Artificial Intelligence – What do we know? Where do we go from here?

Michelle Mann & Robert Hersch

Department of Justice

Immigration, Refugees and Citizenship Canada - Symposium on Algorithmic Government April 23, 2019
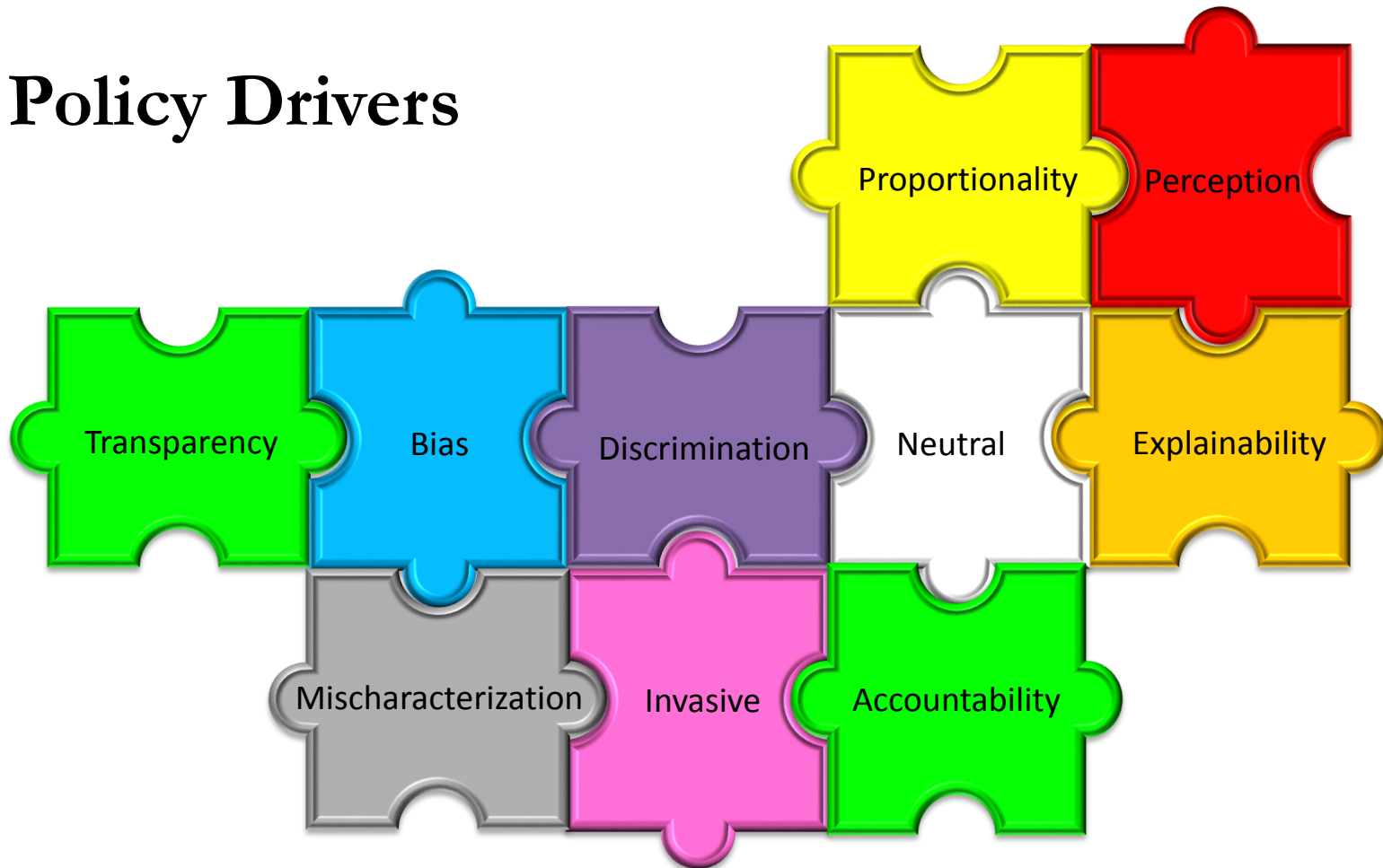
Policy Drivers

Proportionality · Perception · Transparency · Bias · Discrimination · Neutral · Explainability · Mischaracterization · Invasive · Accountability

