for use by the [institution], employees must note the use of the AI and an employee must be the last entity to review the content.”</p> <p>NOTE: Ownership will further depend on if the institution owns the work generated by employees (which is the default) or if employees own the work they generate as part of their employment.</p>
4.	<p>Factor: New York has defined “AI!”</p> <p>Impact: Unless a matter arises under a law with a different definition, it is wise to keep in mind this definition from New York State Technology Law Section 103-e:</p>



#	<p>Factor, Impact, template language</p> <p><i>“artificial intelligence system” shall mean a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments that, when used, may “directly impact the public”. Artificial intelligence systems use machine and human-based inputs to perceive real and virtual environments, abstract such perceptions into models through analysis in an automated manner, and use model inference to formulate options for information or action. “Artificial intelligence system” includes but is not limited to systems that use machine learning, large language model, natural language processing, and computer vision technologies, including generative artificial intelligence. “Artificial intelligence system” shall not include basic calculations, basic automation, or pre-recorded rule-based conditional logic response systems with predefined triggers that automatically initiate predetermined actions, such as If This Then That (IFTT) systems.</i></p> <p>Template Language: Consider using the definition in this law, unless another law (or contract) imposes a different definition.</p>
5.	<p>Factor: Civil Service Has Your Back!</p> <p>This new subsection of Section 80 goes into effect July 1, 2020:</p> <p>10. <i>(a) The use of artificial intelligence systems as defined by section one hundred three-e of the state technology law shall not affect (i) the existing rights of employees pursuant to an existing collective bargaining agreement, or (ii) the existing representational relationships among employee organizations or the bargaining relationships between the employer and an employee organization.</i> <i>(b) The use of such artificial intelligence systems shall not result in the:</i> <i>(i) discharge, displacement or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits, or result in the impairment of existing collective bargaining agreements; or</i> <i>(ii) transfer of existing duties and functions currently performed by employees of the state or any agency or public authority thereof to an artificial intelligence system.</i> <i>(c) The use of an artificial intelligence system shall not alter the rights or benefits, and privileges, including but not limited to terms and conditions of employment, civil service status, and collective bargaining unit membership status of all existing employees of the state or any agency or public authority thereof shall be preserved and protected.</i></p> <p>NOTE: See how this law uses the definition from Technology Law Section 103-e?</p> <p>Impact: This law was passed to guard against destabilizing the civil service workforce.</p>



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	<p>Template Language: References to this protection should track the language of the law. Union reps, management, and attorneys should be aware of this requirement during negotiations and labor relations.</p>
6.	<p>Factor: Starting June 19, 2025, New York State General Business Law Section 1102 is watching social media... and AI.</p> <p>Impact: Here is what is required by this new law:</p> <p><i>On a semiannual basis in accordance with subdivision two of this section, a social media company shall submit to the attorney general a terms of service report. The terms of service report shall include, for each social media platform owned or operated by the company, all of the following:</i></p> <ul style="list-style-type: none"><i>(a) The current version of the terms of service of the social media platform.</i><i>(b) If a social media company has filed its first report, a complete and detailed description of any changes to the terms of service since the previous report.</i><i>(c) A statement of whether the current version of the terms of service defines each of the following categories of content, and, if so, the definitions of those categories, including any subcategories:</i><ul style="list-style-type: none"><i>(i) hate speech or racism;</i><i>(ii) extremism or radicalization;</i><i>(iii) disinformation or misinformation;</i><i>(iv) harassment; and/or</i><i>(v) foreign political interference.</i><i>(d) A detailed description of content moderation practices used by the social media company for that platform, including, but not limited to, all of the following:</i><ul style="list-style-type: none"><i>(i) any existing policies intended to address the categories of content described in paragraph (c) of this subdivision;</i><i>(ii) how automated content moderation systems enforce terms of service of the social media platform and when these systems involve human review;</i><i>(iii) how the social media company responds to user reports of violations of the terms of service;</i><i>(iv) how the social media company would remove individual pieces of content, users, or groups that violate the terms of service, or take broader action against individual users or against groups of users that violate the terms of service; and</i><i>(v) the languages in which the social media platform does not make terms of service available, but does offer product features, including, but not limited to, menus and prompts.</i><i>(e)</i><ul style="list-style-type: none"><i>(i) Information on content that was flagged by the social media company as content belonging to any of the categories described in paragraph (c) of this subdivision, including all of the following:</i><ul style="list-style-type: none"><i>(A) the total number of flagged items of content;</i><i>(B) the total number of actioned items of content;</i><i>(C) the total number of actioned items of content that resulted in action taken by the social media company against the user or group of users responsible for the content;</i>



