

Fair AI: Finding the Right Balance

2023 UBCM Convention



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Getting Ahead of the Curve

Joint Report issued in 2021 by:

- BC Ombudsperson
- BC Information and Privacy Commissioner
- Yukon Ombudsman and Privacy Commissioner



Defining AI

Artificial

- Implies that the device, intelligent machine, or rational agent has a human originator.

Intelligence

- Capacity to respond to opportunities and challenges in context.

Source: Stuart Russell & Eric Wefald's *Do the Right Thing, Studies in Limited Rationality* (1991)

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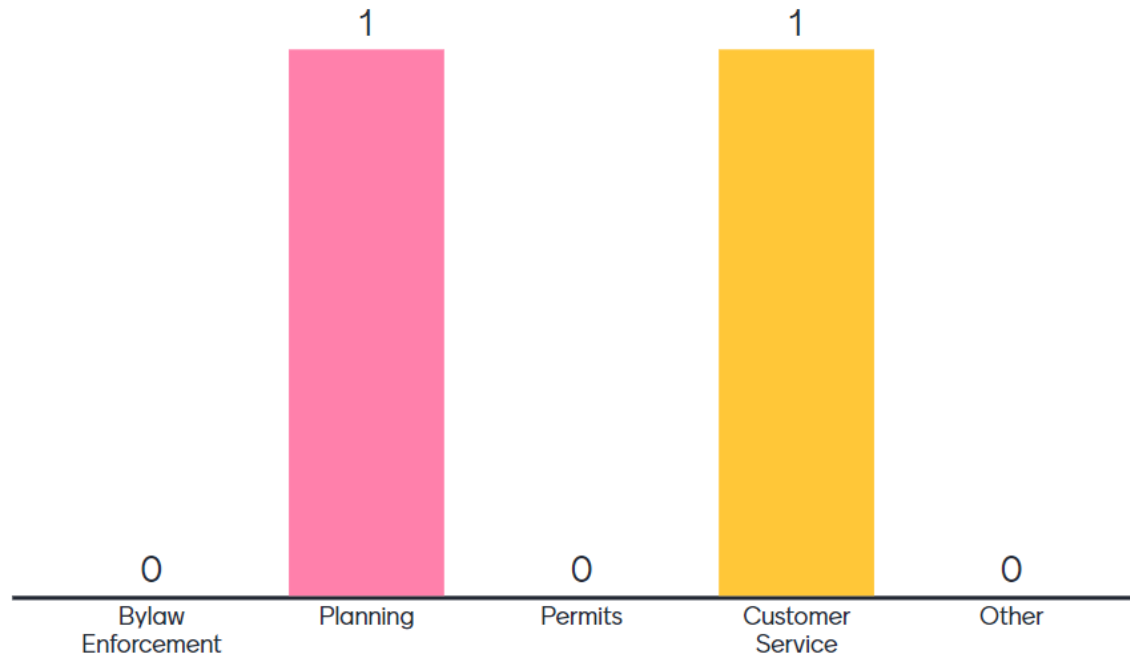


AI and the delivery of public services

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In what services/departments is your local government considering or using AI?