Department of Justice Canada / Ministère de la Justice Canada

Canada
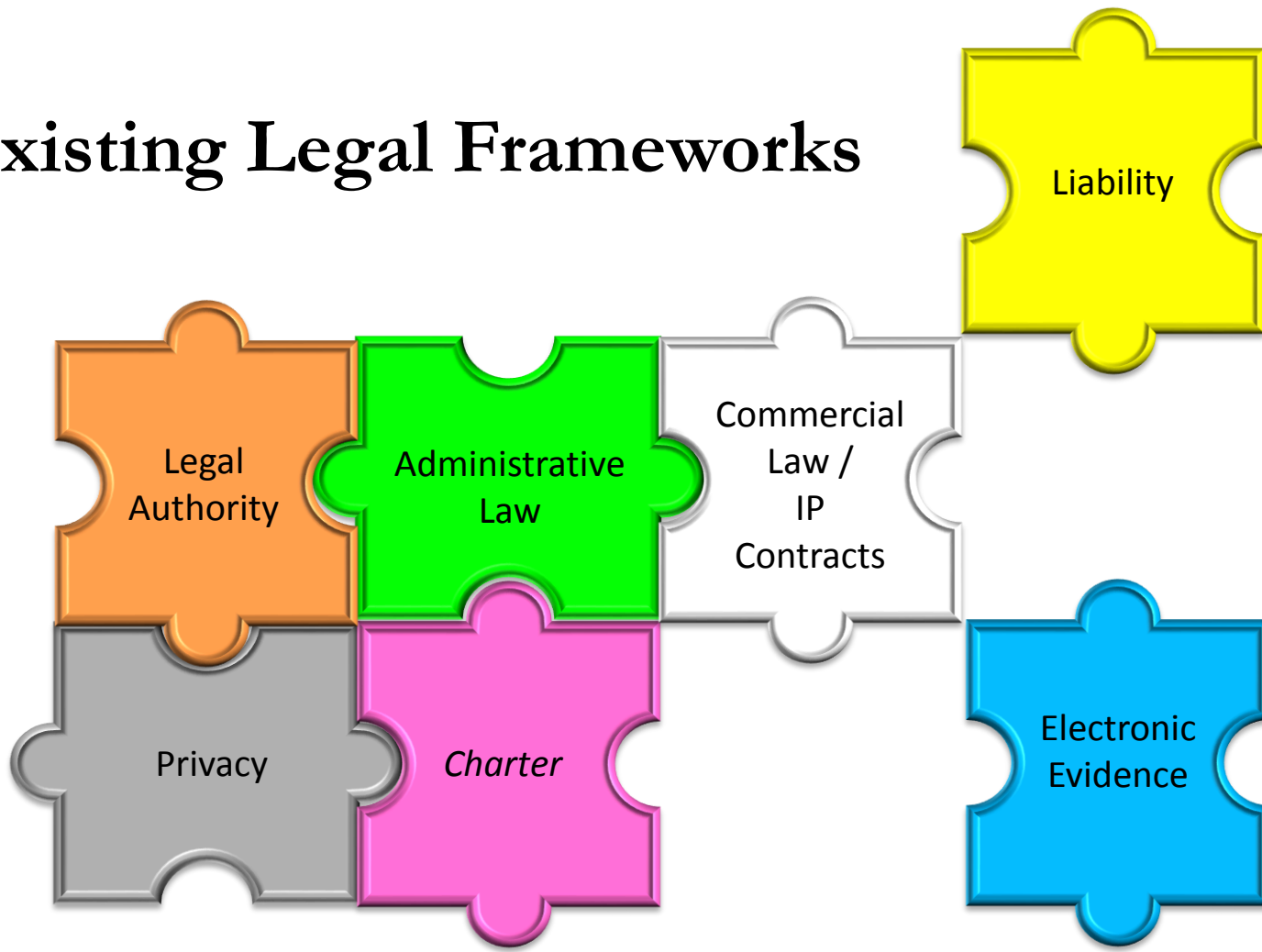
Existing Legal Frameworks

What will this mean for your AI solution?

