GETTING AHEAD OF THE CURVE:
MEETING THE CHALLENGES TO PRIVACY AND FAIRNESS ARISING FROM THE USE OF ARTIFICIAL INTELLIGENCE IN THE PUBLIC SECTOR

WHAT IS AUTOMATED DECISION-MAKING?

Any technology that either assists or replaces the judgment of human decision-makers

GLOBAL EXAMPLES OF AUTOMATED DECISION-MAKING

- Assessing risk of recidivism of offenders
- Approving building permits
- Assessing social assistance applications
- Deciding car insurance premiums

KEY PRIVACY CONCERNS

- Use of biometric data, such as facial recognition
- Lack of transparency due to closed proprietary systems
- Current privacy laws do not contemplate the use of AI

KEY FAIRNESS CONCERNS

- Risk of 'baked-in' bias.
- Algorithmic decision-making can't be easily understood or explained
- Ever-changing machine learning means shifting eligibility criteria
- People aren't being notified properly when this approach is taken

RECOMMENDATIONS – PUBLIC AUTHORITIES SHOULD:

1. **Commit to guiding principles** of transparency, accountability, legality, procedural fairness and protection of privacy. Apply them in existing programs and activities and include them in third-party contracts.
2. **Notify** an individual when an AI system is used to make a decision about them and describe how the AI system operates in a way that is understandable.
3. **Promote public education** initiatives to raise awareness of the use of AI.
4. **Complete and submit an Artificial Intelligence Fairness and Privacy Impact Assessment (AIFPIA)** for all existing and future AI programs for review by the relevant oversight body.
5. **Develop special rules** or restrictions for the use of highly sensitive information by AI.