Agenda for today



The Role of the Ombudsperson



Fair AI: Challenges for Local Government



Balancing AI Efficiencies with Fairness Principles

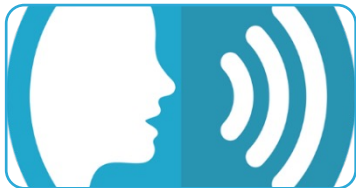
Role of the Ombudsperson: Mandate



Independent voice for fairness and accountability

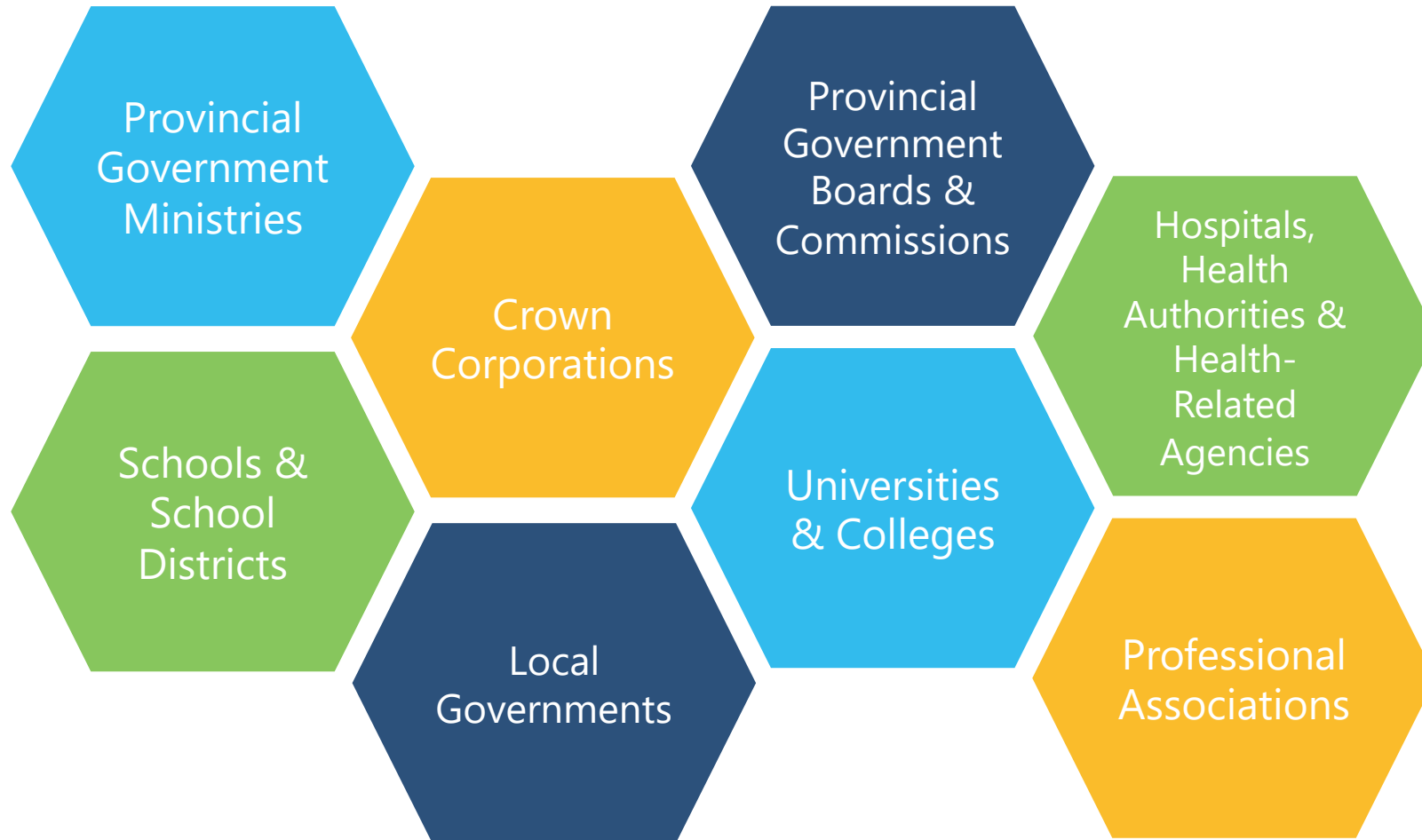


Hear people's fairness concerns and address the problems we find



Support public authorities to build fairness into their programs and services

Who we can investigate



Agenda for today



The Role of the Ombudsperson

Fair AI: Challenges for Local Governments

Balancing AI Efficiencies with Fairness Principles

Administrative fairness is...



Fair decision-making process

- Impartial and unbiased decision maker
- Opportunity to participate and be heard
- Decision (reasons) explained

Fair decision

- Follow rules and policies
- Consider individual circumstances and case
- Based on complete and relevant information

Fair service

- Good communication & respectful treatment
- Accessibility, timeliness and transparency
- Fixing errors and mistakes

Reflection: Fairness and AI

What are possible fairness challenges with using AI in local government?
2 responses

Bias

Test



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Fair AI: Challenges for Local Governments

Bias

Discretion

Transparency

Bias

Bias

“...a leaning, inclination, bent or predisposition towards one side or another or a particular result.”

*Wewaykum Indian Band v.
Canada, 2003 SCC 45*



Bias in AI

Bias challenges in AI systems

- AI as an objective decision-making tool is questionable.
- AI is only as neutral as its algorithm inputs.
- AI is often based on 'facts' alone. Empathy or extenuating circumstances are not considered.



Considerations for AI systems

- Must consider how bias may be built in and take steps to mitigate.
- Ensure system delivers fair and unbiased decisions.

