Artificial Intelligence, Human Intervention and Trust

Legal Safeguards for Accountability and Governance

Launch of the Mauritius National Data Strategy
International Data Protection Day

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28 January 2026

Trust as a Legal Construct

Trust in Law

➢ Trust is a **legal construct**

➢ Sustained where:

o power is exercised within defined boundaries

o Responsibility is identifiable

o Decisions are intelligible and open to challenge

Artificial Intelligence must be assessed through this legal lens.

The Legal Shift Introduced by AI

From Data to Outcomes

➤ AI systems increasingly:

  ○ translate data into recommendations

  ○ influence prioritisation

  ○ shape outcomes

• Legal consequence:

  ○ the issue moves beyond privacy

  ○ towards **governance, accountability, and oversight**

When the Legal Question Arises

Decision-Shaping Systems

➢ Legal concerns arise where automated systems influence:

o access to services

o prioritisation of cases

o assessment of risk

What Data Protection Already Provides

➢ **Foundational Safeguards**

- Regulation of:

    ○ automated processing

    ○ profiling

- Recognition of risks where:

    ○ decisions are taken without human involvement

- Requirement for additional safeguards where processing is likely to affect individuals

▶ **Position:**
These principles remain sound and relevant.

Why Governance Must Go Further

➢ **Limits of Traditional Assumptions**

- Artificial Intelligence introduces:

  ○ scale

  ○ complexity

  ○ opacity

- AI systems may:

  ○ evolve after deployment

  ○ influence outcomes indirectly

  ○ materially affect individuals

▶ **Key Takeaway:**
Data protection remains foundational, but must operate **within a broader ecosystem of governance safeguards**.

Comparative AI Legislative Approaches

Jurisdiction	Instrument	Year	Approach
European Union	EU Artificial Intelligence Act	2024	Risk-based, human oversight
United Kingdom	Pro-Innovation AI Framework	2023	Principles-based, regulator-led
United States	Sectoral / State Laws	—	Sector-specific
China	Algorithmic & Generative AI Rules	2021–2023	Centralised, binding

Common thread:
- ❖ **Risk-based safeguards**
- ❖ **Accountability**
- ❖ **Human Oversight**

HUMAN OVERSIGHT AS A LEGAL REQUIREMENT

A Core Legal Proposition

➢ **Where AI systems affect <u>rights, opportunities, or obligations,</u> human oversight must remain central.**

❖ This is a **legal requirement**

❖ Not a technical preference

Human Intervention and Accountability

Why Human Intervention Matters

➢ Human intervention ensures that:

o decisions remain attributable to a human authority

o automated outcomes can be reviewed and questioned

o responsibility does not dissolve into technical complexity

Without it:

• accountability

• and effective redress cannot be secured.

MAURITIUS AND THE STABLE LEGAL BOUNDARY

Mauritius

- Existing regulatory foundation includes:

  - **Data Protection Act 2017**

  - **Cybersecurity and Cybercrime Act 2021**

  - **Information and Communication Technologies Act 2001**

  - **Financial Services (Robotic and Artificial Intelligence Enabled Advisory Services) Rules 2021**

- Role of the **National Data Strategy**:

  - align existing legal frameworks coherently

  - ensure clarity, proportionality, and consistency

  - identify where automation may operate and where **human involvement is required**

Conclusion

❖ Trust does not reside in systems.
  It resides in responsibility.
  Where decisions affect people,
  the law must keep a human in charge.

❖ No human impact
  without human responsibility.

THANK YOU