

Automated Decision Systems (ADS) Workgroup

Meeting Notes

Meeting Date: Thursday, August 26, 2021

Meeting Time: 2:30 pm PT – 4:30 pm PT

I. Welcome and Administrative Updates – Katy Ruckle

Meeting called to order at 2:32 pm PT.

A Teams channel for workgroup members has been established to collaborate on drafts and share resources. Workgroup members that are not in Washington's Enterprise Active Directory are unable to be added at this time.

- Task 04.01 – Katy Ruckle will follow up on Teams helpdesk ticket to add external members – an issue which should be resolved before the next meeting.

New workgroup member introduction.

- Gena Adams, Case Management Administrator, Department of Corrections

II. Proviso Details

Presented by Katy Ruckle, Chief Privacy Officer, Office of Privacy and Data Protection.

Ruckle's presentation revisits the definition of an "automated decision system" (ADS) in the budget proviso. She additionally addresses the proviso's requirements for the workgroup in addition to a series of considerations that the workgroup should address in its report to the legislature.

(See slide deck of presentation in website materials.)

- Discussion Points
 - The definition for ADS is broad and should continue to be discussed.
 - John Pincus recommended Rashida Robinson's law review paper. "Defining and Demystifying Automated Decision Systems" - https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3811708

III. Risks and Benefits of Automated Decision-Making Systems: A Preliminary Framework for Guiding Evaluation

Presented by Dr. David Luxton, Director of Research and Data Analytics, Department of Corrections. (Dr. Luxton will be transitioning to a director position with the Washington Department of Veteran's Affairs in September.)

Dr. Luxton's describes three types of bias that are relevant to the design and use of automated decision support systems, including algorithmic bias/prejudice, negative legacy, and underestimation. Although these systems have potential benefits, potential risks should also be considered throughout system design and during subsequent reviews. Luxton highlighted the risks of the "black box" problem, the appearance of arbitrary or illegitimate decision-making, the loss of public trust, and harm to individuals. Dr. Luxton recommends developing a standardized review to assess automated decision support systems.

(See slide deck of presentation in website materials.)

Discussion Points

- Potential benefits could also be interpreted as potential risks. For example, ADS may be *more* acute and *less* biased than humans but may also be *less* accurate and *more* biased.
- The broad definition of the ADS captures a large continuum of systems – from systems based on paper-based checklists to machine learning. There is potential for bias among all of these systems.
- Q1. How many systems or algorithms used in healthcare may be proprietary or present a "black box" rather than being publicly available/transparent?
 - "Black boxes" occur at multiple levels. Examples include machines designed to generate their own algorithms without human insight, proprietary systems kept hidden from the public, or systems with limited transparency, where statisticians could have an understanding but administrators or system owners may not.
 - In healthcare, proprietary systems are especially concerning, as many systems are developed for profit. Limited access to the systems based on their affordability (or restrictions placed on procurement or use) could result in issues associated with equity and quality of care.
 - Different levels of transparency could apply to different systems. Full transparency may not be achievable for all systems. The workgroup should consider whether intellectual property agreements are appropriate or whether transparency could allow a tool or system could be manipulated.
 - A potential workaround could require developers to demonstrate how bias is assessed and provide assurances.
 - Some bills that have come through the legislature have cited "holding algorithms accountable," but it is unclear what these algorithmic accountability reports should address or the level of expertise required to write or understand these reports.
- The Proviso is framed in terms of discrimination and references the state's discrimination law (RCW 49.60), but much of the conversation has been focused on bias. The workgroup should consider additional types of discrimination other than bias.

IV. Workgroup Questions and Discussion – All

ADS Budget Proviso Implementation Questions for State Agencies

Presented by Jennifer Lee and Bill Block, American Civil Liberties Union (ACLU) of Washington.

The ACLU drafted a series of 15 questions with the intent of improving transparency into how ADS works, impacts, where data comes from, examination of algorithms, etc. State agencies should ask these questions before acquiring or procuring an ADS.

(See slide deck of presentation in website materials.)

