

Automated Decision Systems (ADS) Workgroup

Meeting Notes

Meeting Date: Thursday, July 29, 2021

Meeting Time: 2:30 pm PT – 4:30 pm PT

I. Welcome and Administrative Updates – Katy Ruckle

- Meeting called to order at 2:33 pm PT.
- Agenda Update – Ryan Calo will present at next meeting on August 12.
- New webpage for ADS Workgroup
 - OPDP Projects and Initiatives | Washington Technology Solutions
<https://watech.wa.gov/privacy/projects-and-initiatives>
 - Meeting charter, agendas, slide deck, and notes posted.
- A Teams Channel for Workgroup members will be launched soon to facilitate sharing and collaborating on report drafts.

II. New Workgroup Member Introductions

(See Attendance Roster on p. 6)

III. Artificial Intelligence (AI) Primer and Algorithmic Bias

Presented by Santosh Putchala, Director of Privacy, Kuma, LLC.

Santosh Putchala has over 15 years of experience and formal education and training in engineering, legal, consumer protection, cyber security, policy development, and management. For his contributions towards privacy & data protection, he has been designated as Privacy by Design Ambassador by Dr. Ann Cavoukian, the former Information Privacy Commissioner of Ontario, Canada. He is a select member of the (ISC)² European Union Advisory Council General Data Protection Regulation (GDPR) Taskforce.

Mr. Putchala's presentation provides the ADS Workgroup with many resources on the background and history of artificial intelligence (AI) and industry perspectives regarding the challenges and future of AI. This presentation additionally breaks down the inputs of automated decision-making systems (ADS), discusses the applications of ADS, and addresses potential risks resulting from the use of ADS and how those risks may be mitigated.

The presentation features additional readings and resources on these topics.

(See presentation attached.)

- Discussion Points

Q1. How do data protection impact assessments (DPIA) help mitigate bias or affect other high risk decisions?

Requirements (legal, regulatory, industry-specific standards, due diligence, privacy principles) can be incorporated into questions in a way that can identify areas that might introduce bias. The DPIA is a more detailed privacy impact assessment (PIA) that goes deeper into the domain and looks at longevity of the system. Additionally, the frequency of DPIA updates over the life of a process or system may lead to the identification of inherent bias patterns. DPIA mitigation strategies for ADS may include invoking a human check point. An algorithmic audit could supplement the DPIA mitigation strategy.

Q2. Are you seeing a trend in the industry from mathematical bias to more of a focus on discriminatory bias as an outcome?

The use of the DPIA can support this shift. DPIA assesses privacy impacts during system design, requirements writing, and procurement; it requires product documentation review and supports customization. This lends toward a look at the process of development as well as the outcome – looking to the black box of the ADS while looking at the results. Globally and across industries, testing has been conducted using dummy data. However, some global entities do not accept 100% human-less systems and may require periodic checks and balances on potentially discriminatory inputs and outcomes.

Q3. The presentation describes four (4) inputs to ADS – technology, decision support system (DSS), AI, and business processes. If AI is a form of technology, what other artifacts may also be included as an input?

Technology, in this context, refers to other systems within the organization or agency. It is rare to have an ADS that exists in isolation, and it will probably be linked to some other system(s) in the organization. 'Technology' in this presentation was in context of other IT systems involved (interfacing) with systems being assessed for bias. In practical terms, ADS is not intended to be an air-gapped system.

Q4. What comprises designation as an "ADS"? What about a system with hard coded protocols, i.e., a system that does not learn or assess patterns?

The definition of ADS is described in the proviso, and this context is critical in the designation of a system as an "ADS." However, it should be noted that some systems and technologies may be labelled as "AI" or "ADS" as a part of a marketing context, regardless of whether those technologies are truly being used from a technology context. Similarly, the opposite may occur, where AI or ADS may be used but not explicitly described.

Organizations should conduct their own assessments, based on their own contextual definitions (i.e., ADS as defined by the budget proviso for this workgroup). The combination of intake plus what the system flags based on the data is what drives the decision-making designation. Other distinctions include whether the system decision-making is totally autonomous, or semi-autonomous.

The organization may need to determine what defines ADS and where the line is drawn.

This is of specific importance when considering a COTS (Commercial Off the Shelf) tool. Suitable due diligence during feasibility reviews of tool candidates [technology review board related vetting, security by design plus privacy by design reviews etc.], contract language definition plus vetting during procurement [right to receive details of inner workings of the tool, ability to initiate third-party audits of the system etc.], understanding on end-of-life cycle practices for tool and data etc., are some of the essential measures.

IV. System Ranking Results – Katy Ruckle

Not enough votes were received from workgroup members to achieve quorum.

- Task 02.01 – Katy Ruckle will resend the link to members who have not yet voted and will announce the system selected at the next meeting.

