

# AI in the construction industry

overview of the developments and risks

Presented by: May Winfield  
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# WHY DO I HAVE AN OPINION ON THIS



# May Winfield

Global Director of Commercial, Legal and Digital Risks, Buro Happold

- Construction lawyer of circa 20 years
- Legal specialist in digital technology circa 15 years
- Client advisor on digital/technology risk and process optimisation
- Member of the Centre for Digital Built Britain's Digital Twins Roadmap and Digital Twins Toolkit Working Groups
- Member of the Working Group for the UK Government Construction Playbook V2 and MMC Sub-Working Group
- Co-author of the ISO19650-compliant protocol template and ISO19650 legal guidance
- Co-founder and Chair of BIM4Legal



**1.6billion**

visits per month

**180.5m**

Number of users

# AUTOMATION

Buy this thing I made.

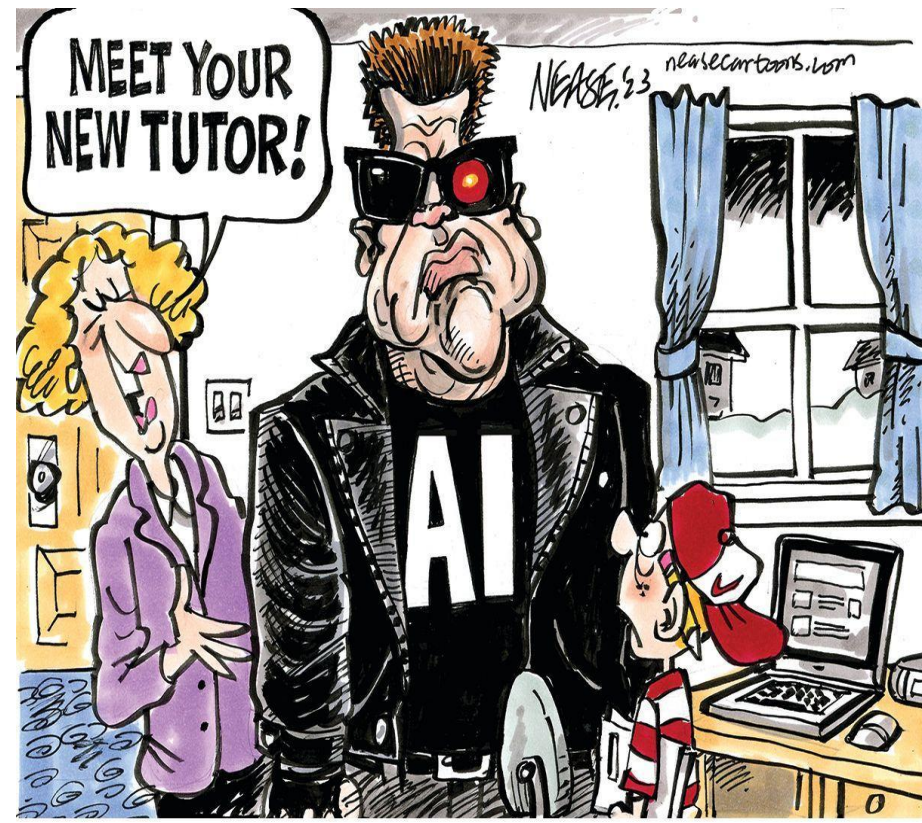
How can I, when you took my job?

Ooops.



Stephanie McMillan

CartoonStock.com



**NOBODY IS PERFECT  
(NOT EVEN AI)**

## AI art tools Stable Diffusion and Midjourney targeted with copyright lawsuit

Getty Images is suing the creators of AI art tool Stable Diffusion for scraping its content

Disrupted

New York lawyers sanctioned for using fake ChatGPT cases in legal brief

 NBC NEWS

Washington state judge blocks use of AI-enhanced video as evidence in possible first-of-its-kind ruling

NEWS

Microsoft pledges to defend Copilot customers against copyright lawsuits

Colombian judge says he used ChatGPT in ruling

Samsung bans use of generative AI tools like ChatGPT after April internal data leak

Sky News' first ever AI reporter fabricates expert evidence

Finance worker pays out \$25 million after video call with deepfake 'chief financial officer'

