

Canada's federal, provincial, and territorial privacy commissioners and ombuds call for the responsible use of artificial intelligence in health and health research

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Canada's federal, provincial, and territorial privacy commissioners and ombuds (FPT privacy regulators) have issued a resolution calling on their respective governments and interested parties in the public and private sectors to take a responsible approach to the development, procurement and adoption of artificial intelligence systems (AI systems) in health care and in health research.

Health care systems across Canada are facing mounting pressures, including limited resources, delays in accessing services, rising costs, an aging population, and a shortage of health care workers. When used responsibly, AI systems have the potential to help alleviate some of these pressures by improving efficiency, supporting decision-making, and enhancing patient care.

As AI systems are developed and implemented at an unprecedented rate, Canada's FPT privacy regulators are highlighting the importance of the ongoing protection of individuals' personal health information and maintaining patient trust in the health system.

Responsible use of AI systems helps to protect Canadians' privacy and other fundamental rights and maintain public trust in the health sector while maximizing the benefits derived from innovation. Inadequate protections, accountability, and oversight could lead to significant consequences for individuals and groups, including the unauthorized collection, use, and disclosure of personal health information, inaccurate inferences made about them, systemic discrimination, and other patient harms.

Canada's FPT privacy regulators are urging federal, provincial, and territorial governments to:

- 1) Review, amend, or adopt legislation and regulations that balance support for innovation with the need to ensure that AI systems meet six core principles (privacy protective, valid and reliable, safe, human rights affirming, transparent, and accountable).
- 2) Consult meaningfully with the privacy regulator in their respective jurisdiction when developing legislative and regulatory frameworks.
- 3) Engage with the public frequently and transparently, particularly with people from marginalized and vulnerable communities.
- 4) Legally require all relevant parties who develop, procure, and use AI systems in health care to establish effective AI governance and accountability frameworks.

The FPT privacy regulators have also issued specific recommendations for developers and service providers of AI systems, as well as health care providers that procure, adopt, and use such systems, to put in place and implement essential elements of a trustworthy AI accountability and management framework.

The regulators are also calling on Canada's health research agencies to update national research ethics policies to provide more detailed guidance for the ethical conduct of AI or AI-enabled research involving human participants. They call on research ethics boards (REBs), associations and oversight bodies to strengthen the education and capacity of REB members to carry out the necessary due diligence in reviewing AI or AI-enabled research proposals. They also urge health researchers themselves to refine their assessments of risks and benefits to individuals and groups, and to be transparent about, and share, the outcomes of their AI or AI-enabled research.

As privacy regulators, Canada's FPT privacy commissioners and ombuds also commit to continue to advocate for laws and regulations governing the responsible use of AI in health and health research and to coordinate to the extent possible, on joint enforcement, guidance, and public education efforts.

The resolution on responsible use of artificial intelligence in health and health research was passed at the recent annual meeting of federal, provincial, and territorial information and privacy commissioners and ombuds, hosted in Ottawa by the Privacy Commissioner of Canada and the Information Commissioner of Canada.

Quotes:

"Privacy matters to Canadians – especially when it comes to sensitive health information. As artificial intelligence is increasingly being used by health care professionals to support their important work, governments, regulators, and service providers must work together to ensure that these technologies are developed, deployed, and used with strong privacy and data protection frameworks to protect the personal health data of Canadians." - **Philippe Dufresne, Privacy Commissioner of Canada**

"Technological innovations in the health sector can only be effective and sustainable over the long term if they are built on a foundation of trust. That starts with privacy. People need to be confident that their highly sensitive personal health information is protected, and that any technology that uses it is developed and deployed for their benefit and with their rights foremost in mind. As the use of AI tools expands across the health sector, we must make sure they are privacy protective, reliable, safe, and transparent and accountable at every stage of their life cycle. This resolution affirms that privacy is not a roadblock to innovation, but a pathway for it to be trusted, adopted, and enhanced, now and as we move forward in the Information Age." - **Michael Harvey, Information and Privacy Commissioner for British Columbia**

Related links

- Resolution: [Responsible use of artificial intelligence in health and health research](#)
- News release: [Canada's privacy and information regulators collaborate to advance transparency, privacy and accountability amid rapid technological change](#)

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