

Automated Decision Systems (ADS) Workgroup

Meeting Notes

Meeting Date: Thursday, September 9, 2021,
Meeting Time: 2:30 pm PT – 4:30 pm PT

I. Welcome and Administrative Updates

Meeting called to order at 2:33 pm PT.

Administrative Updates:

- External workgroup members have been added to the Team Channel and should have received notice of inclusion.
- Small group meeting notes will be posted in the Teams Channel.

II. Small Group Reports

Three small groups convened on Tuesday, September 7 to facilitate a deeper discussion of the budget proviso and ideas for the ADS Workgroup's report to the legislature. The small groups were provided with questions from the proviso in addition to the slide deck from the 8/26/21 ADS Workgroup Meeting.

Debriefed and Facilitated by Matt King, Privacy and Data Protection Manager, Office of Privacy and Data Protection.

Last Name	First Name	Organization	Present
Adams	Gena	DOC	X
Aguilar	Nancy	CHA	
Allred	Robert	ESD	X
Angel	Maria	UW Law	X
Block	Bill	ACLU	X
Chen	Christopher	HCA	
Krutsinger	Allison	DCFY	

- This small group's discussion focused on issues related to the scope and definition provided by the proviso. The members agreed that there is a wide spectrum of ADS systems, all of which may be susceptible to a variety of risk, but it is unclear where along this spectrum reviews should be required and who may

- have the authority to set standards related to ADS, determine or accept risks, or set requirements for transparency.
- This small group agreed that the ACLU questions should be used to examine the DOC system to inform recommendations relation to the procurement process, identify what information could be missing from this assessment and what types of systems may have the most risk associated with them.

 - Report Recommendations:
 - Clarify the terms “artificial intelligence” and “machine learning”, which are used loosely or interchangeably.
 - Recommend the following procurement standards:
 - Require open code unless public safety outweighs transparency
 - Establish agency IT review boards
 - Establish testing requirements before new systems may be procured to address accuracy, intentional and unintentional bias, transparency, and accountability
 - Require audit trails to allow decisions to be reviewed
 - Train users on automation bias
 - Test the system prior to launch

Debriefed by Jon Pincus, Chief Technology Officer, A Change Is Coming.

Facilitated by Zack Hudgins, Privacy Manager, Office of Privacy and Data Protection.

Last Name	First Name	Organization	Present
Del Villar	Ashley	La Resistencia and Mijente	
Fisher	Greg	DOC	X
Glenn	Kirsta	LNI	X
Gogan	Jenise	DSHS/BHA	
Gonzalez	Eric	ACLU	
Gordon	Elizabeth	Governor's Committee for Disability Issues and Employment	
Ott	Cathie	HCA	X
Palma	Sergio	DSHS/ALTSA	
Pincus	Jon	A Change is Coming	X
Auffray	Brianna	CAIR-WA	X
Puckett	Derek	WaTech	
Ruckle	Katy	OCIO	X
Ybarra	Vickie	DCYF	

- This small group's discussion also focused on the issue of scope and procurement requirements for ADS by state agencies. The members emphasized prioritizing efforts where risks are highest, but the basis for prioritization was

- unclear (i.e., based on system complexity, new or existing systems, rules-based algorithms or machine learning, inclusion of human review, impact of decisions).
- This small group noted the tensions resulting from testing, validation and open code, including whether vendors would make this information available to the public or choose to not bid on contracts where transparency would be required.

 - Report recommendations:
 - Consider modeling prohibitions for ADS after the EU Draft AI Directive, which categorizes risks as unacceptable, high, limited, or minimal. Examples include:
 - Profiling
 - Life and death decisions
 - High likelihood for bias or unfairness
 - No potential for human review
 - Require reviews before and after procurement that addresses integrity and bias of underlying data or the use of proxy data.

Debriefed and facilitated by Dr. David Luxton, Director of Counseling and Wellness Programs, Washington Department of Veteran's Affairs.