V. Workgroup questions and discussion – All

- Meeting opened for discussion from workgroup members. No additional topics were raised.

VI. Open Discussion

- Rose Feliciani, Internet Association, has offered her company's assistance to the workgroup, if technology experts or firm input would be helpful. She expressed appreciation to Santosh Putchala for a very detailed presentation.

VII. Adjourn

- Topics for next meeting on August 12, 2021
 - Ryan Calo, professor at the University of Washington, will provide a presentation on how policymakers should and should not use AI in making decisions.
 - The Department of Enterprise Services will provide a presentation on procurement in WA.
- Meeting adjourned at 3:43 pm.

VIII. Action Items

Action Item*	Description	Person Responsible	Deadline
01.01	Provide the Workgroup with a description of how the ADS systems described in the budget proviso were selected.	Katy Ruckle	07/29/21
01.02	Complete survey ranking presentations	All WG Members	07/23/21
01.03	Provide the Workgroup with what information is made available to the public regarding the DSHS hospital admissions system.	Jenise Gogan	07/29/21
01.04	Research whether disability status was considered in examination of bias in either DCYF system.	Vicki Ybarra	07/29/21
01.05	Identify the POC who can provide additional information about redress associated with WA ONE.	David Luxton	07/29/21
01.06	Seek clarification on the level of access WSIPP may have to the WA ONE weights and algorithm in their evaluation of bias.	David Luxton	07/29/21
01.07	Add future Workgroup agenda item for discussion of methodologies and approaches for evaluating bias. For example, bias as an input, weight, output, or other influence.	Katy Ruckle	07/29/21
02.01	Resend link for ranked-choice voting to members who have not yet voted and announce the system selected at the next meeting.	Katy Ruckle	08/12/21

* Action Item number designated by ADS Workgroup Meeting number (1-11) and the sequential order each was discussed during the meeting.

IX. Remaining ADS Workgroup Meetings

August 12, 2021	2:30 pm PT - 4:30 pm. PT
August 26, 2021	2:30 pm PT - 4:30 pm. PT
Sept. 9, 2021	2:30 pm PT - 4:30 pm. PT
Sept. 23, 2021	2:30 pm PT - 4:30 pm. PT
Oct. 7, 2021	2:30 pm PT - 4:30 pm. PT
Oct. 21, 2021	2:30 pm PT - 4:30 pm. PT
Nov. 4, 2021	2:30 pm PT - 4:30 pm. PT
Nov. 18, 2021	2:30 pm PT - 4:30 pm. PT
Dec. 2, 2021	2:30 pm PT - 4:30 pm. PT

X. Attendance Roster

	Last Name	First Name	Organization	Present (X)
1	Pincus	Jon	A Change Is Coming	X
2	Lee	Jennifer	ACLU	X
3	Gonzalez	Eric	ACLU	X
4	Block	Bill	ACLU	X
5	Aguilar	Nancy	CHA	
6	Auffray	Brianna	CAIR-WA	X
7	Krustsinger	Allison	DCFY	
8	Mason	Aaron	DCYF	
9	Ybarra	Vickie	DCYF	X
10	McGrew	Elena	DES	X
11	Japhet	Robin	DES	X
12	Fischer	Greg	DOC	X
13	Luxton	David	DOC	X
14	Palma	Sergio	DSHS/ALTSA	X
15	Gogan	Jenise	DSHS/BHA	X
16	Mancuso	David	DSHS/RDA	X
17	Henson	Crystal	DVA	X
18	Allred	Robert	ESD	X
19	Gordon	Elizabeth	Governor's Committee for Disability Issues and Employment	X
20	Chen	Christopher	HCA	
21	Ott	Cathie	HCA	X
22	Del Villar	Ashley	La Resistencia and Mijente	X
23	Glen	Kirsta	LNI	X
24	Ruckle	Katy	OCIO	X
25	Angel	Maria	UW Law	X
26	Puckett	Derek	WaTech	X

ACLU = American Civil Liberties Union

CHA = Commission on Hispanic Affairs

CAIR = Council on American-Islamic Relations Washington (CAIR-WA)

DCFY = Department of Children Youth and Families

DES = Department of Enterprise Services

DOC = Department of Corrections

DSHS/ALTSA = Department of Social and Health Services/Aging and Long-Term Services Administration

DSHS/BHA = Department of Social and Health Services/Behavioral Health Administration

DSHS/RDA = Department of Social and Health Services/Research and Data Analytics

DVA = Department of Veteran Affairs

ESD = Employment Security Department

HCA = Health Care Authority

LNI = Labor and Industries

OCIO = Office of the Chief Information Officer

UW = University of Washington

WaTech = Consolidated Technology Services