

PBPA Podcast Transcript
Legal Considerations for Nonprofits Using
Chat GPT and Other Generative AI
(17:43 minutes)



Sireesha ([00:00](#)):

ChatGPT has become all the rage, first inside and now outside of the technology world. In fact, I even used ChatGPT to write this intro, but only after taking into consideration the guidance that Creighton Frommer shares in this episode of the PBPA Podcast. Join us as we talk about ChatGPT and other generative AI, the legal issues they raise, and legal tips to guide your nonprofit's use of this cutting-edge technology.

Sireesha ([00:37](#)):

Hello and welcome to the PBPA Podcast. In each episode of the PBPA Podcast, we explore legal questions relevant to Georgia nonprofits. I'm your host Sireesha Ghanta, Counsel and Education Director at the Pro Bono Partnership of Atlanta. PBPA strengthens our community by engaging volunteer attorneys to provide nonprofits with free business legal services. We provide numerous free resources via our website, including articles and webcasts specific to Georgia nonprofits and their business legal concerns. We also provide direct legal services to our clients. For more information on client eligibility requirements, to apply to be a client or to access our vast learning center, visit our website at pbpatl.org. Before we jump into this episode's topic, keep in mind that this podcast is general information, not legal counsel, contact your attorney for guidance on your nonprofits' specific situation.

Creighton ([02:16](#)):

Thanks Sireesha. It's nice to talk with you about this.

Sireesha ([02:19](#)):

Yeah. You know, I've heard a lot, and myself, I have tried tools like DALL-E and ChatGPT. How have you been seeing organizations use generative AI for work purposes?

Creighton ([02:31](#)):

Yeah, it's a great, it's a great question because every week, every day it feels like there's a new use case out there. And, uh, I'll just start, to say, you know, the discussion that we'll have today doesn't really necessarily reflect the, you know, the legal issues that our company sees or, or the opinions of our company. Um, but just my personal perspective on this, because like I said, it's a rapidly changing and, uh, the law is still catching up in a lot of ways. Yeah. When it comes to use cases, I think, you know, there's, there's one, one side that the companies wanna see more efficiency and more kind of rapid response that the ChatGPT and these generative AI tools can create, whether it's writing source code for developers or interpreting vast amounts of data, you know, and text, you know, to help their products and services work better, or just general purpose uses. Companies can use it to create new documents or use it for brainstorming. In some ways it's like a souped up Google search, web search, but then it's also more than that and it's like an advisor, you know, I think of it as sort of like helper an assistant that, that can help you look up data and answer questions and process large volumes of information, especially text,

Sireesha ([03:43](#)):

Kind of like an intern in a way. So what should nonprofits keep in mind if they're considering using or are already using tools like GPT-4, ChatGPT or Dall-E?

Creighton ([03:56](#)):

Yeah, I mean that's, I think the best thing to do is just try it out. You know, you can go to openAI's ChatGPT website, you can create a login. Um, there's also Bing Chat, uh, you which print for Microsoft people maybe forgot about Bing, but it's still been out there and it works with some of the Bing search tools, and it does a bit more like citations. So there's different variations. And you mentioned like DALL-E for creating images, and maybe it does, uh, text AI as well. I know Google is releasing theirs, but try it and play with it because, um, there are lots of different things you'd be surprised with what it can do and what it can't do. You really can't break it too much.

Creighton ([04:33](#)):

But there are a few things to keep in mind, um, as a nonprofit to when you're using it. You know, first of all, I would say not to include or, or, or prompt it, you know, the term is prompting it. When you ask it something with information that's, you know, personal information from maybe your beneficiaries or your donors, you know, you don't want to input that into these tools because they're public tools. Um, there are some protections and with some of the tools, but you don't necessarily, you can't necessarily trust those protections all the time. And, and then some of 'em may not be protected because they're public tools and free. You also wouldn't want to give it any confidential information. You know, if you've got sensitive data about your nonprofit, maybe about how much it's earned. Um, so tax information or information about how your nonprofit works that you consider to be considered as your secret sauce, you wouldn't want to necessarily give that to these tools.

Creighton ([05:24](#)):

Sometimes, again, it'll train itself. These tools will train themselves on your information, and then other people can ask it maybe what that information is. Sometimes it doesn't, sometimes the tools don't, don't train it, and you can see the disclaimers in the individual tools will let you know that. But just to be safe, best not to include or, or prompt it with, or train it with anything that's, that's confidential that you don't want to be made public. The other thing, and, and some of folks have may have seen this about hallucinations, where, you know, these tools can come up with content that they think is correct, but is not really correct. Right? It's, you know, we're still in the early days and these are computers that don't, that can't necessarily fact check everything that they're providing. I mentioned it being a tool that's a bit kinda a souped up search engine, but another way to look at it is it's really just a prediction engine.