Discussion Points

- There is notable overlap between the theoretical approach provided by Dr. Luxton and the questions presented below.
- These questions were shared with the State Chief Information Security Officer who expressed no security concerns with the questions, as written.
- The broad scope of the definition of ADS in the provision was reemphasized, and workgroup members continued to reference the continuum of ADS.
 - The workgroup could consider ways to sub-divide ADS into different categories. In some cases, the machine is not as important as the basis for the questioning, the source of the data, or the person answering the questions.
 - Workgroup members concurred with the idea of categorizing ADS, as even simple systems or those mandated by statute could be perpetuate bias, highlighting the need to address these systems before they are developed, procured or used.
- The purpose for the ADS should be considered, especially those that are tied to a legal authority or have the potential for oversight, including the appropriate role to perform this oversight.
 - John Pincus recommended an article to the workgroup.
“3 lessons from Stanford’s Covid-19 vaccine algorithm debacle”
<https://www.statnews.com/2020/12/21/stanford-covid19-vaccine-algorithm/>
 - The workgroup should also consider the differences in risk and transparency between business rules and AI.
- The impact of the ADS should be considered, including the number and type of individuals and the impact of the decisions being made.

Federal Government Accountability Office (GAO) Artificial Intelligence Framework

Introduced by Katy Ruckle, Chief Privacy Officer, Office of Privacy and Data Protection.

The federal government has considered the application of artificial intelligence across the federal government. The GAO’s “Artificial Intelligence: An Accountability Framework for Federal Agencies and Other Entities” (June 2021) is organized around four principles, which address governance, data, performance and monitoring.

Although this publication focuses on AI and the workgroup is focusing on ADS, similar themes have emerged, including balancing risks, transparency and bias associated with system inputs and outputs.

(See slide deck of presentation in website materials.)

Discussion Points

- **Q2. How should data sets and systems be examined for bias? How do we address data sources that have drifted towards bias over time?**
 - Over time, data may be interpreted differently, especially as changes in a population or changes in policy occur. This also relates to concerns expressed by the workgroup related to applicability and scope of questions for assessing ADS, including the appropriate time frame to reconsider data sources and how organizations may address the spirit of new legislation.
- **Q3. How does the workgroup feel about the scope? Should there be a clearer distinction between AI and ADS?**
 - Workgroup members were generally supportive of drawing the distinction or creating separate recommendations for each category. The word “including” in the proviso does not necessarily incorporate or exclude specific technologies, and the distinction could improve understanding of the scope of the report.
 - Opponents for making the distinction stressed that the basic principles of bias, discrimination and transparency remain the same, regardless of the underlying technology. The ACLU has included a question that directly addresses whether machine learning or AI are involved, making it possible to have it apply to the wider scope without neglecting the more narrow view. However, the lines may be blurry, especially where transparency into specific systems is an issue.
- **Q4. Would using scoring systems like a credit score, as part of your decision making process, be considered an ADS?**
 - Yes. This particular application is very important to issues of equity and fairness, as credit score may be used to determine housing access or financial access. Although not mentioned in the proviso, the concept of using proxies, like a credit score, to determine risk should be addressed.

Key Decisions

- **Workgroup members will convene into smaller groups to assess whether the distinction between different types of ADS would result in different answers to the ACLU's ADS Budget Proviso Implementation Questions for State Agencies.**
 - The workgroup concurs, noting the goals of transparency and accountability as emerging themes. Conclusions and recommendations from the small groups will be discussed during the next ADS workgroup meeting on September 9.

- Task 04.02 – Katy Ruckle and David Luxton will assign workgroup members to small groups that are representative of different viewpoints (i.e., business, government, nonprofits).
- Task 04.03 – Workgroup members will participate in small group discussions and report key discussion points, conclusions, and recommendations during the September 9 ADS workgroup meeting.

ACLU Topic for Discussion

Introduced by Jennifer Lee, American Civil Liberties Union (ACLU) of Washington.

In the discussions leading to the ADS proviso, legislators identified one of the major impediments to legislative consideration of the issue as a simple lack of knowledge of ways in which Washington departments are using ADS. The ACLU proposes requesting high-level information from state agencies about ADS that are in use to include as an appendix to the workgroup's report to demonstrate the variety of these systems.

(See slide deck of presentation in website materials.)

- The DOC WA ONE System is not necessarily representative of all ADS used by Washington state agencies. The proposed appendix may encourage an understanding of the breadth of these technologies and how the definition may be applied.
 - Some workgroup members were supportive of the incorporation of the appendix.
 - The OCIO's Application Inventory could help the workgroup to identify some of these systems. This list may also help the workgroup to consider prioritization of systems with larger impacts.
 - The ACLU's questions could be provided to agencies and guide the information they submit to the workgroup.
 - There should be a note describing the scope of the sampling of these systems and that the workgroup is not trying to be overly inclusive of these systems in their recommendations.