Discretion

Discretion: there is more than one way that a decision can be made

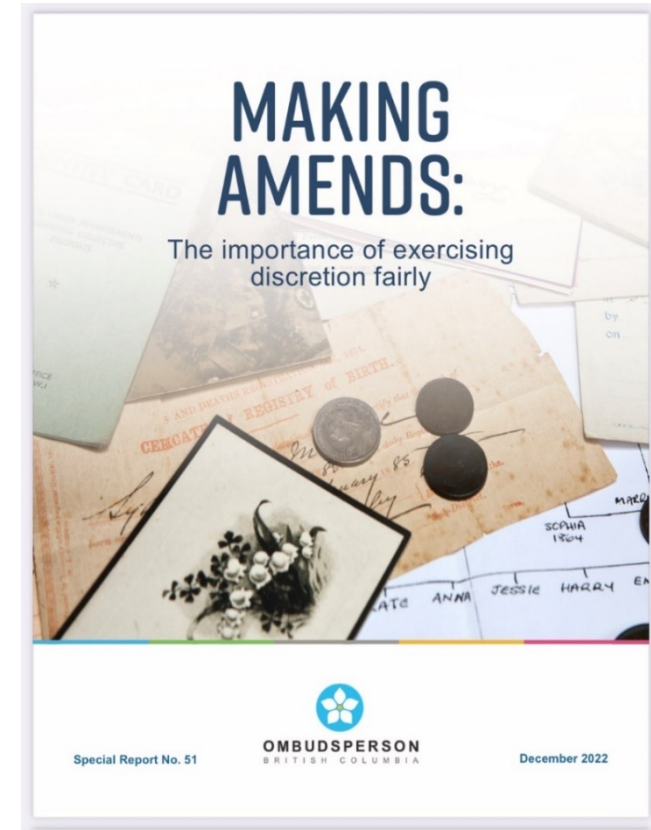
Power to choose

Professional judgment

Unique circumstances of the case

Case Summary: Exercising discretion fairly

- Elizabeth had used her name her whole life but was registered on her birth certificate as Elizebeth.
- Now in her 70s, she wanted to amend the given name on her birth certificate using the process in the *Vital Statistics Act*.
- Vital Statistics Agency policy required 2 pieces of documentary evidence from before age of 12. Policy was inconsistent with legislation which said documentary evidence was required but did not require 2 pieces.
- Elizabeth's application was rejected because it did not meet policy requirements.
- Following our investigation, Elizabeth's request was reconsidered and her request to have her birth registration amended was granted.



Discretion in AI

Discretion challenges in AI systems

- Based on fixed rules rather than individual circumstances.
- One-size fits all approach is not appropriate.



Considerations for AI systems

- Automated decision-making systems should consider the context and circumstances of individual case.
- Human involvement and decision-making may be required to ensure fair use of discretion.

Transparency in AI

Transparency challenges in AI systems

- AI system design
- Public must be able to understand the reasons for the decision, not just the result
- Oversight ability may be limited



Transparency

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Considerations for AI systems

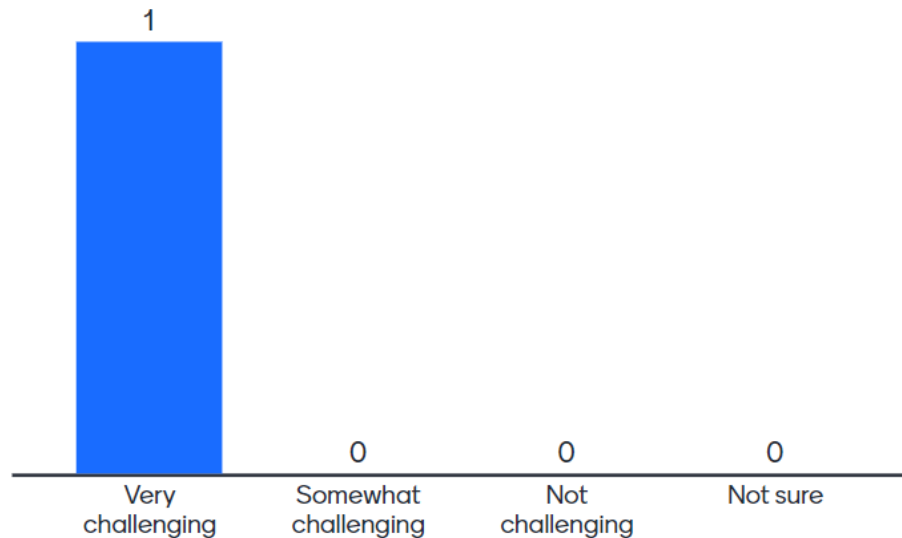
- Ensure individuals are notified an automated decision making system is being used.
- System must include a robust auditing function that shows how each decision is made.

Reflection: Local Government AI Systems

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How challenging will it be to incorporate fairness principles into your AI systems?



Agenda for today



The Role of the Ombudsperson



Fair AI: Challenges for Local Governments



Balancing AI Efficiencies with Fairness Principles

What is the right balance?