Federal District Court Denies Copyright to AI-Generated Art Piece



**AVERAGE DISPUTE VALUE = US\$57.5M**  
**DISPUTE LENGTH = 17.5 MONTHS**

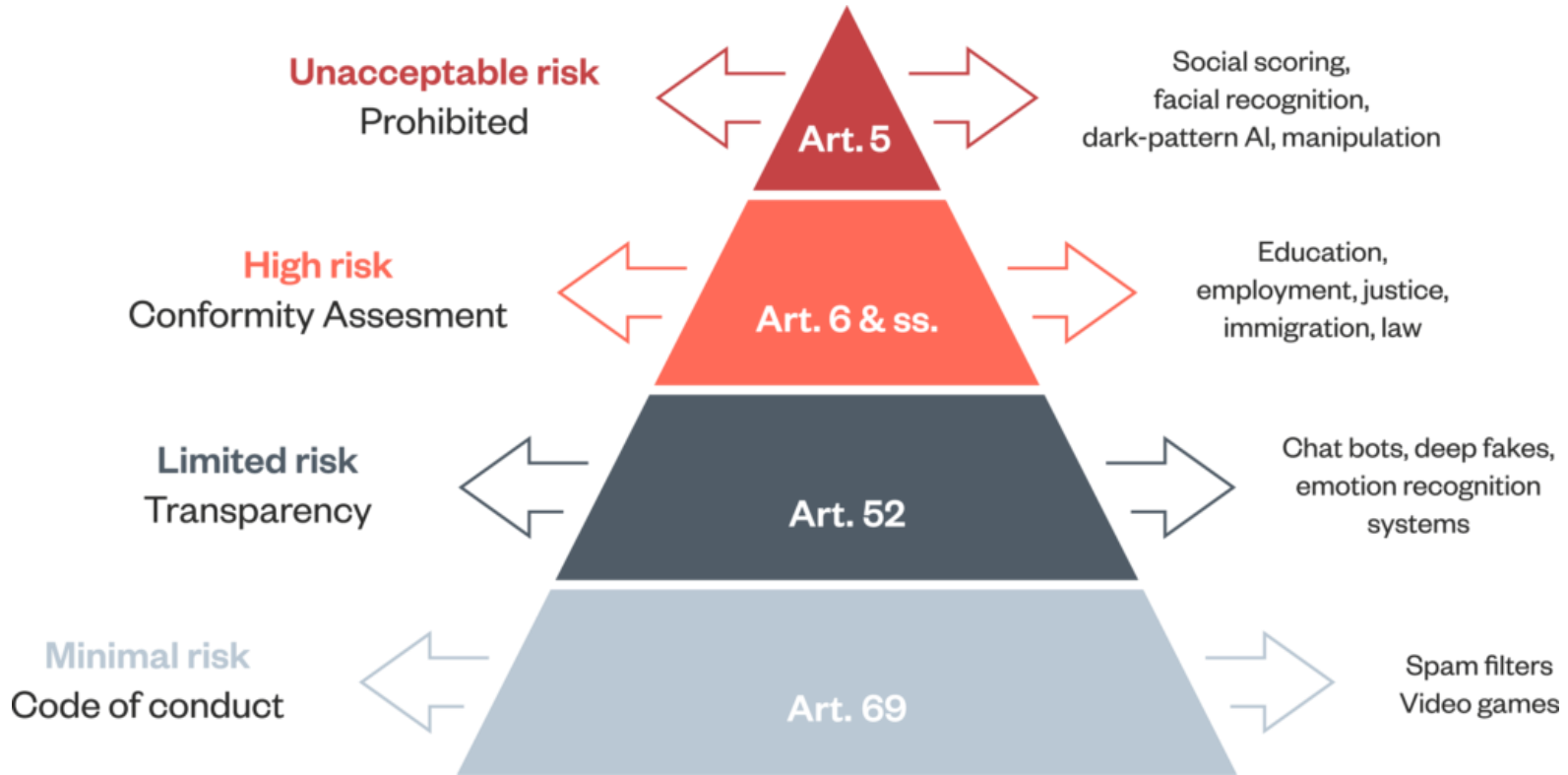
**ARCADIS GLOBAL CONSTRUCTION  
DISPUTES REPORT 2022  
CONTINENTAL EUROPE**

# **GEN AI AROUND THE WORLD**

**(A SUMMARY)**

# Range of measures balancing innovation and regulating risk...

# EU AI Act – effect from 2 August 2026



# UK

- Hosted the 2023 AI Summit
- AI Regulation White Paper: “pro-innovation” approach to AI regulation  
(<https://www.gov.uk/government/publications/ai-regulation-a-pro-innovation-approach/white-paper>)
- Regulators published update February 2024: Strategic approach to AI
- King’s Speech 17 July 2024: Proposal for binding laws
- Government Office for AI: Oversee the implementation of the UK's National AI Strategy

