

Singapore

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1. What is the understanding or definition of AI in your jurisdiction?

Singapore's Infocomm Media Development Authority (IMDA) defines artificial intelligence (AI) as the study and use of intelligent machine learning to mimic human action and thought.⁴⁹⁹ While there are no specific laws or regulations in this area, the Singaporean government has developed a Model AI Governance Framework, which further supplements the understanding of AI as a set of technologies that seek to simulate human traits, such as knowledge, reasoning, problem solving, perception, learning and planning and, depending on the AI model, produce an output or decision, such as a prediction, recommendation and/or classification.⁵⁰⁰

2. In your jurisdiction, besides legal tech tools (ie, law firm or claim management, data platforms, etc), are there already actual AI tools or use cases in practice for legal services?

In 2023, the Small Claims Tribunal started testing the use of generative AI (that is, AI capable of generating content). The Singapore courts entered into a two-year partnership with American legal AI startup, Harvey AI, to develop a generative AI program for users of small claims tribunals.⁵⁰¹

The move is aimed at helping self-represented litigants⁵⁰² and is part of the efforts by courts in Singapore to ensure access to justice by providing information and designing processes that are manageable for the layperson. This is a tremendous effort on the part of the Singapore judiciary towards making the law more accessible, as lawyers are not allowed to represent parties in small

499 'Artificial Intelligence in Singapore' (Infocomm Media Development Authority), www.imda.gov.sg/about-irma/emerging-technologies-and-research/artificial-intelligence accessed 19 April 2024.

500 *Model AI Governance Framework* (2nd edition, Infocomm Media Development Authority; Personal Data Protection Commission Singapore), <http://go.gov.sg/ai-gov-mf-2> accessed 19 April 2024.

501 Lee Li Ying, 'Small Claims Tribunals to roll out AI program to guide users through legal processes' *The Straits Times* (27 September 2023), www.straitstimes.com/singapore/small-claims-tribunal-to-roll-out-ai-program-to-guide-users-through-legal-processes accessed 19 April 2024.

502 Lydia Lam, 'Generative AI being tested for use in Singapore courts, starting with small claims tribunal' *Today* (27 September 2023), www.todayonline.com/singapore/generative-ai-being-tested-use-singapore-courts-starting-small-claims-tribunal-2268976 accessed 17 April 2024.

claims consultations or hearings. If the program is successful, it is intended to be extended to other areas such as divorce maintenance and civil claims.⁵⁰³

3. If yes, are these AI tools different regarding:

- independent law firms;
- international law firms; and
- in-house counsel;

and what are these differences?

While there are minimal datapoints for us to definitively opine on the adoption of AI across lawyers, law firms and in-house counsel in Singapore, as one of the most mature and sophisticated legal industries in Asia, one can expect the adoption of AI in Singapore to follow the trend experienced by legal tech tools – that is widespread and fast (particularly, by larger firms who have access to a greater amount of resources).

On the above note, lawyers and law firms already use AI in various ways. Numerous legal tech tools rely on the same in the delivery of functions relating to, among others, discovery and document review, legal research, predicting the outcomes of court cases and contract lifecycle management.

With the advent of generative AI such as ChatGPT, lawyers and law firms are now more specifically looking at integrating generative AI-powered tools to aid with legal research and drafting.⁵⁰⁴ These tools are aimed at speeding up tasks such as legal research, contract analysis and document review.

4. What is the current or planned regulatory approach to AI in general?

While Singapore has yet to promulgate any laws governing the use of AI, it has introduced responsible AI testing frameworks and toolkits.⁵⁰⁵ These initiatives and guidelines support the development and adoption of AI technologies, including in the legal sector.

Some examples of these initiatives include:

- the National AI Strategy (NAIS), first released in 2019, sets out the national agenda aimed at deepening the use of AI technologies to transform the economy, going beyond adoption to rethinking business models for deep changes to be made. It was recently

503 Admin, 'Embracing AI in Singapore's Courts' *Open Gov Asia* (6 October 2023), <https://opengovasia.com/2023/10/06/embracing-ai-in-singapores-courts/> accessed 19 April 2024.

