

**DECLARATION ON DATA USE AND ALGORITHM ETHICS –
PARTICIPATORY PROCESS**

**Report of contributions to the
Declaration on Data Use and Algorithm
Ethics by the Government of Navarra**

Date: April 2020



**Gobierno de Navarra
Nafarroako Gobernua**

Government of Navarra

Contents

Introduction.....	3
Participation and contributions: an overview.....	4
Contributions to the Declaration on Data Ethics: a summary.....	5
1. Contributions to the document as a whole.....	5
2. Data protection.....	5
3. Open data and reu-se.....	6
4. Data governance.....	6
5. Promoting innovation with data and AI.....	6
6. Artificial intelligence.....	7
EU White Paper on Artificial Intelligence.....	8
Further steps.....	9

Introduction

The Government of Navarra has shared with citizens the first draft of the Declaration on Data Ethics – a response to the need for advancement in artificial intelligence (AI).

As part of the digital transformation policy, the Government understands that the arrangement, use and analysis of the data in its possession – with new data being added every day – is a necessary task for improvements in health care, social cohesion, tax collection, security and safety, education, and many other areas. However, data use must be regulated in accordance with the highest ethical standards, within a management framework in line with such values as sustainability, equality, innovation and good governance.

The Government of Navarra published the first draft of the Declaration in search for contributions from organisations, companies and individuals, who gave their feedback on the Open Government website from 7 to 22 February 2020.

This report shows the main contributions made on said website, along with related ideas and discussions in social media for the same period.

Following the publication of this report, a second draft of the Declaration will be produced on the basis of the feedback received from citizens.

Participation and contributions: an overview

Most participants considered the drafting of the Declaration to be a very good idea and acknowledge the Government's efforts in this regard.

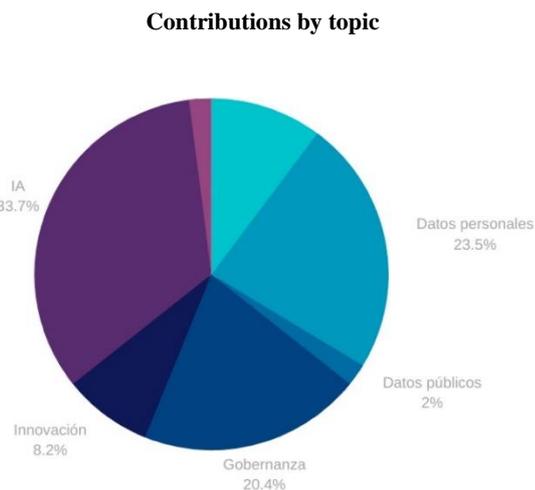
The online consultation got 10 feedbacks from a variety of sectors: universities, private actors, associations, etc. This reflects the broad social impact of AI.

The feedback was broken down into 39 contributions, classified according to the guiding principles they referred to:

- General aspects
- Data protection
- Open Data and re-use
- Data governance
- Promoting innovation with data and AI
- Artificial intelligence
- Others

Broken down by topic, the contributions can be grouped as follows.¹

Topic	No. of contributions
General	4
Personal data	9
Public data	1
Data governance	8
Innovation	3
Artificial intelligence	13
Others	1
Total	39



¹ The classification takes into account the topics mentioned by participants in their contributions.

There were contributions for every topic covered in the Declaration. However, the topics with the largest number of contributions were personal data and AI. This reflects citizens' concern with personal data protection and with the need to control AI throughout its life cycle.

In addition to the contributions on the open government website, this report gathers the comments made on social media – a widely used discussion forum today, where people share their opinions and make suggestions.

Contributions to the Declaration on Data Ethics: a summary

1. Contributions to the document as a whole

- Several participants insisted on the need to include a definition of AI in order to make the Declaration's boundaries clearer. The final version could thus include a glossary of the most important concepts: AI, algorithm, data governance, and so on.
- They also highlighted the need to develop an ethical data processing framework for Navarra's public administrations and entities. In line with this, the idea of an accession system is being discussed.

2. Data protection

This is one of the topics with the largest number of contributions. It gathers citizens' concerns about the ways in which their personal data are processed. Personal data protection and privacy are the focus of the first principle in the Declaration.

- Several comments were shared that drew attention to the need for models in which citizens are the real owners of their data and have the ability to decide when, where and how their data can be published and/or used. As a result, the concept of **data empowerment** for improved data management by citizens will be added to the Declaration. In accordance with Law 39/2015, however, citizens are not required to give their consent in the exercise of administrative competencies.
- Emphasis was made on a related concern: the **right to data portability**, which means that citizens are entitled to transmit their personal data to devices or controllers as they wish. This issue is being considered, taking into account that the number of cases under consideration is very limited and that they are often resolved in terms of interoperability.
- Also, the need was stressed to **allocate sufficient resources and train data-processing staff** adequately for effective compliance with data protection regulations.

- There were heated discussions in social media about **profiling** in the aftermath of the landmark ruling by the Court of The Hague against the Dutch Government's System Risk Indication (SyRI), used to detect welfare fraud and other irregularities in poor neighbourhoods in four Dutch cities and thus affecting the right to social security and to privacy of the poorest members of Dutch society. The Court ruled that SyRI violated article 8 of the European Convention on Human Rights (Right to respect for private and family life). However, profiling can be a helpful tool if used within the ethical framework set forth in the Declaration.

3. Open Data and re-use

Most comments about open data and re-use came from data re-users, who insisted on two points:

- The need to know the **database sharing controller** (department and technical manager) and to have a **contact channel** (internet, phone or email).
- The importance of having the database being reused published. The Government is aware of the relevance of **data persistence**: under 'Data governance', the Declaration includes the obligation to *'[i]mplement systems to ensure the data are accurate, full, up-to-date and persistent'*.

