Ethical Frameworks for AI and data: International Best Practices from the public sector

Barbara Ubaldi
Barbara.ubaldi@oecd.org

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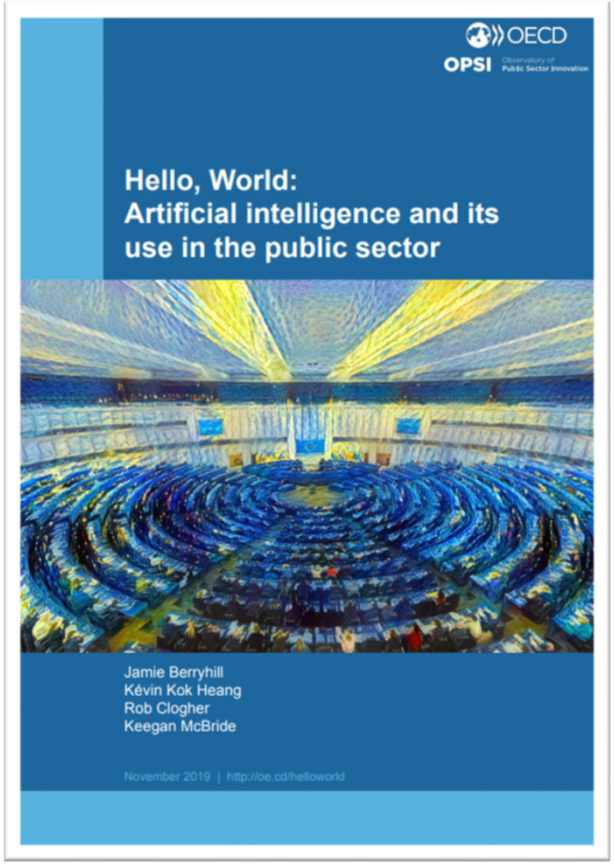
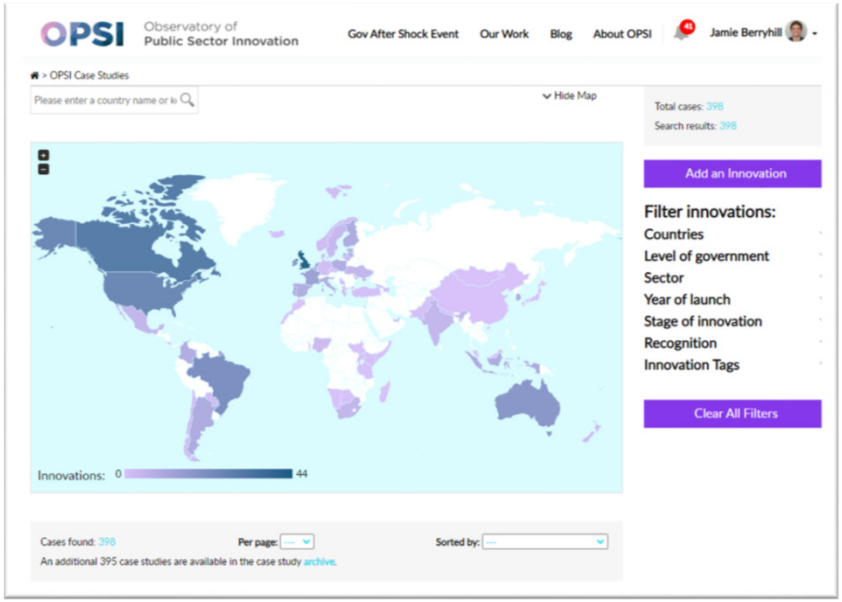
OPSI Observatory of Public Sector Innovation

Knowledge Foundation





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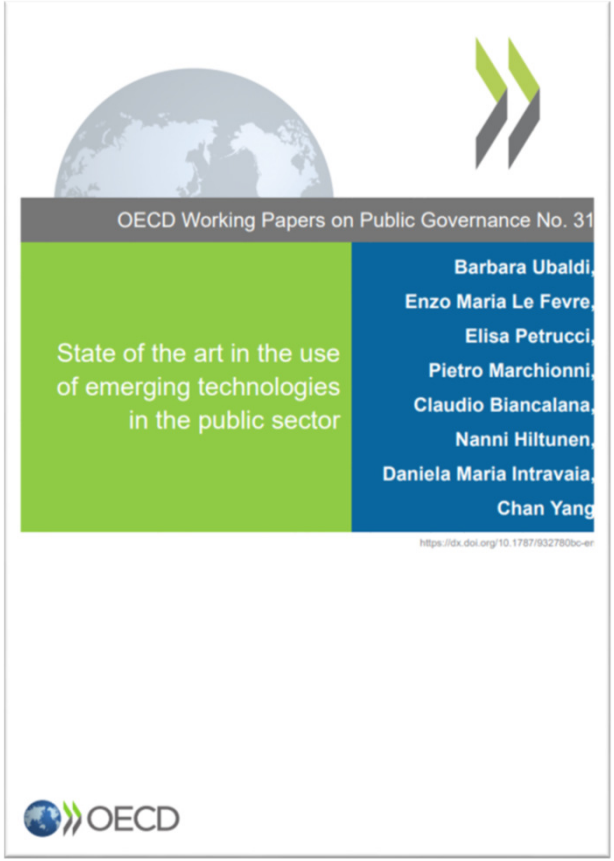