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	<p><i>(D) the total number of actioned items of content that were removed, demonetized, or deprioritized by the social media company;</i> <i>(E) the number of times actioned items of content were viewed or heard by users;</i> <i>(F) the number of times actioned items of content were shared, and the number of users that viewed or heard the content before it was actioned; and</i> <i>(G) the number of times users appealed social media company actions taken on that platform and the number of reversals of social media company actions on appeal disaggregated by each type of action.</i></p> <p><i>(ii) All information required by subparagraph (i) of this paragraph shall be disaggregated into the following categories:</i> <i>(A) the category of content, including any relevant categories described in paragraph (c) of this subdivision;</i> <i>(B) the type of content, including, but not limited to, posts, livestreams, comments, messages, profiles of users, or groups of users;</i> <i>(C) the type of media of the content, including, but not limited to, text, images, livestreams, and videos;</i> <i>(D) how the content was flagged, including, but not limited to, flagged by company employees or contractors, flagged by artificial intelligence software, flagged by community moderators, flagged by civil society partners, and flagged by users; and</i> <i>(E) how the content was actioned, including, but not limited to, actioned by company employees or contractors, actioned by artificial intelligence software, actioned by community moderators, actioned by civil society partners, and actioned by users.</i></p> <p>...</p> <p>3. <i>The attorney general shall make all terms of service reports submitted pursuant to this section available to the public in a searchable repository on its official internet website.</i></p> <p>Template Language: Libraries and others may wish to consider using this report as a resource either on a primary or secondary basis.</p>
7.	<p>Factor: NYS Election Law now defines “materially deceptive media.”</p> <p>Impact: This definition is in NYS Election Law Section 14-106 but is handy to know in general and addresses the potential role of AI in generating such content:</p> <p><i>(i) "Materially deceptive media" means any image, video, audio, text, or any technological representation of speech or conduct fully or partially created or modified that:</i> <i>(1) exhibits a high level of authenticity or convincing appearance that is visually or audibly indistinguishable from reality to a reasonable person;</i> <i>(2) depicts a scenario that did not actually occur or that has been altered in a significant way from how they actually occurred; and</i> <i>(3) is created by or with software, machine learning, artificial intelligence, or any other computer-generated or technological means, including adapting, modifying, manipulating, or altering a realistic depiction.</i></p>



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	<p><i>(ii) "Information content provider" means any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the Internet or any other interactive computer service.</i></p> <p>Template Language: This definition may be helpful in policy development.</p>
8.	<p>Factor: State Technology Law 403 requires that use of AI by state institutions in New York requires initial and subsequent routine assessments based on exact criteria.</p> <p>Impact: State agencies¹ that want to use AI must assess the AI by assembling the following:</p> <ul style="list-style-type: none"><i>(a) a description of the objectives of the automated decision-making system;</i><i>(b) an evaluation of the ability of the automated decision-making system to achieve its stated objectives;</i><i>(c) a description and evaluation of the objectives and development of the automated decision-making including:</i><ul style="list-style-type: none"><i>(i) a summary of the underlying algorithms, computational modes, and artificial intelligence tools that are used within the automated decision-making system; and</i><i>(ii) the design and training data used to develop the automated decision-making system process;</i><i>(d) testing for:</i><ul style="list-style-type: none"><i>(i) accuracy, fairness, bias and discrimination, and an assessment of whether the use of the automated decision-making system produces discriminatory results on the basis of a consumer's or a class of consumers' actual or perceived race, color, ethnicity, religion, national origin, sex, gender, gender identity, sexual orientation, familial status, biometric information, lawful source of income, or disability and outlines mitigations for any identified performance differences in outcomes across relevant groups impacted by such use;</i><i>(ii) any cybersecurity vulnerabilities and privacy risks resulting from the deployment and use of the automated decision-making system, and the development or existence of safeguards to mitigate the risks;</i><i>(iii) any public health or safety risks resulting from the deployment and use of the automated decision-making system;</i><i>(iv) any reasonably foreseeable misuse of the automated decision-making system and the development or existence of safeguards against such misuse;</i><i>(e) the extent to which the deployment and use of the automated decision-making system requires input of sensitive and personal data, how that data is used and stored, and any control users may have over their data; and</i><i>(f) the notification mechanism or procedure, if any, by which individuals impacted by the utilization of the automated decision-making system may be notified of the use of such</i>

¹ In this law, a state agency is “any department, public authority, board, bureau, commission, division, office, council, committee or officer of the state. Such terms shall not include the legislature or judiciary, nor a municipality.”



#	Factor, Impact, template language <i>automated decision-making system and of the individual's personal data, and informed of their rights and options relating to such use.</i> Template Language: For state agencies, this is the standard to follow for assessment of AI. For others, this is a standard to consider adopting.
9.	Factor: In New York State, “Interactive Fantasy Sports” needs to conspicuously disclose use of AI if used to provide contestants for this form of digital gambling. Impact: Here is what is required: <u>§ 5603.6 Computerized contestants</u> <i>A registrant shall not employ artificial contestant software to act as a contestant, except:</i> <i>(a) the software may employ the use of artificial intelligence to facilitate participation for demos, free contests or training modes;</i> <i>(b) the use of artificial intelligence software shall be explained clearly in help menus; and</i> <i>(c) all computerized contestants shall be marked clearly in contests so that contestants are aware of which contestants are not human.</i> Template Language: If AI is being used to provide services at your institution (but not in a way that violates Civil Service Law Section 80), this is a good model for how to structure a disclosure. For example: <i>The Library does not employ artificial intelligence to provide reference desk services, except:</i> <i>(a) the Library may employ the use of artificial intelligence to assist with the search and refinement of queries;</i> <i>(b) the use of artificial intelligence software shall be managed in a way to preserve patron confidentiality; and</i> <i>(c) all final output shall be reviewed and conveyed by an employee.</i>