4. Data governance

Several suggestions were made in the area of data governance. Among them were:

- The need to **define standards** for devices, sensors and applications to recognise as valid so that the data generated can be integrated into information systems and taken into account in decision-making processes.
- The use of **open standards** and **interoperable services**.
- Details about **data storage**: Where would data be stored? Would local companies be in charge? Would in-house servers be used?
- **Participation** of organisations (NGOs, companies, institutions, etc.) and citizens in data governance.

5. Promoting innovation with data and AI

The contributions in this area focused on the need for a collaborative approach to AI/data governance that leads to improved business competitiveness.

- Participants underscored the need for **collaboration** with citizens, organisations in the private sector and other actors in both data governance and the development of new services.
- They also insisted on the need for a regulatory framework within which Spanish and European businesses can remain **competitive**.

6. Artificial intelligence

Together with data protection, AI was the topic with the largest number of contributions.

Participants drew attention to the need for an AI for citizens that leads to equality and social wellbeing.

- In addition to using AI in ways that promote equality and sustainability, **new ways** should be explored of using algorithms and AI **for inclusion and equality while fighting gender violence and bridging the gender gap**.
- Also, suggestions were made to offer **training** to vulnerable groups.
- The establishment of an **AI ethics committee** was proposed (whose characteristics and functions would be similar to its counterparts in the biomedical sector). In addition, participants suggested conducting an adherence and satisfaction **survey** on the use of AI.

With regard to the **accountability** of AI systems, it stirred interesting discussions.

- Some of them focused on government control of AI and algorithms, including:
 - Source codes and training data.
 - Algorithm and algorithmic **transparency evaluation**.
- Others pointed to the need for **sustained algorithm evaluation over time**, including the main steps in new algorithm deployment and performed by a **multidisciplinary** (rather than technical-only) **team**.
- Still others chose to focus on algorithm **documentation**: how to document algorithms properly, what details to include (e.g. training databases being specified and published), etc.
- Furthermore, it was pointed out that the decisions affecting individual rights should not be made on the basis of AI procedures only. When making these decisions, AI should express not only the outcome of algorithmic analysis but also arguments that can be **understood by humans** (weighting) and enable people to exercise their right to an administrative appeal.
- The need for **accountability mechanisms** in the use of AI, **human control** of algorithms and **right of claim** in the face of algorithm-based decisions was also stressed.
- In ‘**Los algoritmos son reglamentos**’ (Algorithms Are Not Regulations),² **A. Boix** discusses all this. The author states that citizens have a right to get all the relevant information for the identification of the means and applications used in decision making from the control body involved. This means knowing the outcome of an application or IT system but above all the origin of the data used and the nature and scope of their processing.

² <http://www.lapaginadefinitiva.com/aboix/?p=1698>

EU White Paper on Artificial Intelligence

As the Declaration was being published for contributions, the European Digital Strategy and the **White Paper on Artificial Intelligence** were released by the EC. In the White Paper, the EU states that in order to address the opportunities and challenges of AI, the **development and deployment of AI** should be promoted **in accordance with European values**.

Like the Declaration of the Government of Navarra, the White Paper will be open to **public consultation** through 31 May 2020. It is aimed at building an ecosystem of excellence and trust around AI.

With regard to the **ecosystem of excellence**, the EU seeks to build closer **public-private cooperation** on AI, data and robotics, creating synergies and ensuring coordination of research and innovation.

As to the **ecosystem of trust**, AI, like every new technology, creates new opportunities and challenges. In the face of the new opportunities and challenges, the White Paper highlights the importance of upholding European values and respecting the data rights of European citizens as envisaged in European regulations.

When designing the future regulatory framework for AI, it will be necessary to decide on the types of mandatory legal requirements to be imposed on the relevant actors. The requirements could consist of the following key features:

- **Training data:** The functioning of many AI systems very much depends on the data set on which the systems are trained. The requirements relating to the data set used to train AI systems should be sufficiently broad and cover all relevant scenarios to avoid dangerous situations, should be aimed at ensuring that the subsequent use of AI systems does not lead to outcomes entailing prohibited discrimination and should ensure that privacy and personal data are adequately protected.
- **Keeping of records and data:** The regulatory framework could prescribe that accurate records of the data set used to train and test the AI systems should be kept, including a description of the main characteristics and how the data set was selected. It could also prescribe the documentation of the programming and training methodologies, processes and techniques used to build, test and validate the AI systems.
- **Information provision:** Transparency is required also beyond the record-keeping requirements discussed above. Accordingly, the following requirements could be considered: ensuring clear information is provided as to the capabilities and limitations of AI systems and clearly informing citizens when they are interacting with an AI system.
- **Robustness and accuracy:** AI systems must be technically robust and accurate in order to be trustworthy. Accordingly, the following elements could be considered: requirements ensuring that outcomes are reproducible; requirements ensuring that AI systems can adequately deal with errors or inconsistencies during all life cycle phases; requirements ensuring that AI systems are resilient against attacks.
- **Human oversight:** Human oversight helps ensuring that an AI system does not undermine human autonomy or cause other adverse effects. For instance, human oversight could have



the following, non-exhaustive, manifestations: the output of the AI system does not become effective unless it has been previously reviewed and validated by a human; the output of the AI system becomes immediately effective, but human intervention is ensured afterwards; etc.

- Specific requirements for AI applications such as **remote biometric identification**.

Further steps

The Declaration on Ethics will now undergo the following processes:

- A second version will be drafted including the consultation feedback.
- Materials will be produced to make the Declaration known and understood by citizens.
- An action plan will be designed to implement the Declaration's guiding principles.