



---

## News Release

June 17th, 2021

### **BC and Yukon Privacy Commissioners and Ombudsman call for strengthened regulation and oversight of artificial intelligence in public sector decision-making**

**Victoria** – As humans are increasingly replaced by machines to make decisions, BC and Yukon Ombudsman and Information and Privacy Commissioners are calling on governments to protect fairness and privacy when artificial intelligence (AI) is used in public service delivery. A special report released today, *Getting Ahead of the Curve*, raises a number of fairness and privacy concerns that impact the public.

“While we recognize that delivering public services through artificially intelligent machine-based systems can be appealing to public bodies for cost reasons, we are concerned if not done right, this perceived efficiency may come at the expense of important rights to fair treatment,” said BC Ombudsperson Jay Chalke.

The report notes that AI is replacing the judgement of human decision-makers in public service administration around the world, including predicting recidivism rates of offenders, approving building permits, determining program eligibility and deciding car insurance premiums. AI systems typically use predominantly proprietary software systems in which algorithms make decisions.

“There is much good that comes from advancing AI technologies but if the public is to have confidence in its use we must first ensure trust and transparency is built into its development. We hope this report will help lay this necessary foundation,” said BC Information and Privacy Commissioner Michael McEvoy.

Other concerns highlighted in the report include the challenge of explaining to the public how decisions are made if algorithms are used, a lack of notice provided to people that these systems will be used in decision-making that impacts them, and the absence of effective appeals from AI-generated decisions.

“When our offices reviewed how AI is being used, we saw there is a real gap in uniform guidance, regulation and oversight that governs the use of AI,” said Ombudsman and Information and Privacy Commissioner for Yukon Diane McLeod-McKay. “We are hopeful that public bodies will carefully consider the guidance we are providing when they are using AI.”

The report makes several recommendations aimed at public bodies delivering public services. Including:

- The need for public bodies to commit to guiding principles for the use of AI that incorporate transparency, accountability, legality, procedural fairness and protection of privacy. These principles should apply to all existing and new programs or activities, be included in any tendering documents by public authorities for third-party contracts or AI systems delivered by service providers, and be used to assess legacy projects so they are brought into compliance within a reasonable timeframe.
- The need for public bodies to notify an individual when an AI system is used to make a decision about them and describe how the AI system operates in a way that is understandable to the individual.
- The need for government to promote capacity-building, co-operation, and public engagement on AI. This should be carried out through public education initiatives, building subject-matter knowledge and expertise on AI across government ministries, developing capacity to support knowledge sharing and expertise between government and AI developers and vendors, and establishing or growing the capacity to develop open-source, high-quality data sets for training and testing such systems.
- A requirement for all public bodies to complete and submit an Artificial Intelligence Fairness and Privacy Impact Assessment (AIFPIA) for all existing and future AI programs for review by the relevant oversight body.
- The establishment of special rules or restrictions for the use of highly sensitive information by AI.

To read the full report: <https://www.oipc.bc.ca/reports/special-reports/>

#### **Media Contacts:**

Sara Darling | Communications Lead, BC Ombudsperson  
250 778 679-2588 | [sdarling@bcombudsperson.ca](mailto:sdarling@bcombudsperson.ca)

Michelle Mitchell | Senior Communications Manager, Office of the Information and Privacy  
Commissioner for BC  
250 217-7872 | [mmitchell@oipc.bc.ca](mailto:mmitchell@oipc.bc.ca)

Elaine Schiman | Communications Manager, Yukon Ombudsman and Information and Privacy  
Commissioner  
867-332-4555 | [elaine.schiman@yukonombudsman.ca](mailto:elaine.schiman@yukonombudsman.ca)