

## AI Procurement Initial Due Diligence Checklist

The following checklist includes questions attorneys may want to consider before implementing AI tools in their practice. These considerations are meant to be a useful starting point for procurement, but each AI tool is unique and may be subject to complex and changing regulation. **This checklist should not be treated as exhaustive.** Instead, use it as a starting point to generate specific questions that can be addressed with further research or by consulting an attorney familiar with the details of each agreement and AI tool.

### ☐ **Data Usage: How does the AI use your data?**

- Will your data be shared with third parties?
- Will your data be used to train the AI?

*Where information may be found:*

- Review and if possible, negotiate the Terms & Conditions
- Review Privacy Policy/Notice
- Review AI Policy/Notice (if any)

### ☐ **Data Storage: Where will your data be stored?**

- In which country will your data be stored?

*Where information may be found:*

- Review and if possible, negotiate the Terms & Conditions
- Review Privacy Policy/Notice
- Review AI Policy/Notice (if any)

### ☐ **Data Retention: How long will your data be retained?**

- Is the retention period aligned with your legal and ethical obligations?
- Is the retention period aligned with your obligations to customers?

*Where information may be found:*

- Review and if possible, negotiate the Terms & Conditions
- Review Privacy Policy/Notice

- Review AI Policy/Notice (if any)

**☐ Regulated Data: Are there protections if you intend to share protected data with the AI?**

- Personal Information
- Children's Personal Information
- Financial Information
- Health Information

*Where information may be found:*

- Review and if possible, negotiate the Terms & Conditions
- Review Privacy Policy/Notice
- Review AI Policy/Notice (if any)

**☐ Security**

- Are there access controls?
- Encryption in transit and/or at rest?

*Where information may be found:*

- Terms & Conditions
- Privacy Policy/Notice
- AI Policy/Notice (if any)
- Any supplemental materials for security including Trust Centers, etc.

**☐ Safety & Ethics**

- Does the AI account for bias?
- Is there a high risk of harm to individuals (and adequate mitigations)?

*Where information may be found:*

- Terms & Conditions
- Privacy Policy/Notice
- AI Policy/Notice (if any)
- Any supplemental materials for security including Trust Centers, etc.

## ❑ Intellectual Property

- Who owns the output?
- Are there any guarantees or protections against copyright infringement?

*Where information may be found:*

- Service Agreements
- Terms & Conditions
- Privacy Policy/Notice
- AI Policy/Notice (if any)