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Attorney General Griffin Sues OpenAI for Misleading Arkansans over Safety of ChatGPT

*Griffin: 'OpenAI assures us that ChatGPT is safe. The
consequences of that assurance are lives lost and people harmed'*

LITTLE ROCK – Attorney General Griffin issued the following statement after filing a lawsuit against tech giant OpenAI:

“We’re in the midst of a technological revolution. Whether you call it artificial intelligence or super intelligence, the bottom line is that things are rapidly changing. But one thing that has not changed and will not change is Arkansans’ right to receive truthful information about the products and services they use.

“That’s why earlier today I filed a lawsuit against OpenAI, the company that owns the platform ChatGPT. Our complaint outlines numerous violations of Arkansas law, but they all boil down to a simple fact: OpenAI represented to Arkansans that ChatGPT was safe, but they knew ChatGPT had significant risks and limitations. They chose to hide that knowledge from consumers.

“Our complaint alleges that consumers, including minors, have used ChatGPT to acquire instructions for self-harm, including suicide. It also describes instances where users were able to bypass OpenAI’s safety measures and generate responses the company said its safeguards were designed to prevent. Those examples raise serious questions about whether consumers were given an accurate picture of the product’s safety protections.

“OpenAI assures us that ChatGPT is safe. The consequences of that assurance are lives lost and people harmed.”

Arkansas’s lawsuit against OpenAI includes three causes of action:

- **Violations of the Arkansas Deceptive Trade Practices Act (ADTPA)**, including knowingly making false representations to consumers; unconscionable, false, or deceptive practices; deception and fraud in interactions with consumers; and omissions of material facts with the intent for consumers to rely upon them
- **Children’s and Teens’ Online Privacy Protection Act (CTOPPA) violations**, including knowingly collecting personal information from children and teens; knowingly retaining the personal information of a child or teen for longer than is reasonably necessary; and failing to provide notice and gain consent for the collection of data and information
- **Common Law claims**, including negligence; strict liability – design defect; strict liability – failure to warn; unjust enrichment; and public nuisance

Arkansas’s lawsuit seeks relief through:

- A declaration that OpenAI violated the ADTPA and CTOPPA and an injunction from further violations, including an injunction from collecting the data of minors
- A requirement that OpenAI provide clear and conspicuous disclosures of the material risks of ChatGPT
- Restitution to consumers who have been affected
- Civil penalties
- Injunction from further advanced AI testing and creating models capable of recursive self-improvement until adequate safeguards are in place

To read a copy of the lawsuit, [click here](#).

Similar lawsuits against OpenAI were filed today by the attorneys general of Iowa, Kansas, Nebraska, West Virginia, Arizona, Idaho, Montana, and Utah.

About Attorney General Tim Griffin

Tim Griffin was sworn in as the 57th Attorney General of Arkansas on January 10, 2023, having previously served as the state’s 20th Lieutenant Governor from 2015-2023. From 2011-2015, Griffin served as the 24th representative of Arkansas’s Second Congressional District, where he served on the House Committee on Ways and Means, House Armed Services Committee, House

Committee on Foreign Affairs, House Committee on Ethics and House Committee on the Judiciary while also serving as a Deputy Whip for the Majority.

Griffin is currently an officer in the Arkansas Army National Guard and holds the rank of colonel. Griffin served as an officer in the U.S. Army Reserve Judge Advocate General's (JAG) Corps for more than 28 years. In 2005, Griffin was mobilized to active duty as an Army prosecutor at Fort Campbell, Kentucky, and served with the 101st Airborne Division (Air Assault) in Mosul, Iraq.

His previous assignments include serving as the Commander of the 2d Legal Operations Detachment in New Orleans, Louisiana; the Commander of the 134th Legal Operations Detachment at Fort Bragg, North Carolina; and as a Senior Legislative Advisor to the Under Secretary of Defense for Personnel and Readiness at the Pentagon. Griffin earned a master's degree in strategic studies as a Distinguished Honor Graduate from the U.S. Army War College, Carlisle Barracks, Pennsylvania.

Griffin also served as U.S. Attorney for the Eastern District of Arkansas, and Special Assistant to the President and Deputy Director of Political Affairs for President George W. Bush; Special Assistant to Assistant Attorney General Michael Chertoff, Criminal Division, U.S. Department of Justice; Special Assistant U.S. Attorney, U.S. Attorney's Office, Eastern District of Arkansas; Senior Investigative Counsel, Government Reform and Oversight Committee, U.S. House of Representatives; and Associate Independent Counsel, Office of Independent Counsel David M. Barrett, In re: HUD Secretary Henry Cisneros.

Griffin is a graduate of Magnolia High School, Hendrix College in Conway, and Tulane Law School in New Orleans. He attended graduate school at Oxford University. He is admitted to practice law in Arkansas (active) and Louisiana (inactive). Griffin lives in Little Rock with his wife, Elizabeth, a Camden native, and their three children.

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