

## **Presentation Outline: Faith and Freedom in a Digital Age**

### ***Data Privacy, AI Regulation, and the First Amendment***

**I. Introduction:** Presenters. Purpose and relevance. Overview.

#### **II. “Everything’s Computer”: The Rise of Digital**

- Digital tools and emerging tech in religious and educational contexts
- Data collection and analytics: communications, donor engagement, admissions
- AI tools: counseling, research, education, evangelism

#### **III. Data Privacy and Religious Data**

- Overview of U.S. and state-level data privacy laws
  - FTC guidance
  - State laws: California, Virginia, Colorado, and more
- *Is data speech?* Data privacy as a First Amendment problem.
  - Legal restriction on information gathering, knowledge production and dissemination.
  - Treatment of religious affiliation and belief data as “sensitive”
  - Key cases:
    - *Sorrell v. IMS Health Inc.*, 564 U.S. 552 (2011)
    - *U.S. West, Inc. v. FCC*, 182 F.3d 1224 (10th Cir. 1999)
- Legal implications for religious and educational organizations
  - Threshold application questions
  - Privacy policy updates: clarifying religious uses
  - Consent requirements: opt-in vs. opt-out
  - Cross-border data issues for international activities
  - Substantial compliance and risk mitigation

#### **IV. AI in Religious Contexts**

- Brad Littlejohn’s Framework: Seven Es of AI Risk
  - Existential. Employment. Educational. Epistemological. Emotional. Ethical. Enemy. *Plus two more: Energy and Equity*

- Emerging AI regulations (EU AI Act, AI executive orders, state laws)
- Key risks in religious settings
  - Doctrinal fidelity
  - Factual accuracy
  - IP infringement
  - Harm – physical, psychological, spiritual
  - Employment disruption
  - Educational shortcuts
  - Handling sensitive information
- *Is chatbot-output speech?*
  - Mechanism of human expression
  - Content-neutral vs. content-based restrictions
  - Government regulatory motives
  - Key cases
    - *Burstyn, Inc. v. Wilson*, 343 U.S. 495 (1952)
    - *Virginia State Bd. of Pharmacy v. Virginia Citizens Consumer Council, Inc.*, 425 U.S. 748 (1976)
    - *Citizens United v. FEC*, 558 U.S. 310 (2010)

## **VI. Practical Takeaways**

- Data Privacy
  - Clarify religious and expressive uses of data
  - Provide opt-out mechanisms
  - Analyze residual risks
- Ethical AI Use
  - Limits, transparency, record-keeping
  - Link to religious mission
  - Staff training