Creighton ([06:13](#)):

So if you're on your computer or on your phone and you see it try to auto complete a sentence or auto complete a phrase. That's really what these tools are doing is just, is continuing that auto complete. And so it keeps auto completing, auto completing to try to solve your, your question. Um, but it's not necessarily fact checking the results. I can give one example, think it was funny, I was looking at colleges for my son recently and asked for, you know, what are the colleges within 50 miles for certain criteria? And it gave me some good list of, you know, around Roswell, Georgia, you know, Kennesaw and North Georgia, and then I asked it to zoom out to like 200 miles away. The first couple were good, and then the next few were in California. Clearly not within 200 miles. I don't know how it came up with California of all places, but you have to double check, you know, the results if you're, if you're meaning to use an

AI tool like this, a generative AI tool for, for information that you expect to be factually correct, it might be, in fact, I heard somebody say that.

Creighton ([07:13](#)):

It's, it'll give you information and answers that are plausible but not necessarily accurate. It thinks it knows the answer and it gives you an answer that it will tell you is correct, but it might not be correct actually.

Sireesha ([07:27](#)):

Wow, that's interesting. So in that case, should nonprofits just totally avoid using AI in their workplaces?

Creighton ([07:35](#)):

Yeah, I, I don't think so. I, I mean, I think, again, it is still early days, but it's, it's good. It's a tool that that's gonna continue to improve and it's gonna continue to grow. And if you're not looking for answers to like a history question or a trivia question, but you're looking more for general purpose, you know, assistance. Essentially, you know, if a nonprofit might use it to help write like a first draft of a fundraising request, you know, something that doesn't require facts, but just requires a certain style. It's one of the things that's fun to play with it is you can ask it to give an example of a, a fundraising document written as a haiku or written as a mystery murder mystery. You can ask it to, to write it in the form of a Taylor Swift song. You know, you can do all these kind of fun things to have it present content in new ways. And it's, it's really good at those kinds of playing with text and that, and those, I think can be very helpful for a nonprofit.

Creighton ([08:29](#)):

Now, there's another, you know, counter to that I think everyone who uses it, especially for a nonprofit that's, you know, connecting with the community, which is, there's the Vanderbilt University case from, um, a few weeks ago where after the, uh, horrible shooting in at Michigan State, Vanderbilt released a statement that was very heartfelt, very emotional, a wonderful statement, and at the end, it caption that it was paraphrased from ChatGPT, and it didn't go over well with the readers and feeling that essentially they had outsourced this, this heartfelt statement to a computer. You know, if they had not referenced that it was paraphrased by ChatGPT, they could have, you know, they didn't have to, there's no legal requirement that they had to do that.

Creighton ([09:14](#)):

And, and ChatGPT still may be good at, at doing those types of things where it gives you that, that first draft or a, a brainstorming of what, what could, what could I write about or what have others written about in, in different situations? You can ask it for, you know, gimme the top five things I should think about for a certain situation. And those are great uses of it, and I don't think those should be avoided, but you also have to use that human element and think about, you know, what is the context, you know, besides the review of accuracy, you know, give it some human review of "is this the right tone?" You know, you can always reprompt it and ask it to, to change the tone, or you can, you know, personally change the tone. I think the, the main concern is, is that human oversight, not, not just kind of trusting the robots, but <laugh> making sure that they, they match the human element of what you're trying to do, especially for nonprofits more than anyone else.

Creighton ([10:01](#)):

I think, you know, one thing that, um, you, and you mentioned DALL-E, and there's some of these tools that also generate like images and audio and things like that. And that's one thing that, you know, in every organization has its own kind of risk profile. But I think that's one area that I would stay away from, um, at least at this point, uh, with image creation for kind of nonprofit purposes or organizational purpose purposes. You know, if you're at home doing it just for fun in your personal life, you know, it, it's fun to play with. But when you're, you know, as you are in that kind of commercial sphere or that that business sphere with the nonprofit, there's still a lot of open legal questions about creating images. You know, it was trained on previous images and that input and how those new images are created. And the same thing for like audio files. There's recent story of, uh, a Drake song that that's been, uh, you can kind of create new songs based with different artists. You know, you could say create a Drake song with the, you know, the lyrics of, you know, Bruce Springsteen, but you know, the, the style of Prince and you can create these wild songs.

Creighton ([11:07](#)):

I would stay away from those, those kinds of tools and those kinds of uses at this point. Again, the IP issues, the, the intellectual property and copyright issues are, are a bit just too, too unanswered, um, at this point. But I think for, for these kinds of, like we've talked about, like the text-based brainstorming and, and first drafting and that kind of thing, I think is, nothing is ever risk free in this world, but I think you can manage those risks with the kind of guidelines we've talked about.

Sireesha ([11:30](#)):

And you mentioned being careful about what type of content, you include in your prompt, what information a nonprofit should share. How can a nonprofit ensure that the confidentiality of their data is maintained if they decide to use AI?