Last Name	First Name	Organization	Present
Japhet	Robin	DES	
Henson	Crystal	DVA	
Lee	Jennifer	ACLU	X
Luxton	David	DVA (former DOC)	X
Mancuso	David	DSHS/RDA	
Mason	Aaron	DCYF	
McGrew	Elena	DES	X
Ruckle	Katy	OCIO	X

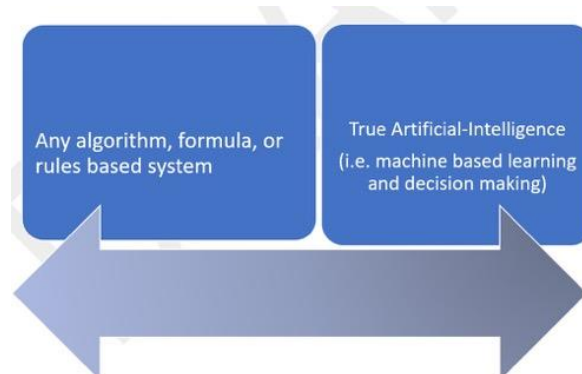
- This small group's discussion focused on the fundamental issues of the definition and scope established by the proviso and highlighted the definitions of Automated Decision System, Automated Final Decision System, and Automated Support Decision System featured in SB 5116.
- This small group noted costs and other burdens placed on state agencies by requirements to review new or existing ADS and on vendors who would be required to implement requirements before deployment and over time through updates.
 - Task 05.01 – Jen Lee will provide the definitions that are a closer match to SB 5116 than those provided in the budget proviso.

Discussion Points

- Blanket statements could have unintended consequences. For example, prohibiting “life and death” decisions by ADS would negatively affect the healthcare field. A blanket prohibition could unintentionally result in the prevention access to beneficial technologies and negative effects on quality of care.
 - Reviews should still be conducted, as these systems may still be made using underlying bias (e.g., biased research or data sets, decisions for providing pain medication to specific populations).
- The question of prohibiting ADS could be reframed as areas where the legislature should regulate procurement, including areas in which the legislature should not intervene at this time.
 - Narrowing the broad scope of the proviso’s definition of ADS could potentially exclude systems that have a high potential for bias and harm. Additionally, as technologies advance and change, legislation could potentially prohibit re-examination of technologies that have yet to be developed.
 - The workgroup should consider suggesting the prioritization of different segments ADS for review.

Spectrum on Scope and Definition of ADS

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



- To visualize the scope and definition of ADS, the group could consider complexity from basic systems all the way up to the most complicated systems, where no human intervention is required to make decisions.
 - Impact of these decisions should be considered with complexity into a “matrix” format, as even simple systems could result in discriminatory decisions and complex systems in low impact decisions to help prioritize the review of ADS.
- The legislature may have the greatest influence on transparency and procurement, both of which may be addressed through assessments or reviews.
 - Reviews and reporting requirements may be burdensome on state agencies. The report should consider funding and the time required to support these activities.

- These requirements, if applied retroactively to existing systems, should not have the power to stop existing systems or programs. However, these types of reviews could help state agencies better understand the procurement criteria and concerns raised by ADS, leading to potential cost savings by preventing the deployment of ineffective systems or harmful systems that result in additional reviews or lawsuits

III. Report Structure and Policy Recommendations

Presented by Katy Ruckle, State Chief Privacy Officer.

Katy will begin outlining the report and incorporating the comments and conversations from the workgroup meetings, including areas where there has been consensus or differences thus far. The report format will use the WaTech template, but each contributing agency and organization will be represented. Work on the report should begin on September 23, including the review of DOC's WA One system using the ACLU questions.

- TASK 05.02 – Katy Ruckle will start the draft report and share the document in Teams.
- Task 05.03 – All workgroup members will submit their agency/organization logo to Katy Ruckle.

Q1. Will the workgroup ask other agencies to answer or provide feedback on the ACLU questions to give a sense of scope/range of these assessments?