Answer depends on what you are doing…

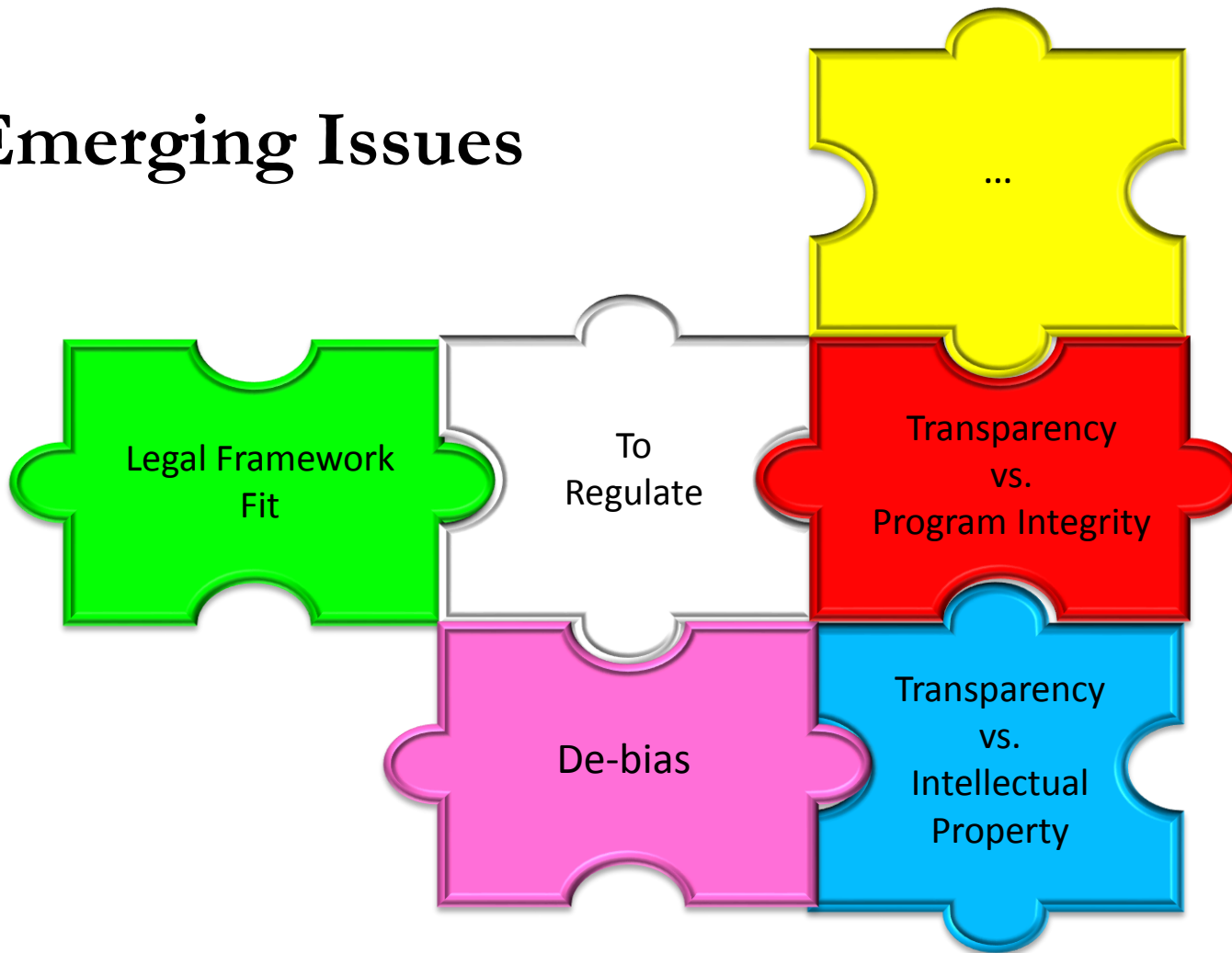Steps to design the solution?

Functionality of AI solution?

Impacts of AI solution?

Key to Legal Considerations

Emerging Issues

Legal Framework Fit

To Regulate

...

Transparency vs. Program Integrity

De-bias
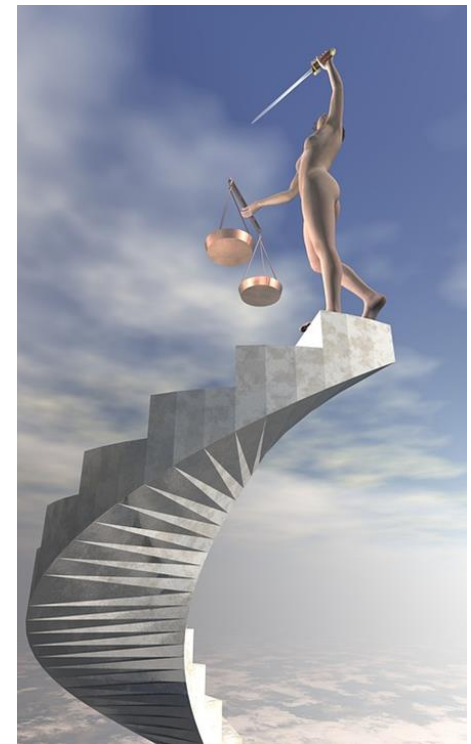
Transparency vs. Intellectual Property

The Future : Will the law pivot? How?

Force the technology into the traditional legal framework?

Will the courts pivot - recognize new approaches in face of the technology?

Create new legal framework?