Creighton ([11:49](#)):

Yeah, it's a good question and I think it's one that needs to be continued to be talked about within all organizations, not just nonprofits, about training staff, who are using these tools, making sure that they understand they shouldn't be, you know, including, like I mentioned, you know, specific donor private information or, you know, secrets of the, of the organization. If you're an executive director, you may understand some of these concepts and you may understand, you know, you don't wanna reveal these things publicly just like you wouldn't publish these in social media or on your website, things like that. But it's an easy tool for anybody to use. So just to maybe a bit of training for folks, you know, that, "hey, if you want to go use this". You know, we've talked about some of the good ways, but just to give them a reminder of, you know, some of the dangers and it.

Creighton ([12:32](#)):

Maybe can wrap be wrapped up in just a general technology training. You know, if you're talking with, with staff already and volunteers about not revealing certain secrets in certain other situations, like, again, like on social media or an email to certain people. If you've got certain organizational secrets or, or ways of doing things or, uh, processes or curricula or anything that you really want to keep internal, again, just the general training, you know, using ChatGPT in this way, and protecting it from being disclosed to any of these tools, you know, just can be a part of that, that training that just goes to making sure people only reveal this kind of information on a need to know basis. If it's confidential or if it's private information only when there's a, you know, consent or, or however your organization

protects it, there's always new technologies, there's always bumps in the road as we use them. But, um, the concepts I think remain the same of protecting our secrets, protecting our protected information.

Sireesha ([13:28](#)):

And I wanna provide a little clarification cuz I feel like there's some, um, terminology that's used when talked about ChatGPT that for people who aren't as familiar with it or if they haven't played a rhyme with it may not be as familiar, um, but when we use the term "prompt", that's basically the what the search query. Maybe just whatever you type in saying, you know, 'write me a paragraph about X' or, um, 'give me some ideas around Y' that is, I think was commonly termed as the prompt. Is that correct?

Creighton ([14:00](#)):

Yeah, that's right. That's right. In fact, I've heard there's even, uh, job postings about prompt engineers. people that can develop these really complex prompts to get really interesting things out of, out of generative ai. Um, yeah. And just being careful, you know, the, again, it's, if it's a public tool that's free and open, you know, and you're not paying anything, then they're gonna generate, you know, value out of something else. And often that value might be learning from what people prompt and, and what people give the, the, the generative ai. And if it's continuing to learn, not all of them are, but if it's continuing to learn from people's prompts, you just have to be mindful of whether or not you want your prompts to help it learn. Again, if you're just asking generic questions, again, give me some ideas for things or can you write a sample document that may not necessarily be protected, but you wouldn't wanna say, you know, I, I've got five staff members who, you know, were born on these days and, and make this much income, you know, have these diseases, you know, can you help me talk to them about these problems? It's not something you would want to give public generative AI tool.

Sireesha ([15:05](#)):

Yeah. So even though it feels like you're just typing into an anonymous computer <laugh>, um, that information you put in there becomes kind of open source, public domain.

Creighton ([15:15](#)):

It's possible. Yeah. Yeah. And then again, there's so many new tools out there. Everyone's gonna have different rules and different license terms. But to be on the safe side, unless you've paid for one that you know is protected, um, it's best not to use them for that, for that purpose.

Sireesha ([15:29](#)):

So I've heard about individuals or organizations using ChatGPT to draft an email, for example. If a nonprofit were to use ChatGPT to generate letters to donors maybe, like, as a way to tailor them to the individual donors. Is that okay?

Creighton ([15:50](#)):

Yeah, I think that's a great, great purpose. Again, if, you know, use it like you, you mentioned like an intern, you know, you wouldn't take an intern's material and just send it out without reviewing it, but you can use it as your first draft. You know, you can do some neat things with prompts, especially if you're a nonprofit in a certain industry or you work with certain donors. You can ask, you know, what's a good way to a phrase, a letter, or what's a good letter that's three paragraphs that would go to somebody living in a certain community or who has a certain background. And then the, you'd be

surprised at how well the generative AI can kind of tailor the, the language to match what you're looking for. Again, give it that, giving it that oversight, but, but it's, it's a good way to get started.

Sireesha ([16:29](#)):

Yeah. And, and you can generate those letters, but don't include confidential information about the donor in your prompt, is that right?

Creighton ([16:39](#)):

Right, right. Exactly.

Sireesha ([16:41](#)):

Well, those are all the questions I have now, Creighton for today. I'm sure by next week so much will change. <laugh>, <laugh>, it might be more questions. I appreciate you taking your time and sharing your expertise with us.

Creighton ([16:56](#)):

Yeah, my pleasure. And, uh, yeah, get out and try it. Have fun using these tools.

Sireesha ([17:00](#)):

We hope that you found this episode of the PBPA Podcast to be informative and helpful. We add new episodes every month with short conversations about general, yet important legal information for Georgia nonprofits. Remember that this is not legal counsel. Talk to your attorney about your organization's specific concerns. Thanks for tuning into the PBPA Podcast. And to all nonprofits listening out there, thank you for all the good work you continue to do in our community.