504 Cheryl Seah, 'Artificial Intelligence: Learned Friend or Foe?' *Law Gazette* (August 2023), <https://lawgazette.com.sg/feature/artificial-intelligence-learned-friend-or-foe/> accessed 19 April 2024.

505 Darren Grayson Chng and Joe Jones, 'Global AI Governance Law and Policy: Singapore' *IAPP* (February 2024), <https://iapp.org/resources/article/global-ai-governance-singapore/> accessed 19 April 2024.

updated in 2023.⁵⁰⁶ The updated NAIS refines the national strategy owing to breakthroughs in AI;⁵⁰⁷

- in 2019, the Personal Data Protection Commission (PDPC) released its first edition of the Model AI Governance Framework, which provides detailed and readily implementable guidance on ethical and governance topics when deploying AI in the private sector. The second edition of the framework was released in 2020 and includes updates for greater relevance and usability;⁵⁰⁸
- the IMDA has spearheaded various initiatives. A notable example is the publication of an open-source voluntary self-assessment framework named 'Verify AI', which was launched in 2022. It allows organisations to verify the performance of their AI systems against a set of standard process checks and technical tests. AI Verify is a first-of-its-kind mapping exercise based on the United States' AI Risk Management Framework, allowing it to be interoperable and strategically in sync with standards laid down by the largest hub for AI innovation.⁵⁰⁹ More recently, the IMDA, in conjunction with the AI Verify Foundation, has developed a draft model AI governance framework for generative AI, putting forward a conceptual foundation to provide a catalogue and guidance on suggested practices for the safety evaluation of generative AI models;⁵¹⁰ and
- Singapore's central bank and financial regulator, the Monetary Authority of Singapore (MAS), was the first sectorial regulator to introduce AI governance guidance. In 2018, MAS published the 'Principles to Promote Fairness, Ethics, Accountability and Transparency in the Use of Artificial Intelligence and Data Analytics in Singapore's Financial Sector' (the 'FEAT Principles') to provide guidance to firms on the use of AI and data analytics to offer financial products and services. Additionally, the existing MAS regulatory sandboxes enable firms to test the deployment of innovative financial technology (Fintech) solutions, including AI-powered legal technologies. Another initiative is the Veritas Toolkit, which is an open-source toolkit aimed at promoting the responsible use of AI within the financial sector.⁵¹¹

506 'National AI Strategy' (Smart Nation Singapore), www.smartnation.gov.sg/nais/ accessed 19 April 2024.

507 'National AI Strategy 2.0' (Smart Nation Singapore), p.9.

508 'Singapore's Approach to AI Governance' (Personal Data Protection Commission), www.pdpc.gov.sg/help-and-resources/2020/01/model-ai-governance-framework accessed 19 April 2024.

509 Cheryl Seah, 'Round up of Significant Legal Developments in AI for 2023' *Law Gazette* (December 2023), <https://lawgazette.com.sg/feature/round-up-significant-legal-developments-ai/> accessed 19 April 2024.

510 'Singapore proposes framework to foster trusted Generative AI development' (Infocomm Media Development Authority), www.imda.gov.sg/resources/press-releases-factsheets-and-speeches/press-releases/2024/public-consult-model-ai-governance-framework-genai accessed 19 April 2024.

511 Rajesh Sreenivasan, Regina Liew et al, 'Responsible Use of AI – Guidance from a Singapore Regulatory Perspective' (Centre for Technology, Robotics, Artificial Intelligence and the Law, National University of Singapore, October 2023), <https://law.nus.edu.sg/trail/responsible-use-of-ai/> accessed 17 April 2024.

