

Australian Human Rights Commission
Human Rights and Technology Project

Submission on Artificial Intelligence: Governance and Leadership White Paper

Thank you for the opportunity to comment on this white paper. My name is Joanne Evans and I am an Associate Professor in the Faculty of IT at Monash University. As an archival and recordkeeping scholar I am interested in the critical role that records and recordkeeping play in promoting social development and the protection of human rights.

Through an ARC Future Fellowship (2015-18) I have led the establishment of the Archives and the Rights of the Child Research Program to address the archival and societal grand challenge of the lifelong identity, memory and accountability needs of those who as children are caught up in child welfare and protection systems. In this program we are investigating the use of inclusive design and research methodologies for the development of participatory recordkeeping and archival systems which would allow for those with out-of-home Care experiences to have agency in the recordkeeping and over the records that document and define their childhoods.

As part of that research program we have identified the need for new models of participatory information governance to be developed to recognise and dynamically negotiate a range of recordkeeping rights, across space and through time (Evans, McKemmish, & Rolan, 2019). Not only do these new governance models need to be designed for shared ownership, stewardship, interoperability and participation to address the information asymmetries that foster social disadvantage and discrimination, but they also must be designed as digital AI enabled services for real-time independent oversight.

I found this most important point to be missing from the white paper. Despite leading with the insightful quote from Madeline Albright on the tendency for governments to respond with '19th century solutions', the discussion of what a Responsible Innovation Organisation might look like seemed rooted in the way in which current information oversight bodies are structured and function. Such human-mediated systems, rely on policy level and outdated monitoring mechanisms (e.g. the proposed certification scheme). They typically react to breaches through post-hoc inquiries rather than employing digitally enabled, in-system and real-time oversight.

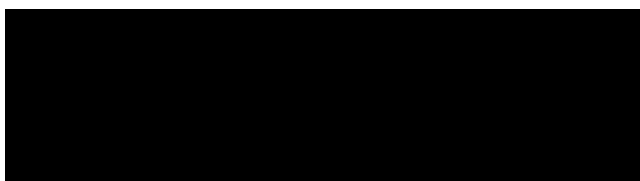
As an example, in the UK the parliamentary hearings into the Cambridge Analytica scandal (Hill, 2018) highlighted a lack of technical expertise in the Information Commissioner's Office and its contribution to ineffectual regulatory oversight. This continuing manual approach, along with new legislation such as the European GDPR, is resulting in significant expansion of staffing in these kinds of regulators. However responses such as the UK ICO's new technical strategy can only go so far to address this deficiency (Information Commissioner's Office, 2018). There is a pressing need to incentivise research and development into AI-enabled governance in order for regulators in this space to have the tools at their disposal to carry out their mandate.

Digitally enabled governance is one of the most crucial innovations that must be resourced if the sector is to be adequately regulated. Independence and transparency is also critical to enable citizen centric oversight of the use of AI technologies by corporations and

governments. Any partnerships with government and industry must be able to be adequately scrutinised and feature community advocacy involvement.

Similarly, the community advocacy sector must be strengthened and resourced so that they can have a seat at this table. In addition this participatory governance should also make available digital enabled oversight tools to be used by citizens, so that actions can be taken as, or even before, rights violations, rather than only having recourse to ineffectual mechanisms for complaining long after the damage has been done.

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References

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