

DATA SCHOOL

FRAIA:
Fundamental Rights
and Algorithms
Impact Assessment









Data School

Research and teaching platform at Utrecht University, investigating the impact of technology

Algorithms are increasingly being used in governance

The Algorithm Register of the Dutch government	
Find one of the 364 algorithms Search by word, theme or organisation	Search Q



Childcare benefit scandal

Taking accountability for the use of technology is crucial in the datafied society



Download FRAIA: https://edu.nl/7k8cg

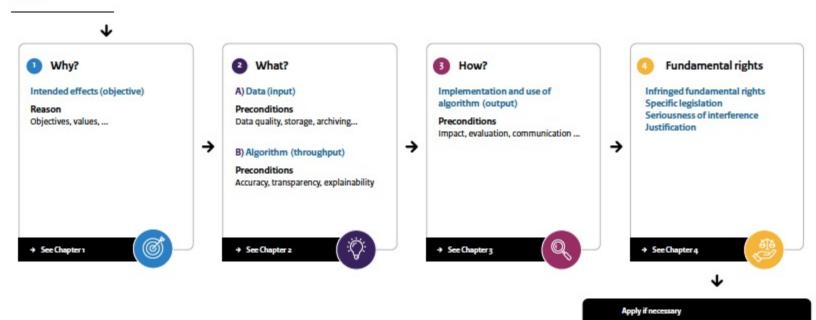




Why? 2A. What? (input)? 2B. What? (throughput)? 3. How? 4. Fundam

FRAIA flow chart

START

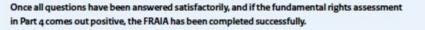


Mitigating measures (Annex 2)
 Alternatives
Then go through process once more



FINISH



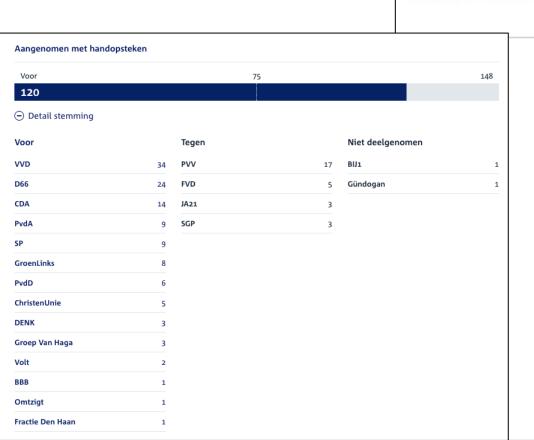


Result of FRAIA



- Informed decision on benefits of algorithm and potential impact on human rights
- Documentation of decision-making process
- Greater awareness of ethical aspects of algorithms.

Vergaderjaar 2021-2022



Informatie- en communicatietechnologie (ICT)

MOTIE VAN DE LEDEN BOUCHALLIKH EN DEKKER-ABDULAZIZ

worden ingezet om evaluaties van of beslissingen over mensen te maken;

Voorgesteld 29 maart 2022 De Kamer,

gehoord de beraadslaging,

constaterende dat er in opdracht van het Ministerie van BZK een mensenrechtenassessment voor algoritmen is ontwikkeld;

overwegende dat het verplicht maken van dit assessment misbruik van algoritmen kan helpen voorkomen;

verzoekt de regering het verplicht te maken om dit impactassessment te doen voorafgaand aan het gebruik van algoritmen wanneer algoritmen

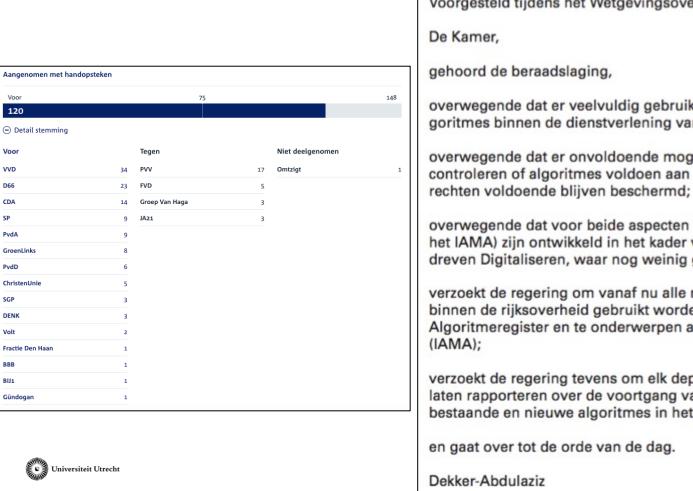
verzoekt de regering tevens te verplichten om waar mogelijk deze

impactassessments openbaar te maken,

en gaat over tot de orde van de dag.

