

Automated Decision-Making Systems (ADS) Workgroup Report

Katy Ruckle, State Chief Privacy Officer
Washington State
Office of Privacy and Data Protection
NCSL Presentation
May 20, 2022

AI Regulation in Washington

SSB 5116 (2021) - Establishing guidelines for government procurement and use of automated decision systems in order to protect consumers, improve transparency, and create more market predictability.

POLICY

Lawmakers Move to Ban Discriminatory Tech in Washington State

In response to reports detailing AI tech's disproportionate impact on communities of color, Washington State Sen. Bob Hasegawa introduced a bill to ban AI tech and regulate automated decision systems.

February 23, 2021 • Katya Maruri

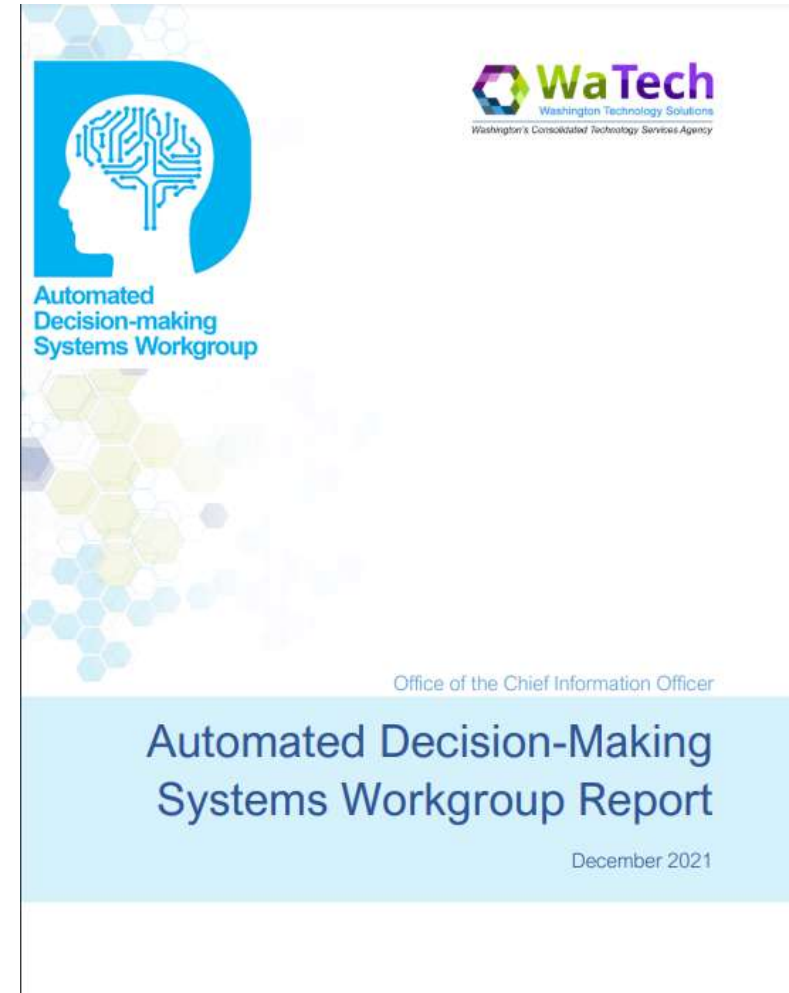
- ▶ The purpose of the work group - to develop recommendations for changes in state law and policy regarding the development, procurement, and use of automated decision systems by public agencies.



2021 Report & Recommendations

- Seven Recommendations:
 - #1 Prioritization of Resources
 - #2 Procurement
 - #3 Evaluation of Existing Systems
 - #4 Transparency
 - #5 Determination on Whether to Use System
 - #6 Ongoing Monitoring or Auditing
 - #7 Training in Risk of Automation Bias

[2021 ADS Workgroup Report](#)



O
P
D
P

Sample Prioritization Matrix

	Low impact	Medium impact	High impact
Low likelihood	5	4	4
Medium likelihood	4	3	3
High likelihood	4	2	1

Effect on natural people -

- **Low:** Decision does not impact legal rights or the provision of services or scrutiny that could lead to an impact on legal rights or services.
- **Medium:** Decision impacts processing, relatively minor services or legal rights or financial impacts on individuals. Small number of impacted clients.
- **High:** Decision can have a significant impact on the provision of services, financial impact, or legal rights. Large number of impacted clients.

