Governance of AI in journalism.
Report for the Federal Office of Communications (OFCOM)

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Conclusion

The report shows that Swiss media are now using AI across the journalistic value chain. This brings with it both great opportunities and significant risks. The use of AI in journalism is currently mainly ancillary. In other words, AI is used by journalists as a support tool. Human supervision is still considered very important when using AI in journalism, and Swiss media are still relatively cautious about using it, especially when it comes to producing original news articles. However, it is impossible to know the extent to which AI is already being used in news aggregation to create original copy by rewriting existing press releases or previously published text. The risks would increase significantly if AI were used by Swiss media companies to produce content on a larger scale. In addition, many applications based on AI technology are being used along the journalistic value chain. This means that AI has an indirect impact on journalism and content creation in general. The report identifies significant risks in the research, distribution, archiving and analysis of user data and internal documents. Given the current situation in Switzerland, the risks posed by AI in journalism can currently be considered moderate. However, this assessment may change as Swiss media increasingly rely on AI to produce content.

This is another reason why AI governance in general, and in journalism in particular, is currently challenging. AI technology is developing rapidly, and new applications and tools for journalism are emerging all the time. The latest developments must therefore always be taken into account when weighing up opportunities and risks. Developments in large language models (LLMs) are currently at the forefront of the discourse. Governance of AI in journalism should therefore not be based solely on the status quo, but should ideally be able to adapt to change. Reflections on AI in Switzerland to date do not favour a horizontal approach in the form of a comprehensive AI Act In order not to jeopardise innovation. The TA-Swiss foundation's report on the opportunities and risks of AI did not consider comprehensive legislation to regulate AI to be appropriate (Christen et al. 2020). However, the foundation's report makes recommendations and calls for the full use and adaptation of existing legal norms (e.g. Christen et al. 2020; Karaboga et al. 2024). This is an approach that has already been called for in various digital contexts, including to address disinformation (Thouvenin et al. 2023). In particular, developments in the EU will also need to be considered. With the AI Act, adopted by a large majority of the European Parliament in May 2024, the EU aims to regulate AI on a broad scale. The Council of Europe has also issued sectoral guidelines on the use of AI in journalism. How Switzerland chooses to position itself in relation to the EU's AI Act and the Council of Europe's guidelines, and to what extent Switzerland adopts the EU's regulations, may also have an impact on journalism. Swiss legislation could also focus more on social aspects, such as the protection of fundamental rights related to communication, rather than primarily on economic policy dimensions, as in the EU's AI Act.

In terms of journalism, there are currently several levers in place with which AI can be regulated along the value chain. A governance system that distinguishes between direct and indirect measures for different levels and audiences therefore seems appropriate (cf. Thouvenin et al. 2023 on disinformation). Unlike overarching, comprehensive legislation, this approach allows for flexibility to adapt to developments in the journalism sector. Possible direct measures include (1) regulation by the state, (2) co-regulation by the state and organisations or the media industry, (3) self-regulation by the organisations concerned and (4) the involvement of civil society in certain cases. Indirect measures are also a part of governance: their aim is to strengthen the skills of journalists and AI users in general, as well as their audience, in the use of AI. These skills can be taught in school or adult education courses, for example. The journalism sector itself can also play a central role here, by explaining the opportunities and risks of AI to the public and being transparent about where and how it uses AI. Finally, given

the rapid developments in AI, there is a need for more and ongoing research into AI in journalism. This includes studying how AI is used and its impact on journalism, as well as direct research on AI systems.