V. Answers to Open Tasks

Task	Resolution
<u>Task 01.06</u> – David Luxton will seek clarification on the level of access WSIPP may have to the WA ONE weights and algorithm in their evaluation of bias.	WSIPP has full access to the parameters (scores) they need to conduct the WA ONE analyses.
<u>Task 03.01</u> – Elena McGrew will share the joint Washington Secretary of State and CIO guidance related to data ownership best practices with workgroup members.	Received Guidance document from Elena. These have been posted with 8-26-21 Meeting Materials.

<p><u>Task 03.02</u> – Maria Angel will provide the workgroup with reading recommendations, including toolkits from Berkley and the University of Washington.</p>	<p>Resources posted in Teams Channel Wiki and also in 8-12-21 chat and slide deck.</p>
<p><u>Task 03.04</u> – Katy Ruckle will add topics for discussion to future workgroup agendas.</p>	<p>Completed and discussed during 8-26-21 meeting.</p>
<p><u>Task 03.05</u> – Katy Ruckle will send out prompts for what the workgroup may want to tackle for policy recommendations.</p>	<p>Completed and discussed during 8-26-21 meeting.</p>

VI. Articles from John Pincus

Introduced by John Pincus, Chief Technology Officer, A Change Is Coming.

Several resources have been shared with the workgroup that address the context within which the workgroup is operating, real-world examples of bias and discrimination, and policies and lessons learned from algorithmic accountability.

(See slide deck of presentation in website materials.)

- There is a recognition that these types of systems can affect many people. These technologies are complex and are simultaneously emerging and currently in use. This workgroup has a great opportunity to inform the Washington state legislature and potentially act as a resource to other entities that are also addressing these issues.

VII. Open Discussion

Rose Feliciano, Internet Association.

- When speaking with her members, they have raised similar concerns about the proviso's broad definition of ADS. Their feedback has also addressed:
 - Avoiding a "one-size-fits-all" response. As discussed by the workgroup, these systems may be different from one another, but determining their utility and usefulness is also important.
 - Meaningfully addressing risks of a system.
- She will have her members look at the ACLU questions.

VIII. Adjourn

Meeting adjourned at <4:10 pm>.

Action Items

Action Item*	Description	Person Responsible	Deadline
03.03	Update Katy Ruckle on his designation as a workgroup member representing the Commission on Hispanic Affairs or the ACLU of Washington.	Eric Gonzalez	09/09/21
04.01	Coordinate Teams helpdesk ticket through resolution to allow external members access.	Katy Ruckle	09/09/21
04.02	Assign workgroup members to small groups to discuss the ACLU's ADS Budget Proviso Implementation Questions for State Agencies.	Katy Ruckle David Luton	09/01/21
04.03	Participate in small group discussions and note key discussion points, conclusions, and recommendations.	All Workgroup Members	09/09/21

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

Remaining ADS Workgroup Meetings

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

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	
4	Block	Bill	ACLU	X
5	Aguilar	Nancy	CHA	X
6	Auffray	Brianna	CAIR-WA	
7	Krustsinger	Allison	DCFY	
8	Mason	Aaron	DCYF	
9	Ybarra	Vickie	DCYF	X
10	McGrew	Elena	DES	
11	Japhet	Robin	DES	X
12	Fisher	Greg	DOC	X
13	Luxton	David	DOC (moves to DVA 9/1)	X
14	Adams	Gena	DOC	X
15	Palma	Sergio	DSHS/AL TSA	
16	Gogan	Jenise	DSHS/BHA	X
17	Mancuso	David	DSHS/RDA	X
18	Henson	Crystal	DVA	X
19	Allred	Robert	ESD	X
20	Gordon	Elizabeth	Governor's Committee for Disability Issues and Employment	
21	Chen	Christopher	HCA	X
22	Ott	Cathie	HCA	X
23	Del Villar	Ashley	La Resistencia and Mijente	X
24	Glenn	Kirsta	LNI	X
25	Ruckle	Katy	OCIO	X
26	Angel	Maria	UW Law	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/AL TSA = 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