Potential Benefits of AI

- More efficient use of staff time
- Reduced wait times
- Increase effectiveness of services to public

Potential Risks

- Can undermine public trust in government if fairness and privacy obligations not met



Finding the Right Balance: Getting started...



Legislation

- Bill C-27 - *Artificial Intelligence and Data Act & AIDA*
– *Companion Document*



Fairness standards



Organizational policies & procedures for AI

Recommendations

Developing Fair AI

Publicly commit to incorporating administrative fairness principles in any AI system

Monitor closely how decision-making algorithms are being developed

Incorporate full discretion into AI systems, and allow for human judgement

Auditing of ADS with enhanced transparency measures

Recommendations

**Developing
Fair AI &
Public
Participation**

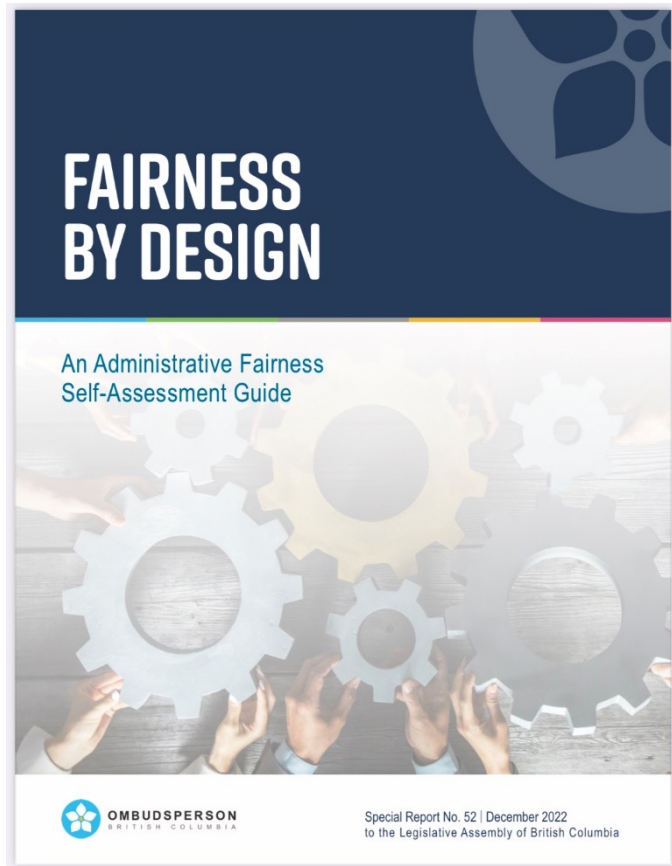
Notify public AI system being used to make a decision that impacts them

Provide public details of what AI system does when making a decision

Provide notice of how to appeal decisions made using AI

Seek public feedback

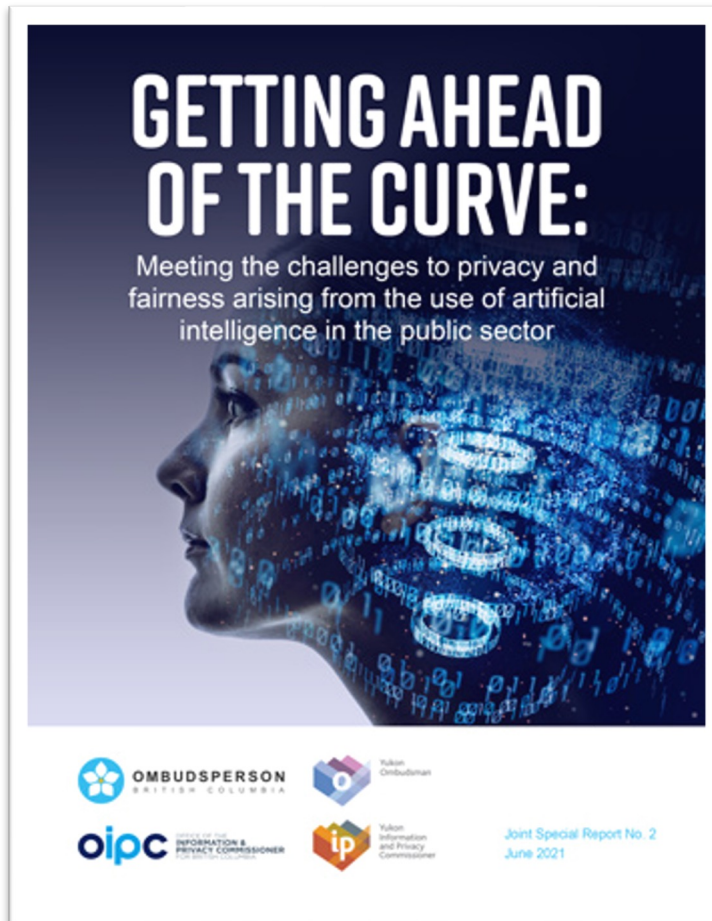
Fairness by Design & AI



Supports organizations to self-assess fairness of programs and practice to strengthen fairness before problems occur.