5. What are the current or planned regulations on the general use of AI or machine learning systems?

In an interview conducted by US news outlet CNBC in June 2023, the Director for Trusted AI and Data at IMDA stated that Singapore is not looking to regulate AI just yet.⁵¹² The approach Singapore is looking to adopt would be to focus on deepening its understanding of how AI works, what benchmarks to use and what testing is appropriate, so that the development of legislation can be enforced.⁵¹³

Against the understanding that effective AI frameworks at a local level should be interoperable with that of international standards, Singapore is seeking views from the international community on its proposed framework for generative AI. The proposed framework sets out a systematic and balanced approach for the use of generative AI, while at the same time facilitating innovation.⁵¹⁴

The proposed framework⁵¹⁵ identifies nine dimensions in order to address concerns raised by generative AI, while balancing the need to foster ongoing innovation:

- accountability;
- data;
- trusted development and deployment;
- incident reporting;
- testing and assurance;
- security;
- content provenance;
- safety and alignment research and development (R&D); and
- AI for the public good.

For completeness, while there is an absence of an omnibus legislation regulating the use of AI and machine learning systems in general, the present legal landscape

512 Sheila Chiang, 'Singapore is not looking to regulate AI just yet, says the city-state's authority' *CNBC* (19 June 2023), www.cnbc.com/2023/06/19/singapore-is-not-looking-to-regulate-ai-just-yet-says-the-city-state.html accessed 19 April 2024.

513 Sheila Chiang, 'Singapore is not looking to regulate AI just yet, says the city-state's authority' *CNBC* (19 June 2023).

514 Ashley Tham, 'Singapore proposes generative AI framework' *Channel News Asia* (16 January 2024), www.channelnewsasia.com/singapore/generative-ai-artificial-intelligence-proposal-framework-4051526 accessed 18 April 2024; 'Singapore proposes framework to foster trusted Generative AI development' (Infocomm Media Development Authority, 16 January 2024), Singapore proposes framework to foster trusted Generative AI development' (Infocomm Media Development Authority).

515 'Proposed Model AI Governance Framework for Generative AI Fostering a Trusted Ecosystem' (AI Verify Foundation and Infocomm Media Development Authority, 16 January 2024), https://aiverifyfoundation.sg/downloads/Proposed_MGF_Gen_AI_2024.pdf accessed 19 April 2024.

provides for the regulation of activities which fall within the regulatory ambit of legislation in Singapore and, where the language used is sufficiently broad, it extends to activities facilitated by means of AI. Some examples include the PDPA (as defined below) and Singapore's Protection from Online Falsehoods and Manipulation Act 2019.⁵¹⁶

6. Is free data access an issue in relation to AI?

The collection, use and disclosure of personal data is governed by the Personal Data Protection Act 2012 (PDPA). The PDPA also applies to systems that use AI to process personal data. Organisations must ensure that AI systems comply with PDPA requirements including obtaining consent for data processing and implementing appropriate security measures.

The PDPC has issued advisory guidelines on the use of personal data in AI.⁵¹⁷ The guidelines provide organisations with clarity on how they can use personal data to develop and deploy AI systems, as well as providing assurance to users about the use of personal data in AI systems.⁵¹⁸

7. Are there already actual court decisions on the provision of legal services using AI or decisions concerning other sectors that might be applicable to the use of AI in the provision of legal services?

While there has yet to be any court cases specifically on AI and its use, there have been cases on cryptocurrency, which will impact certain aspects of AI.

For example, a case⁵¹⁹ decided by the Singapore International Commercial Court established an important precedent regarding the enforceability of smart contracts (automated contracts) and highlighted the importance of legal principles governing contract formation. The case centred around a cryptocurrency exchange that alleged that trading was executed due to a technical glitch. The cryptocurrency firm alleged that the trade executed was a valid contract and the unilateral reversal by the exchange was a breach of contract. The exchange, on the other hand,

516 Protection from Online Falsehoods and Manipulation Act 2019 s 8 provides that a person must not, whether in or outside Singapore, make or alter a bot with the intention of communicating, by means of the bot, a false statement of fact in Singapore; or enabling any other person to communicate by means of the bot, a false statement of fact in Singapore.

517 'Advisory Guidelines on use of Personal Data in AI Recommendation and Decision Systems' (Personal Data Protection Commission), www.pdpc.gov.sg/guidelines-and-consultation/2024/02/advisory-guidelines-on-use-of-personal-data-in-ai-recommendation-and-decision-systems accessed 19 April 2024.

