

Artificial Intelligence (AI) Draft Bills

	Draft Bill 059 of 2023 (Senate)	Draft Bill 091 of 2023 (Senate)	Draft Bill 130 of 2023 (Senate)	Draft Bill 200 of 2023 (Chamber of Representatives)
Status	Second debate pending.	First debate pending.	First debate pending.	First debate pending.
Artificial Intelligence Definition	Scientific discipline that deals with the creation of computer programs that perform operations comparable to those performed by the human mind, such as learning or logical reasoning.	Technology that replicates, through algorithms, human thought processes for the purpose of performing specific tasks, learning from experience and adapting to new situations. Note: this is the only project that defines Generative AI as a specific type of AI technology that has the ability to automatically create various types of content, text, images, audio and synthetic data, using generation models and algorithms.	Scientific discipline that deals with the creation of computer programs that perform operations comparable to those performed by the human mind, such as learning or logical reasoning.	Collection of computer techniques, programming system, computational system, physical machines or technological processes that enable the development of algorithms and the creation of computer programs to execute human-defined objectives, make predictions, and create computer programs to execute human-defined objectives, make predictions, make recommendations, make decisions, create new knowledge and/or complete cognitive and scientific-technical tasks, recommendations, make decisions, create new knowledge and/or complete cognitive and scientific-technical tasks by extracting, selecting, trimming and organizing available information or any task that requires intelligence such as reasoning or learning.
Bill's Subject matter	Establish public policy guidelines for the development, use and implementation of AI, based on the principle of human authority, common good, cooperation, safe design and prevalence of human intelligence.	Promote the responsible use of AI based on ethical and legal principles that guarantee safety, transparency, equality and equity in its application.	Protect the rights of workers and the correct use of AI by guaranteeing job stability, harmonizing scientific and technological advances with people's work, as well as their physical and mental health.	Regulate AI and adjust its development, use and implementation to human rights standards based on the principle of respect, integral wellbeing, responsibility, oversight and prevalence of human intelligence, privacy and confidentiality, security, sustainable development, inclusion, proportionality or harmlessness,

				transparency and explainability, and responsibility and accountability.
Obligated entities and individuals	Those responsible for the use, development and implementation of AI.	Legal or natural persons that carry out any type of economic or academic activity through the use or intermediation of a Generative AI.	Public and private entities that use AI.	Individuals or legal entities that intend to use, develop and implement.
Main Obligations	<ul style="list-style-type: none"> Registration of AI developments. Implementation of Codes of Ethics. 	<ul style="list-style-type: none"> Report the type of AI used and what it was used for. 	<ul style="list-style-type: none"> Report on the use of algorithms in recruitment procedures. Ensure impartiality and prevalence of human intelligence in the performance evaluation of workers and contractors. Train personnel on how to use AI in labor relations and work automation. Ensuring the privacy of employee and contractor data. 	<ul style="list-style-type: none"> Publish an assessment of the possible risks and impact on fundamental rights. Request the consent of users regarding the risks that AI may have on their fundamental rights and the processing of their personal data. If jobs are eliminated, the affected worker must be placed in a position of equal or superior conditions. Registration of AI developments.
Prohibition of certain activities	Yes	No	No	Yes
Determines an entity to monitor compliance	No	No	Yes	Yes
Imposes a special sanctioning regime	No	No	No	Yes

Even though the Colombian Congress is currently processing the aforementioned Draft Bills whose exclusive purpose is the regulation of AI, it should also be kept in mind that there are other legislative initiatives that would deal with aspects related to AI:

- 1 Statutory Law Bill 111/2022 of the Senate - 418/2023 of the House of Representatives, combined with Bill 141/2022 of the Senate, would have the purpose of issuing the Colombian Electoral Code and would establish that the National Civil Registry,

within the framework of the publication of electoral results and statistics, would have a data analytics department and implementation of artificial intelligence technologies. This project completed its procedure in Congress and will be subject to revision by the Constitutional Court since it is a statutory law.

- 2 House of Representatives Draft Bill 156/2023, which would seek to replace the current personal data protection regime, establishes that companies and organizations using AI would be required to prioritize the implementation of anonymization or disassociation mechanisms for the personal data used, apply privacy by design and by default, and conduct privacy impact assessments. Additionally, the Superintendence of Industry and Commerce would maintain a list of prohibited AI or similar technologies. This project is pending its first debate.
- 3 Senate Draft Bill 225/2024 would amend Article 296 of the Colombian Criminal Code to include an aggravating circumstance to the crime of personal falsehood when it is committed with the use of AI. As of this date, no rapporteur has been appointed for its first debate.

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