# US

- No (current) overarching federal legislation
- Several proposed federal laws
- States have introduced AI legislation, primarily on discrimination and personal data
- Several leading AI companies (e.g., Adobe, Amazon, IBM, Google, Meta, Microsoft, Open AI, and Salesforce) voluntarily committed to “help move toward safe, secure, and transparent development of AI technology”
- Executive Orders:
  - White House Executive Order on AI (titled Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence)
  - White House Blueprint for an AI Bill of Rights

# Non-exhaustive snapshot of some other jurisdictions

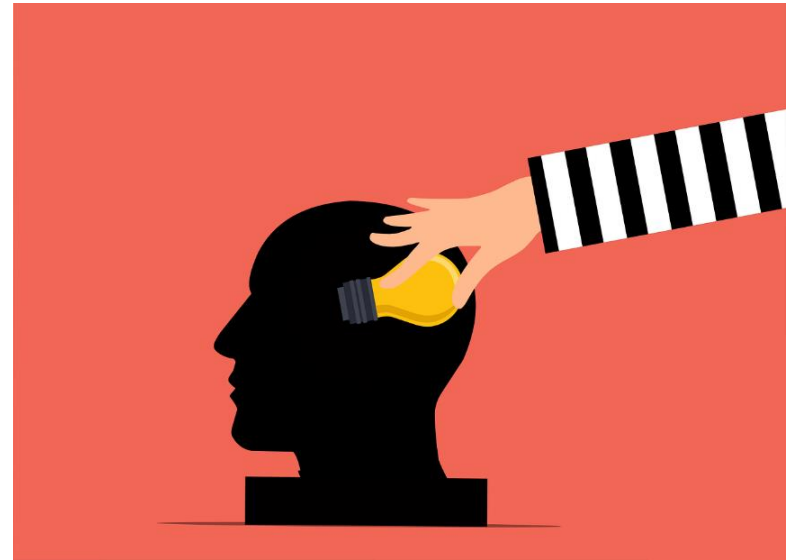
- Australia: Released a National AI Plan
- Bangladesh, Brazil, Egypt and Japan: Releasing National AI Strategies
- Canada: Issuing an AI and Data Act
- China: Comprehensive AI regulations being prepared
- India: Released a National Digital Strategy; Proposing a Digital India Act
- Saudi Arabia: Has a National Strategy on Data and AI
- South Korea: Comprehensive AI Act being prepared
- UAE: First country to establish an AI Ministry

# EMBRACING AI BUT MANAGING THE RISKS



# Key Potential Liabilities and Risks

- Loss of confidential or client data
- Breach of copyright
- Inaccurate or low quality outputs (potentially uninsured)
- Personal data/GDPR breaches
- Ethics and bias issues



# Example of mitigating risks

- Checking the results
- Checking the data source
- Protecting confidential and client data
- Business-specific plan
- Internal policies (e.g. for use)
- Contract/Documentation reviews
- Tools approval
- AI Governance Board
- Training and awareness



# Bear in mind

- Approved tools
- Effective prohibition of tools
- What training dataset
- Open –v- closed system
- Lack of (complete) historical data
- Confidential projects
- Supply chain and collaborators