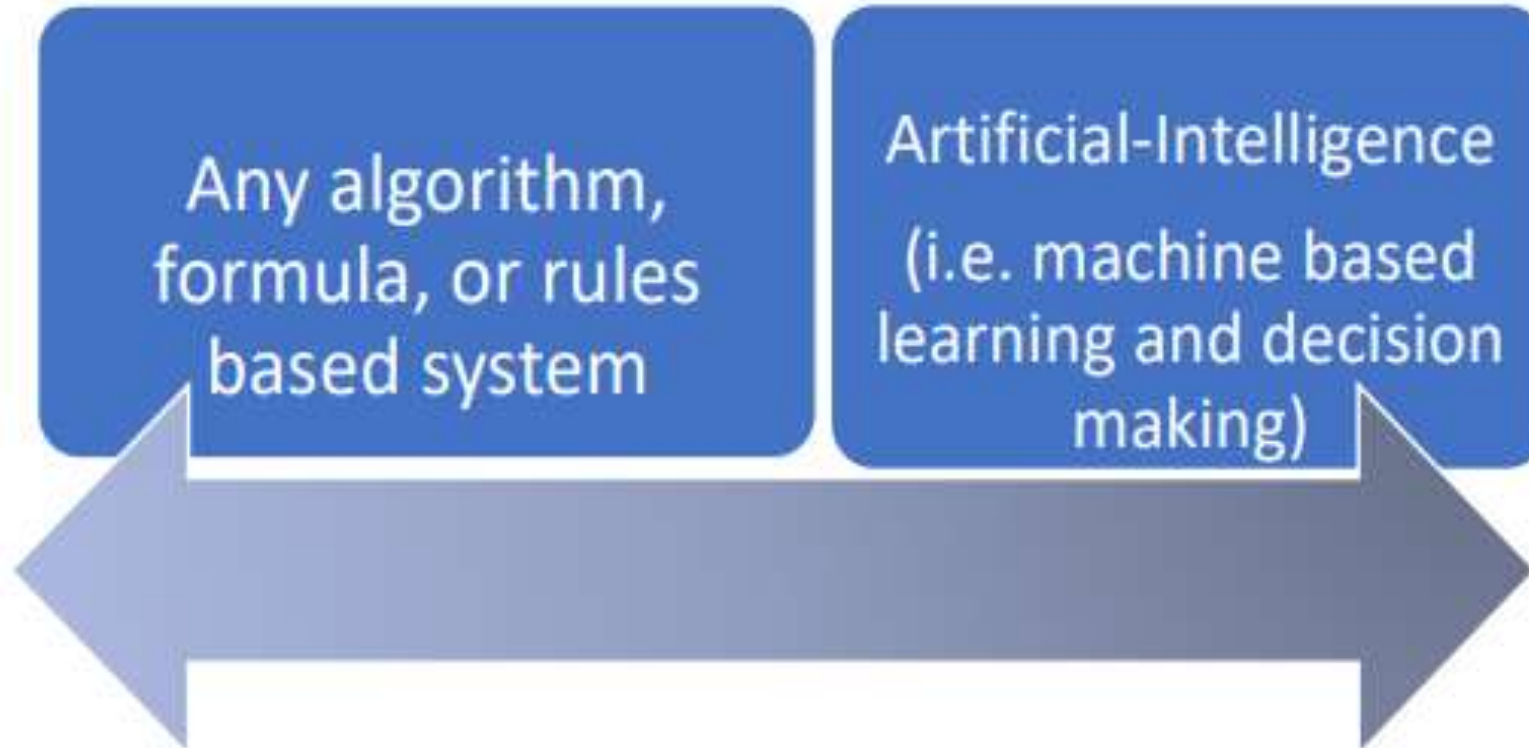
Likelihood of bias -

- **Low:** Decision directly follows federal or state regulations or follows adopted policy or rule.
- **Medium:** Developed with disclosure of information used and the algorithm has been tested for bias and inaccuracy.
- **High:** Developed without disclosure of information used or the algorithm created and has not been tested for bias or accuracy.

Complexity -

- **Low:** simple decision rule.
- **Medium:** simple calculation of existing data elements (i.e., a weighted average).
- **High:** complex algorithm, estimation, machine learning, etc.

Challenges – Definition of an ADS System



O
P
D
P

Where are we now?

No bill - New proviso

8 (20) \$100,000 of the general fund—state appropriation for fiscal
9 year 2023 is provided solely for the office of the chief information
10 officer, who must:

11 (a) Prepare with the cooperation of state agencies and make
12 publicly available on its website, by January 1, 2023, an initial
13 inventory of all automated decision systems that are currently being
14 used by state agencies; and

15 (b) Adopt guidance, by June 30, 2022, for state agencies
16 regarding minimum standards that should be used for automated
17 decision systems the agency plans to develop or procure during the
18 2023 fiscal year.

Where are we now?

8 (20) \$100,000 of the general fund—state appropriation for fiscal
9 year 2023 is provided solely for the office of the chief information
10 officer, who must:

11 (a) Prepare with the cooperation of state agencies and make
12 publicly available on its website, by January 1, 2023, an initial
13 inventory of all automated decision systems that are currently being
14 used by state agencies; and

15 (b) Adopt guidance, by June 30, 2022, for state agencies
16 regarding minimum standards that should be used for automated
17 decision systems the agency plans to develop or procure during the
18 2023 fiscal year.

Next steps

WaTech is directed to:

- Develop guidance for agencies' procurement and use of ADS; and
- Conduct preliminary inventory of the automated decision systems currently in use by November 30, 2023.

O
P
D
P

Thank you!

O
P
D
P