OECD Observation: AI in the public sector

- Establish legal, ethical and technical frameworks for AI governance at the design stage and monitor compliance with them during the implementation phase (example: Canada's Directive on Automated Decision-Making)
- Openness and co-creation critical for securing buy-in of the public and other sectors and providing legitimacy. Also helps ensure results are grounded in country's unique contexts and customs. (example: Canada's Directive developed completely in the open)
- Connect strategy on AI with the broad data agenda of governments is essential to reap the benefits and manage risks

OECD Observations cntd…

- Risk-based approach and consideration of trade-offs (e.g., risks of using AI, risks of *not* using AI) (example: Harvard's AI-Human Pyramid of Interaction; the US Data Strategy requirements to "Establish a consistent framework for evaluating ethical repercussions and trade-offs associated with data management and use."
- Often critical to have diverse and inter-disciplinary teams involved in the actual design and development of data collection programmes and building algorithms. (example: WEF/UK diversity in procurement guidelines)

OECD Observations cntd…

- Deep insight into people's needs is a foundational element to ensuring an ethical, trustworthy approach (example: UK's guide to using artificial intelligence in the public sector; The Alan Turing Institute Support, Underwrite and Motivate SUM values)
- Spaces to experiment to help tease out ethical considerations can help (e.g., Sandboxes in Estonia and Finland)
- Developing a framework is critical first step, but developing concrete ways to implement and actualise the framework is alsoimportant but also has fewer known best practices. (example: Canada's Algorithmic Impact Assessment)

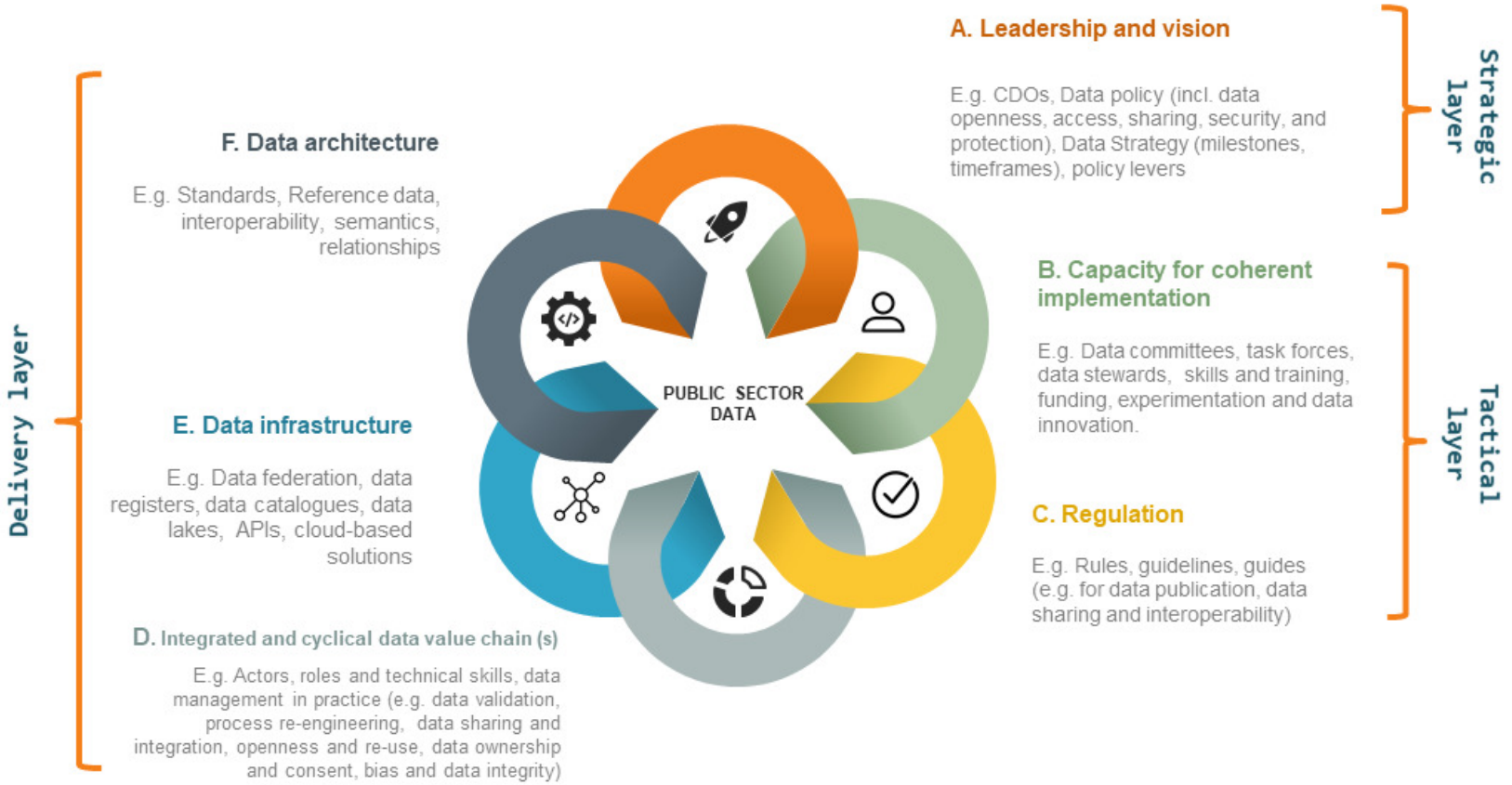
From the AI systems to data inputs:

Data ethics in the public sector

Data ethics in the public sector: Some considerations

- Emerging area in OECD countries
- Data ethical frameworks complement data protection or privacy legal frameworks, but do not replace them
- Ethical data frameworks are not binding (adherence does not imply practice)
- They connect organically with integrity and open government policies in the public sector
- Their effectiveness requires a framing data governance a priori and their implementation, granularity (from values to specific actions)

Building the basis: The OECD framework for data governance in the public sector



Fuente: OECD (2019), The Path to Becoming a Data-Driven Public Sector, OECD Digital Government Studies, OECD Publishing, Paris, https://doi.org/10.1787/059814a7-en.

United Kingdom: Data Ethics Framework

- Second revision: 2020
- Under UK Government Digital Service, GDS
- Three core values: Transparency, Accountability and Fairness
- 5 core principles and scoring system for public officials

Más información: https://www.gov.uk/government/publications/data-ethics-framework/data-ethics-framework-2020 & https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/923108/Data_Ethics_Framework_2020.pdf

United States: (Draft) Data Ethical Framework

- Draft for public consultation released in September, 2020
- Responds to the objectives of the Federal Data Strategy (2019) and its Action Plan
- Identify seven principles for data ethics
- Distinguish roles and responsibilities (decision makers and direct users)
- Different actions required depending on the stage of the data value cycle (from data generation to use)
- 14 agencies involved in its development

Más información: n/a.

Good Practice Principles for Data Ethics in the Public Sector

OECD E-Leaders 2020

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BACKGROUND

- Developed by the Thematic Group on Data-Driven Public Sector under the joint leadership of the Netherlands and the OECD Secretariat (2019-2020)

- **Key goal: Aiming at developing action-oriented guidelines to help countries framing decisions regarding the design and implementation of data initiatives with an ethical approach.**

- Support the implementation of the OECD Recommendation of Digital Government Strategies (Principle 3)

Overarching Considerations

- **Data use by governments should serve the public interest** (Public Sector Integrity)

- **Data use by governments should deliver public good** (observing values such as democracy, legitimacy, fairness, inclusion, transparency)

The Good Practice Principles for Data Ethics in the Public Sector

1. Use data with integrity

2. Be aware of relevant arrangements for trustworthy data access, sharing and use (sanctions, responsibility, accountability and instl/legal arrangements)

3. Incorporate data ethical considerations into governmental, organisational and public sector decision-making processes [embed ethical considerations in digital projects funding decisions (e.g. service standards) and public sector procurement (ToR, Data Use Agreements, DUAs]

The Good Practice Principles for Data Ethics in the Public Sector

4. Safeguard the agency of end-users of AI systems to make the final determination on the action taken following a machine-based recommendation

5. Be specific about the purpose of data use, especially in the case of personal data (focus on addressing user-needs and the role of data for this matter)

6. Define boundaries for data collection, access, sharing and use (self-assessment/self-reflection tools, data management rules, engagement)

The Good Practice Principles for Data Ethics in the Public Sector

7. Be clear, inclusive and open (communication and data subjects skills)

8. Broaden individuals' and collectives' control over their data (citizens folders, data trusts, FOI requests)

9. Be accountable and proactive in managing risks (data audits, safe havens for reporting, whistleblower protection)

Barbara-Chiara Ubaldi
barbara.ubaldi@sciencespo.fr

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