DOJ Work

Advising on AI / ML

Artificial Intelligence Taskforce and Working Group

Pilots: Tax & Immigration Law

AI Forum

Collaboration - Montreal's Cyberjustice Laboratory
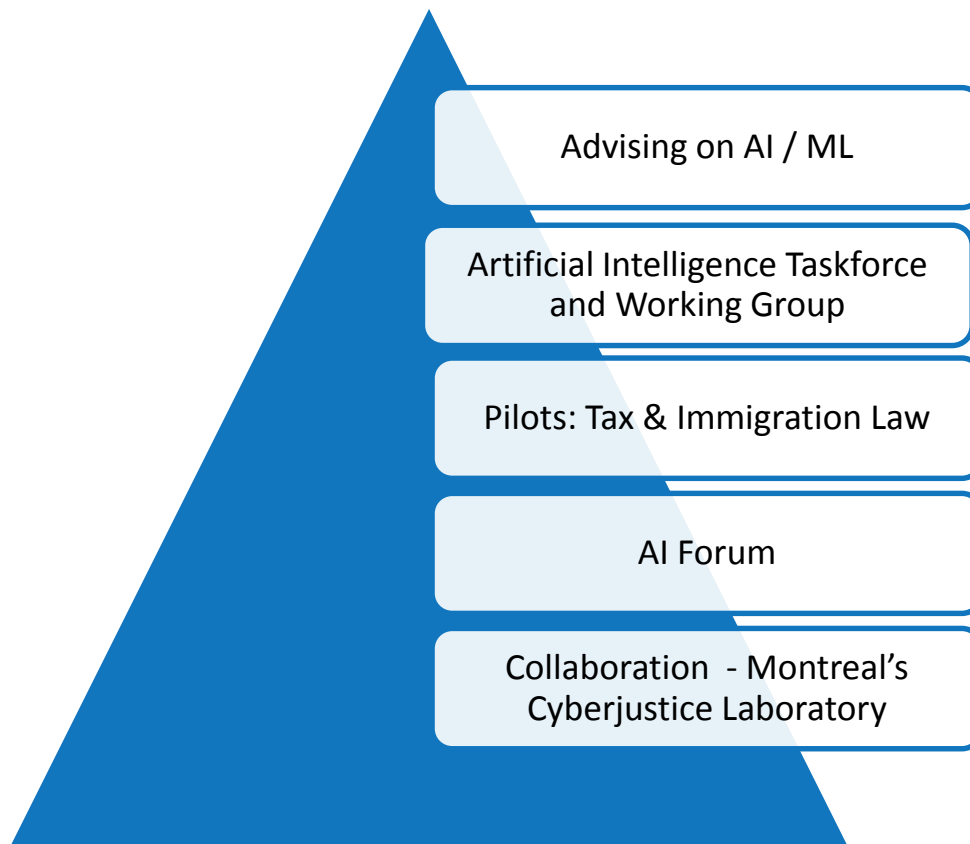
What do we need from you?

Policy development

Technology training

Engage us early!

Practical Tips for the AI Practitioner…

Department of Justice Canada

Ministère de la Justice Canada

Canada

Questions?

Department of Justice
Canada

Ministère de la Justice
Canada

Canada

Practical Tips

Symposium on Algorithmic Government
Michelle Mann, Robert Hersch
Department of Justice
April 23, 2019

START

Actions over the lifecycle of the project

Diagnostics
_____

Legal Diagnostic
Authorities
Issues impacting development
and design

**Data Management
Diagnostics**
Collection, use, disclosure,
retention, security

Data Strategy
New datasets

Model Design
_____

**Model Development
and Testing**
Scrub model and rules for:
Bias
Discrimination
Program requirements
Relevance
Legal requirements
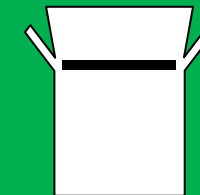
Who is the decision-maker?

Client Facing
_____

Information to Clients
Privacy notices
Web notices
Information to clients

Communications products

Decision notes
Decision letters

Golden Box
_____

**System/Model
Records**
Development
Deployed (v1,v2,v3)

**Model Operation/
Outputs**
By file, by day, by week
summaries

IP Management
IP used
IP created
GoC or contractor

Maintenance
_____

**Ongoing Operations
and Changes**
Review for bias and
discrimination
Monitoring, testing, quality
assurance
Design changes
Data management / retention

Legal consultation (again)

TBS Directive on Automated Decision-Making - Algorithmic Impact Assessment, peer review, notices, explanation requirement, testing, monitoring, training, contingency planning, human-in-the-loop, and approval for system to operate), Algorithmic Impact Assessment (AIA); **Directive on Management of Information Technology (MIT)** direction regarding OSS.
Views expressed are personal and do not constitute the official views of the Department of Justice.

NON EXHAUSTIVE