518 'Advisory Guidelines on Use of Personal Data in AI Recommendation and Decision Systems' (Personal Data Protection Commission, 1 March 2024), www.pdpc.gov.sg/-/media/files/pdpc/pdf-files/advisory-guidelines/advisory-guidelines-on-the-use-of-personal-data-in-ai-recommendation-and-decision-systems.pdf accessed 19 April 2024.

519 *B2C2 Ltd v Quoine Pte Ltd* [2019] SGHC(I) 3.

refuted this and said that the trades were made as a result of a technical error. The court observed that the electronic process of contracting was automatic and emphasised the importance of upholding the sanctity of contracts formed through automated trading systems and noted that parties must bear the consequences of their contractual obligations, even in cases involving technological errors.

8. What is the current status – planned, discussed or implemented – of the sectorial legislation in your jurisdiction on the use of AI in the legal profession or services that are traditionally provided by lawyers?

In 2020, the Ministry of Law launched⁵²⁰ a sector-wide plan to promote innovation, technology adoption and development in Singapore’s legal industry leading up to 2030. The roadmap presents initiatives and recommendations to support law firms and in-house legal teams in their transformation journeys.⁵²¹ While we can expect AI to be introduced into current systems and work processes (such as the use of AI-powered risk assessments and outcome simulations), it is unlikely for sectorial regulation to be introduced in the foreseeable future, given that the availability of such technology and the adoption of its use remains nascent.

In 2023, the Law Society of Singapore released its *Guide on the Adoption of LegalTech for Law Practices*, which sets out practices and criteria for law firms to use in assessing whether a specific legal technology or legal technology service or solution is suitable for their practice. The guide warns that while AI is expected to have a major effect on law practices, the full extent of its ramifications has yet to reveal itself.⁵²²

9. What is the role of the national bar organisations or other official professional institutions?

The Singapore Academy of Law and the Law Society of Singapore have issued guidelines and reports on AI-related topics, such as the application of ethical principles and the examination of criminal and civil liability in specific contexts.⁵²³

520 *Technology and Innovation Roadmap Launched to Support Legal Industry in Adoption of LegalTech* (Ministry of Law, 2 October 2020), www.mlaw.gov.sg/news/press-releases/2020-10-02-technology-and-innovation-roadmap-launched-to-support-legal-industry-in-adoption-of-legaltech/ accessed 19 April 2024.

521 *Legal Industry Technology and Innovation Roadmap* (Ministry of Law: MinLaw Technology & Innovation), <https://ltpi.mlaw.gov.sg/ltpi-website/roadmap/> accessed 19 April 2024; *The Road to 2030 Legal Industry Technology & Innovation Roadmap Report* (Ministry of Law, 2020), www.mlaw.gov.sg/files/news/press-releases/2020/10/Minlaw_Tech_and_innovation_Roadmap_Report.pdf accessed 19 April 2024.

522 ‘Guide on the Adoption of LegalTech for Law Practices’ (The Law Society of Singapore, 16 October 2023), <https://law-society-singapore-prod.s3.ap-southeast-1.amazonaws.com/2023/10/Guide-on-the-Adoption-of-LegalTech-for-Law-Practices-16-October-2023.pdf> accessed 19 April 2024.

523 ‘Report Series: The Impact of Robotics and Artificial Intelligence on the Law’ (Singapore Academy of Law), www.sal.org.sg/Resources-Tools/Law-Reform/Robotics_AI_Series accessed 19 April 2024.

In particular, the Singapore Academy of Law's Law Reform Committee (LRC) has established a subcommittee on robotics and AI to consider and make recommendations on the application of the law to robotics and AI systems.⁵²⁴ The LRC is looking to publish a series of reports to stimulate systematic thought and debate on these AI issues by legislators, industry players, the legal profession and the general public.

⁵²⁴ 'Report Series: The Impact of Robotics and Artificial Intelligence on the Law' (Singapore Academy of Law).