

ARTIFICIAL INTELLIGENCE IN THE PROVISION OF HEALTH SERVICES AND ITS RELATIONSHIP WITH THE PROTECTION OF PERSONAL DATA

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Summary

This article aims to give an objective look at the new challenges in terms of personal data protection and its legislation with respect to the use of artificial intelligence in the fields of medicine and bioethics, bearing in mind that the use of new information and communication technologies gives rise to a number of accesses to data by third parties that may well put at risk the fundamental rights of people. We will address a brief summary of the concepts of what we currently conceive of as Artificial Intelligence and a critical account that denotes the importance of countries promptly legislating the use of it.

Keyword - objective, summary, concepts, communication, protection

INTRODUCTION:

To begin with, it is important to know the definition of AI but in this case not from a technological approach, rather from a legal vision of the term, in the legal field there is no specific definition because AI has multiple applications by specialty, the main applications are: 1. Argumentation and decision-making, 2. Classification and extraction of legal texts (jurisprudence, doctrine and regulations), 3. constitution and projection of a legislative system (Risland, Ashley, & Loui, 2003, Cited by Guerrero, Pag 5, 2021).

The use of AI in medical services is a very little addressed issue in Colombia, despite the current situation and the changes of government that we are experiencing, the health system is in a high degree of uncertainty due to the broad reforms that have begun to be discussed in the interior of the country, although for many the change is necessary because for years we have been seeing how services have been deteriorating of health, the liquidation of several of the largest EPS with a presence in the territory, clinics, hospitals and other service providers, the government has forgotten to take a look at the changes brought by the use of new technologies and the imminent need for implementation that is required. In other countries of the European Union, this has already been warned, For Ramón Fernández (2021) "Another aspect that we have analysed is the link between artificial intelligence and big data. The data mining generated by big data and the use of algorithms poses a challenge around privacy that doctrine has already highlighted (Castellanos Claramunt, 2020: 61). That is why the regulations must also adapt to this circumstance and take into account mobile applications and computer programs in the field of health, the use of personal data and respect for fundamental rights."

The use of New Technologies and their ethical discussions

For Villalba Gómez (2016), the dynamics of growth in techno-scientific construction around the expansion of human capacities, understood through the generation, construction and implementation of artificial intelligence or biotechnological approaches in robotics and expert systems, become the emerging scenario for philosophical analysis and reflection, so that bioethics (through the germination of its own context framed in a bioethics of technology) is the called to identify and analyze, from the protection of human life, the possible ethical judgments that may arise in the conjunction of this dynamic.



The use of New Technologies by all of us who have access to them, creates a different panorama from what we can conceive as reality, for Rolando V, Jiménez Domínguez and Onofre Rojo A. (2008) it cannot be denied that science and technology have contributed enormously to improve the lives of human beings, But if these results are analyzed in the feelings and mood of the people, it seems that not everything has been for human happiness. The values and goals of post-industrial society differ markedly from those of two or three generations ago, with the "generation gap" being established with very little communication regarding values. The new technology-based culture is here to stay and advance on the technical side. Those who have ever tried technological development are slow to react to its other consequences. What can be done is to rethink technology in a human-centered world.

In short, the panorama of the reality in which we live connected today, the ease of access to information by some, everything that technologies and communications offer us, have resulted in a social and ethical change in the way we relate to others. It has made us more sensitive to the suffering of others, and in one way or another it has changed the standards of what we perceive as morality, ethics, and society.

Data Protection (Information)

It is observed every day that, with the arrival of the technological era and communications, the new generations increasingly have greater access to a number of real-time data (information) that in turn generates a great risk because for the most part, we do not have certainty that the source of such information meets standards of reliability and protection. That is, that its use does not generate direct damage (own use) or indirect damage (violating the information of others).

As has been addressed in the previous paragraphs, regulations regarding the use of information are becoming more and more necessary every day, a situation that resonates in European countries such as the so-called Barcelona Declaration for Artificial Intelligence as a guide for its advancement. The document highlights the great importance of AI in the future of the economy and societies, although it also shows its concern about the possible inappropriate, hasty or malicious use of new technologies. In this sense, it proposes a code of conduct focused on caution, trust, transparency, accountability, the limitation of autonomy and the human role. (International Center for Scientific Debate Barcelona, 2017, cited by Gerrero Arévalo, 2021).

Ramón Fernández concludes in his article, "the so-called Barcelona Declaration for Artificial Intelligence stands out as a guide for its advancement. The document highlights the great importance of AI in the future of the economy and societies, although it also shows its concern about the possible inappropriate, hasty or malicious use of new technologies. In this sense, it proposes a code of conduct focused on caution, trust, transparency, accountability, the limitation of autonomy and the human role. (International Center for Scientific Debate Barcelona, 2017)"

Personal Data in a Medical Consultation supported by the use of AI

The Colombian legislation considers in its Law on the Protection of Personal Data or Law 1581 of 2012 in its Article 1 has as its Purpose: "to develop the constitutional right that all people have to know, update and rectify the information that has been collected about them in databases or files, and the other constitutional rights, freedoms and guarantees referred to in Article 15 of the Political Constitution; as well as the right to information enshrined in Article 20 of the same."

The above as a legal preamble to be considered, although a series of arguments and premises have been described regarding the use of new technologies, health, access to information, all of them to reach the point of talking about what may happen when in Colombia we begin to implement the use of new technologies and artificial intelligence in the provision of health services. What safeguards do patients have about the use of their personal information? Who will be able to access this information? How is it going to be safeguarded and who is going to respond in a case of data leakage? These and many other questions are the ones that we must consider in order to regulate all these issues that are so novel for countries like ours.



Gerrero Arevalo concludes his letter by stating that, "he has presented a general vision of how artificial intelligence is going to influence many aspects of daily life and its implementation must be regulated through a normative parameter based on the ethical principles that aim to protect fundamental human rights, and thereby prevent the possibility that its accelerated advance may generate a risk to the population due to the excessive dependence that exists on these autonomous systems, so that through an adequate exercise of caution and responsibility, the necessary awareness can be generated regarding the power of artificial intelligence and its unexpected consequences." This ratifies the need that many of the professionals in Colombia see to be prepared for the new changes.

CONCLUSION

As evidenced throughout this article, it is imminent that as professionals in training to work in the health sector, we consider from now on the arrival of new technologies that, although they have existed for several years, have not been fully implemented in the provision of health services offered in Colombia. perhaps due to negligence, ignorance and even lack of interest of the actors (partners, owners, investors) in accessing these technologies that significantly improve the quality of the services provided.

Without neglecting the challenges that this brings with it, privacy and protection of information, the responsible and appropriate use of it, the need to create and regulate all these aspects that are so necessary so that its use does not generate significant risks for society and especially for each one of us.

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