Bouchallikh

Dekker-Abdulaziz



Voorgesteld tijdens het Wetgevingsoverleg van 13 juni 2023 De Kamer,

MOTIE VAN HET LID DEKKER-ABDULAZIZ

gehoord de beraadslaging, overwegende dat er veelvuldig gebruik wordt gemaakt van (hoogrisico)algoritmes binnen de dienstverlening van de rijksoverheid; overwegende dat er onvoldoende mogelijkheden zijn voor burgers om te controleren of algoritmes voldoen aan relevante wetgeving en mensen-

overwegende dat voor beide aspecten instrumenten (Algoritmeregister en het IAMA) zijn ontwikkeld in het kader van de Werkagenda Waardengedreven Digitaliseren, waar nog weinig gebruik van wordt gemaakt; verzoekt de regering om vanaf nu alle nieuwe hoogrisicoalgoritmes die binnen de rijksoverheid gebruikt worden, verplicht op te nemen in het Algoritmeregister en te onderwerpen aan een mensenrechtentoets (IAMA):

verzoekt de regering tevens om elk departement jaarlijks aan de Kamer te laten rapporteren over de voortgang van het in het register opnemen van

bestaande en nieuwe algoritmes in het register,

en gaat over tot de orde van de dag.



FRAIA and the AI Act

Article 29(a):

Prior to deploying a high-risk Al system as defined in Article 6(2) into use, with the exception of Al systems intended to be used in the area listed in point 2 of Annex III, deployers that are bodies governed by public law or private operators providing public services and operators deploying high-risk systems referred to in Annex III, point 5, b) and d) shall perform an assessment of the impact on fundamental rights that the use of the system may produce.

FRAIA and its use

- Implementation is pushed by the Ministry for the Interior and Ministry of Justice and Security
- Over 20 Dutch government organizations have implemented this as a standard for high- and medium risk algorithms.
- Use casus range from Al acquired through third parties to simple algorithms developed in-house.
- FRAIA is referenced by the national Algorithm Register.

Two use cases in the legal sphere

- Matching tool to match seekers of legal aid to lawyers
 & mediators
 - Development phase
 - Potential impact on equality and access to legal aid
 - Other options to seek legal aid remain open
 - Conclusion: low risk
- Case preparation tool to aid paralegals in preparing cases for the judge
 - Pilot phase
 - Potential impact on privacy
 - Clear process with a major role for human-in-the-loop
 - Conclusion: low risk



Other European countries that use FRAIA

- Norway
- Finland
- Austria
- Italy



Challenges in implementation

- Unsufficient knowledge & experience to deal with issues around algorithmization
- Responsibility gap
- Definition of high-risk algorithm
- Capacity (executing a FRAIA is time-intensive)
- ...

In conclusion

- Responsible data and technology practices require a range of measures;
- FRAIA is one of these measures, specifically for highrisk algorithms and AI;
- We need a mature ecosystem of:
 - Educated lawmakers implementing sensible legislation around technology;
 - Organizations applying technology responsibly;
 - Inspections, labs and trusted third parties being available to check and validate.



Further reading

FRAIA: https://www.government.nl/documents/reports/2021/07/31/impact-assessment-fundamental-rights-and-algorithms

Floridi L, Taddeo M. (2016). What is data ethics?. http://dx.doi.org/10.1098/rsta.2016.0360

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Schermer, B.W., Custers, B. & van der Hof, S. (2014) The crisis of consent: how stronger legal protection may lead to weaker consent in data protection., https://doi.org/10.1007/s10676-014-9343-8

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