Use to review whether AI system meets fairness standards.

Fair AI: Finding the Right Balance



Challenge


- Ensuring fairness principles are incorporated in the development of AI systems


Benefit

- Can prevent risks and harms to the government and public they serve

Fairness resources: local government

BYLAW ENFORCEMENT:
BEST PRACTICES GUIDE FOR LOCAL GOVERNMENTS



 The Office of the
ombudsperson
B.C.'s Independent Voice For Fairness

Special Report No. 36 | MARCH 2016
to the Legislative Assembly of British Columbia

QUICK TIPS
ON COMPLAINT HANDLING FOR LOCAL GOVERNMENTS



Given the important role municipal governments play in the daily lives of people, it is no surprise that they receive continual feedback from the public they serve. While some of these interactions with the public are very positive, a diverse range of complaints are raised about local governments—from how development decisions are made and communicated, to the conduct of local government staff or officials. Responding to and working to resolve these complaints efficiently and effectively is imperative to help maintain public trust.

This quick reference guide provides some key tips on complaint handling that are drawn from the Ombudsperson's [Complaint Handling Guide: Setting up Effective Complaint Resolution Systems in Public Organizations](#).

WHAT IS A COMPLAINT?

The Office of the Ombudsperson broadly defines a complaint as: *An expression of dissatisfaction made to or about a public organization about some aspect of its programs, services or people where a response is explicitly or implicitly expected.* In the local government context, it is important to distinguish between a bylaw complaint and other complaints about the way their services are being delivered to the public. Most local governments have established processes for responding to bylaw complaints—enforcing bylaws and responding to bylaw complaints is a central part of a local government's role. However, it is also in the best interests of all local governments to have an effective system in place to handle general complaints and concerns from the public apart from bylaw complaints.

WHY DOES GOOD COMPLAINT HANDLING MATTER?

- Strengthens relationships between local government and the community it serves
- Repairs weaknesses or gaps in service delivery
- Saves staff time and resources by preventing escalation to higher levels
- Complaints serve as a free form of feedback from the public, and are best viewed by local government leaders as opportunities for continuous improvement

TOP FIVE COMPLAINT HANDLING TIPS FOR LOCAL GOVERNMENTS

OPEN MEETINGS:
BEST PRACTICES GUIDE FOR
LOCAL GOVERNMENTS



Fairness resources

The screenshot shows the landing page for the BC Ombudsperson's Fairness 101 Online Training Program. At the top left is the Ombudsperson British Columbia logo. To the right are navigation links for HOME, REGISTER, and FAQs. Below the navigation is a large image of a snowy mountain range. The main heading reads "Welcome to the BC Ombudsperson's Online Training Program, Fairness 101". Below this is a paragraph of introductory text. At the bottom, there is a section titled "Access the Course" with links to "Register as a new user" and "login". A logo for "PROCESS FAIRNESS DECISION SERVICE" is also visible.

Fairness 101
Online Course

The cover of the "COMPLAINT HANDLING GUIDE" features a dark blue header with the title in white. Below the title is the subtitle "Setting up Effective Complaint Resolution Systems in Public Organizations". The main image shows a white sign with the word "Complaints" in a stylized font, set against a background of a cloudy sky. The Ombudsperson British Columbia logo is at the bottom left.

Guides

The screenshot shows a document titled "QUICK TIPS FOR EFFECTIVE COMMUNICATION" from the Ombudsperson British Columbia. It lists several phrases to use in different situations, each with a corresponding color-coded box. The phrases include: "SOMEONE IS ANGRY", "SOMEONE IS UPSET THAT YOU MADE AN ERROR IN THE CONVERSATION", "SOMEONE IS HAVING DIFFICULTY ACCEPTING A DECISION", "SOMEONE WON'T STOP TALKING, IS REPEATING THEMSELVES OR IS GOING AROUND IN CIRCLES", "SOMEONE IS GIVING IRRELEVANT INFORMATION", "SOMEONE IS SWEARING OR SHOUTING", and "SOMEONE IS BEING THREATENING OR ABUSIVE".

Quick Tips

<https://bcombudsperson.ca/fairness-education-resources/fairness-resources/>

Questions or comments?



Thank you for joining us!

Contact: consult@bcombudsperson.ca



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BRITISH COLUMBIA