- If time permits, these responses would be accepted, as they improve the understanding of the evaluation process and could support the report's recommendations. However, no agencies have volunteered at this time.
- Alternatively, the workgroup could consider reviewing the DCYF and DSHS systems discussed during the kick-off meeting or including an appendix that lists examples of systems that would fall in or out of the recommended scope for these reviews.
- Task 05.04 – State agency workgroup members will conduct outreach to identify any systems an agency would be willing to review for the report or provide feedback on the ACLU questions.

Q2. Has a review of existing audit processes been completed to address whether bias is already being addressed?

- A recommendation to the legislature could be aimed towards the State Auditor's Office, requesting the development of an audit in this area and/or identifying a person or team to address ADS.
- Equity-based audits are used by some agencies to address human-based programs and decisions. It is unclear whether they have been applied to ADS.
 - The Poverty Reduction workgroup has been developing its 10-year strategy, which has included a review of equity-based systems.

- The state's new Office of Equity in WA, although just getting off the ground as a new office in Washington, could be good resource to leverage in this work regarding recommendations to the legislature.
- Task 05.05 – Nancy Aguilar will identify and share resources equity-based audits from the Poverty Reduction Workgroup.

Q4. Will the workgroup consider any other subject matter experts or insights from other jurisdictions?

- Only if time permits, as the report must be near finalized in early November.

Q5. When should the questions for Wa One be completed?

- DOC will complete the responses before the next workgroup meeting on September 23, during which workgroup members will review those responses.

IV. Workgroup Discussion

No additional discussion topics were introduced.

V. Answers to Open Tasks

Task	Resolution
<u>Task 03.03</u> – Eric Gonzalez will update Katy Ruckle on his designation as a workgroup member.	Eric will continue as an ACLU representative.
<u>Task 04.01</u> – Katy Ruckle will follow up on Teams helpdesk ticket to add external members – an issue which should be resolved before the next meeting.	External members added to Teams Channel 08/30/21.
<u>Task 04.02</u> – Katy Ruckle and David Luxton will assign workgroup members to small groups that are representative of different viewpoints (i.e., business, government, nonprofits).	Invites for small workgroups sent 08/30/21.
<u>Task 04.03</u> – Workgroup members will participate in small group discussions and report key discussion points, conclusions, and recommendations during the September 9 ADS workgroup meeting.	Small workgroups met on 09/07/21.

VI. Open Discussion

Meeting opened for comment from public. None received.

VII. Adjourn

Meeting adjourned at 4:00 pm.

VIII. Action Items

Action Item*	Description	Person Responsible	Deadline
05.01	Provide the definitions that are a closer match to SB 5116 than those provided in the budget proviso.	Jen Lee	09/23/21
05.02	Start a draft report outline and share the document in Teams.	Katy Ruckle	09/23/21
05.03	Submit their agency/organization logo to Katy Ruckle.	All Workgroup Members	10/07/21
05.04	Conduct outreach to identify any systems an agency would be willing to review for the report.	State Agency Workgroup Members	10/07/21
05.05	Identify and share resources equity-based audits from the Poverty Reduction Workgroup.	Nancy Aguilar	09/23/21

* 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

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	X
6	Auffray	Brianna	CAIR-WA	X
7	Krutsinger	Allison	DCFY	
8	Mason	Aaron	DCYF	
9	Ybarra	Vickie	DCYF	X
10	McGrew	Elena	DES	X
11	Japhet	Robin	DES	X
12	Fisher	Greg	DOC	
13	Luxton	David	DVA	X
14	Adams	Gena	DOC	X
15	Palma	Sergio	DSHS/ALTSA	X
16	Gogan	Jenise	DSHS/BHA	
17	Mancuso	David	DSHS/RDA	X
18	Henson	Crystal	DVA	
19	Allred	Robert	ESD	X
20	Gordon	Elizabeth	Governor's Committee for Disability Issues and Employment	X
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
27	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