# CLARITY

*(YOU MIGHT NEED HELP)*

**NEXT STEPS**

```
function(element, attr, ngSwitchController) {
  var switchExpr = attr.ngSwitch || attr.on,
      selectedElements = [],
      previousElements = [],
      previousScopes = [];

  ngSwitchWatchExpr = function ngSwitchWatchAction(value) {
    var i, ii;
    for (i = 0, ii = previousElements.length; i < ii; ++i) {
      previousElements[i].remove();
    }
    previousElements.length = 0;

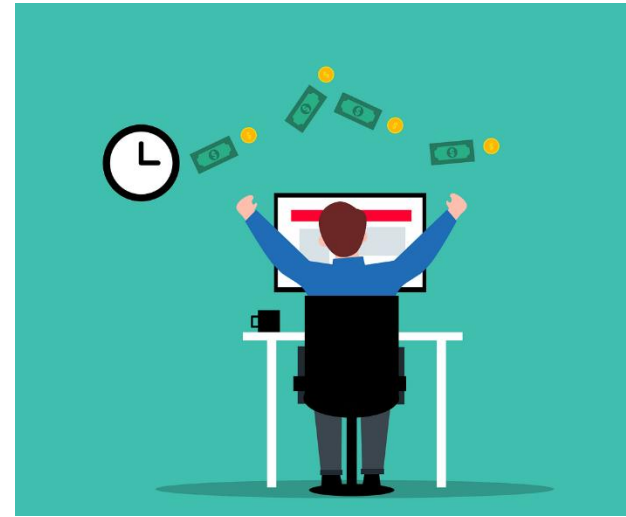
    for (i = 0, ii = selectedScopes.length; i < ii; ++i) {
      var selected = selectedElements[i];
      selectedScopes[i].destroy();
      previousElements[i] = selected;
      animate.leave(selected, function() {
        previousElements.splice(i, 1);
      });
    }
    selectedElements.length = 0;
    selectedScopes.length = 0;

    if (selectedTranscludes = ngSwitchController.cases['!' + value] ||
        scope.$eval(attr.change);
        forEach(selectedTranscludes, function(selectedTransclude) {
          var selectedScope = scope.$new();
          selectedScopes.push(selectedScope);
        }
    );
  };
}
```

Understand the technology and laws



What internal use, and why



Benefit of paid versions

# (Non-Exhaustive) Internal Process Checklist

Internal Policy:  
Do and Don't  
Best Practice

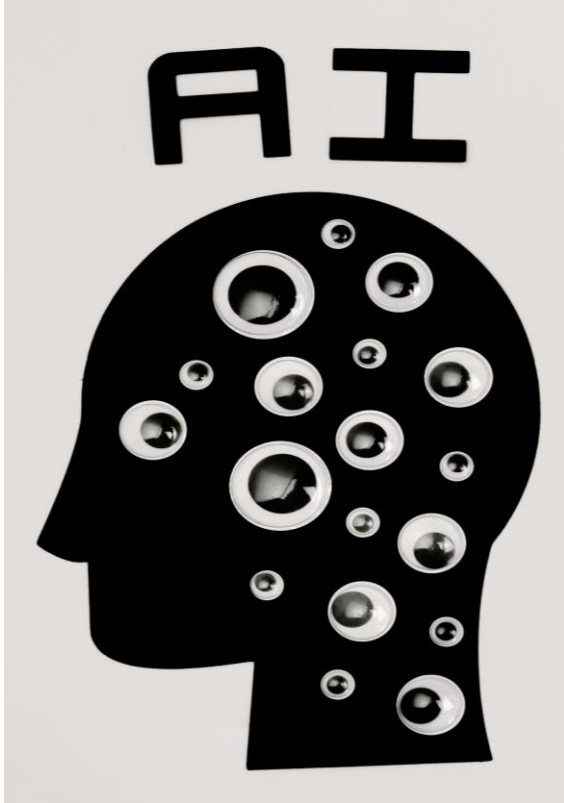
Business Specific:  
Focussed  
Funding

Beware Contract  
Terms

Training

Ongoing  
Upskilling

# Links



- Digital Builder Podcast episode: Risks of Using AI in Construction:  
*<https://www.youtube.com/watch?v=8739HOUyh88>*
- Autodesk University 2024: Making AI Work for You – A Legal Perspective: *<https://www.autodesk.com/autodesk-university/article/making-ai-work-for-you-a-legal-perspective-2023>*
- Digital-related articles: *<https://maywinfield.squarespace.com/>*
- Summary of regional AI legislation:
  - *<https://iapp.org/resources/article/global-ai-legislation-tracker/>*
  - *<https://www.whitecase.com/insight-our-thinking/ai-watch-global-regulatory-tracker>*



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# Contact Me



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