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For Immediate Release

BC independent oversight offices urge public consultation, legislative reform on use of artificial intelligence

Victoria – Three oversight Officers of the Legislature are urging the BC government to expand its consultation on draft principles for the responsible use of artificial intelligence to members of the public in a letter to Minister of Citizens' Services Lisa Beare. The ministry's consultation is currently restricted to employees of the BC public service. The officers are also calling on government to ensure clear legislation is in place to protect the interest of British Columbians when AI is used.

The letter, from the Information and Privacy Commissioner, Ombudsperson, and Human Rights Commissioner for BC, highlighted today's launch of a set of principles on generative AI by Canadian privacy regulators aimed at advancing the responsible, trustworthy and privacy-protective development of AI. The officers recommended that the Ministry consider the principles when drafting standards for developing, providing or using generative AI.

Today's letter follows a 2021 joint report of the Ombudsperson and Information and Privacy Commissioner recommending public bodies commit to guiding principles to ensure fairness and privacy when AI is used to deliver public services.

As the uses of AI continue to expand, the Human Rights Commissioner is joining the officers in welcoming the provincial government's creation of draft principles for the responsible use of AI as a first step, but is encouraging government to expand its consultation to members of the public.

"Artificial intelligence can have potential benefits in the delivery of public services, but with today's announcement we want to draw attention to the threats it poses to the public. We want to make sure that government takes steps to mitigate these threats to fair treatment and people's rights," said Ombudsperson Jay Chalke.

The letter advises that the provincial Ombudsperson, Information and Privacy Commissioner and Human Rights Commissioner should be consulted on issues relating to privacy, human rights, and administrative fairness before the principles are finalized. The officers are also reinforcing that reform of existing laws and regulations may be needed to ensure alignment with global regulatory efforts on the use of AI.

"AI's rapid advances heighten the urgency for government to set ground rules for its use. Systems that rely on massive amounts of personal data, if not governed properly, have the potential to undermine the fundamental privacy rights of all British Columbians, including the protection of their privacy. It is critical to build trust in these systems from the outset," said Information and Privacy Commissioner Michael McEvoy.

The 2021 report *Getting Ahead of the Curve* made several recommendations aimed at public bodies delivering 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. Given the growing use of AI across sectors, the Human Rights Commissioner adds that public bodies should include non-discrimination and protections against bias in AI. 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.

“By acknowledging the limitations and biases in AI, we can take meaningful steps to ensure this technology serves all people equally,” said Human Rights Commissioner Kasari Govender. “We need to recognize that while AI may be viewed as ‘machine thinking,’ it is created by humans and risks entrenching and amplifying the biases and systemic inequalities of human society. For example, by embedding racial profiling into predictive technologies that may be relied upon by the criminal justice system. AI can make it harder for us to tease out and address these biases when they are hidden beneath the veneer of algorithmic decision-making. As AI is increasingly used in ways that impact the broader public, decision-makers must actively ensure that it does not deepen inequalities, but instead contributes to a world free from systemic discrimination.”

Letter to Minister of Citizens’ Services Lisa Beare: <https://www.oipc.bc.ca/public-comments/3909>

Federal, Provincial, Territorial Privacy Commissioners’ Principles for Responsible, Trustworthy and Privacy-Protective Generative AI Technologies resolution: https://priv.gc.ca/en/privacy-topics/technology/artificial-intelligence/gd_principles_ai/

OIPC news release on Principles: <https://www.oipc.bc.ca/news-releases/3908>

Getting Ahead of the Curve: meeting the challenge to privacy and fairness arising from the use of artificial intelligence in the public sector: <https://www.oipc.bc.ca/special-reports/3546>



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