## India IGF (IIGF-2025) Workshop: 11

28 November 2025 12:00 -1:00PM

Session Title	From Trust to Risk: The Case for Privilege in Al Conversations			
Primary Theme	Al for People, Planet and Progress (Balance between Al innovation and regulation)			
Session Format	Panel Discussion			
Details of Organisers				
Name of Primary Organiser	Dhruv Garg			
Affiliation	Indian Governance and Policy Project (IGAP)			
Primary Stakeholder Group	Civil Society			
Organizing Partners (if any)	NA			
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## **Session Details:**

Specific Issues of Discussion (In 200 words)

The proliferation of Al-based chatbots has reshaped social and behavioral patterns, with users increasingly confiding intimate and confidential details that often carry implications for emotional well-being and mental health. Other conversations may relate to legal or medical issues. Experts have noted that, unlike attorney-client or doctor-patient interactions, the information contained within chatbot conversations lacks 'legal privilege' or confidentiality. Concerns have been raised about this substantial lack in privacy protection. Specifically, deployers of chatbots have been asked to produce the contents of user interactions in various legal contexts. A controversial precedent in this regard was set

by a New York federal court in where the plaintiffs requested the indefinite retention of all user content on ChatGPT, and a preservation order was granted. The disclosure of AI chat messages creates risks for users. These conversations contain intimate personal details, and may involve admissions to unlawful conduct. Users may assume conversations are private or protected, leading them to overshare sensitive details without understanding the risks. The proposed panel will explore the privacy and regulatory gaps resulting in the lack of privileges for chatbot conversations. The panel will also address questions of accountability, cross-border implications, safeguards and ethical design principles to protect vulnerable users. Describe the Relevance of Your Session to IIGF2025 Theme\* (In 200 words) This panel sits squarely within the sub-theme of the 'balance between Al innovation and regulation' under 'Al for People, Planet and Progress'. It highlights how the rapid proliferation of Al chatbots has unlocked new forms of digital interaction and support. However, this has also exposed users to unprecedented risks. While innovation has made conversational AI accessible within emotional support, medical, and even legal contexts, the absence of legal privilege, limited privacy protections, and unclear accountability frameworks raise pressing regulatory questions. An expert discussion on these issues would provide a critical first step within the Indian jurisdiction towards addressing these concerns.

Methodology / Agenda* (In 200 words)
This session will adopt an interactive format focused on emerging concepts of 'Al privileges' and the absence of confidentiality protections in Al-enabled interactions.
<b>Introduction (10 Minutes):</b> The discussion will begin with an introduction by the Moderator, who will explain the event flow and introduce the panellists. The Moderator will set the stage by outlining the issues at stake: whether communications with AI systems should attract protections similar to doctor-patient or attorney-client privilege, and what risks arise in their absence.
<b>Speaker Inputs (30 Minutes):</b> The following panel segment will feature each panellist speaking for up to 8 minutes. Topics covered in this segment range from legal and regulatory frameworks to technology deployment, ethical design, and user rights. Panellists will explore cross-border challenges and potential models for recognising privilege in interactions with Al-tools.
<b>Moderated Exchange (15 Minutes):</b> Subsequently, a moderated question and answer session will allow the audience to pose questions and engage directly with the panellists, creating space for practical insights and debate.
<b>Concluding Remarks (5 Minutes):</b> Finally, the Moderator will offer 5 minutes of concluding remarks, highlighting key takeaways and underscoring how this issue reflects the broader need to balance Al innovation with regulatory safeguards for user trust and protection.

	Name	Affiliation	Designation	Gender	Stakeholder Group
Moderator	Dhruv Garg	Indian Governance and Policy Project (IGAP)	Founding Partner	Male	Civil Society
Moderator 2 (optional)	Shachi Solanki	Indian Governance and Policy Project (IGAP)	Associate Director	Female	Civil Society
Speaker 1	Anup Surendranat h	NALSAR University of Law	Professor of Law and Executive Director, The Square Circle Clinic,	Male	Academia
Speaker 2	Kapil Chaudhary	Dentons Legal Legal	Partner	Male	Private
Speaker 3	Kirti Mahapatra	Shardul Amarchand Mangaldas	Partner	Female	Private
Speaker 4					

## **Session Report (TO BE COMPLETED AFTER SESSION)**

This part is given here for the information of session organisers, who will need to provide the requested report within 48 hours after the end of the conference.

- Brief Summary of Presentations
- Substantive Summary of the key Issues Raised and Discussed
- Conclusions and Suggestions for the Way Forward
- Number of Participants in the session: 30 participants
- Gender Balance in Moderators/Speakers (Please fill in numbers): 3 men and 2 women
- How were gender perspectives, equality, inclusion or empowerment discussed? Please provide details and context.
- Was the Indian perspective of the topic discussed? If yes, how does it compare or contrast with local or global perspectives?: Yes, during the session, the Indian perspective on the law of privilege, as part of the laws of evidence, was discussed. It was also noted that a dedicated legal framework for handling privilege for user-Al interactions had not yet been established in any jurisdiction, including India. The panellists assess