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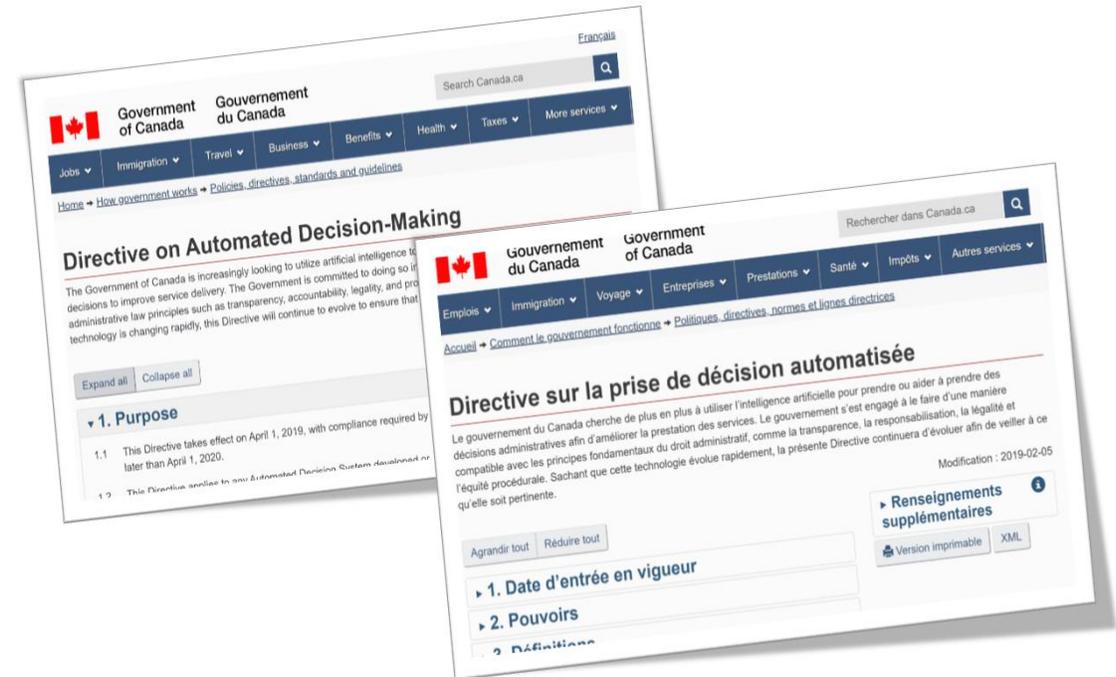
Canada

# 3<sup>rd</sup> Review of the Directive on Automated Decision-Making – What We Heard Report

**Phase 2 Stakeholder Engagement  
Fall 2022**

# Purpose

- Provide a **summary of key themes** identified in the 2<sup>nd</sup> phase of stakeholder engagement.
- Outline **updates to the 3<sup>rd</sup> review's** policy recommendations and provisional amendments.

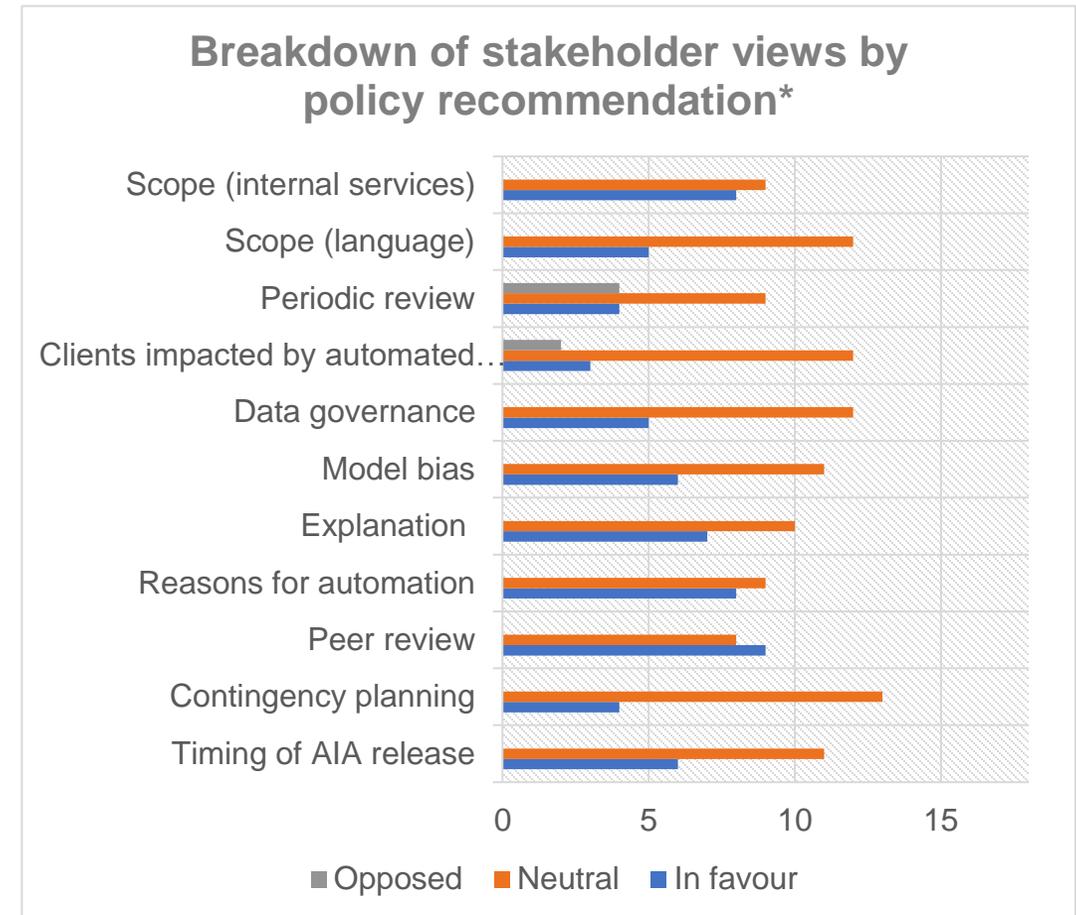


# Context

- In September 2022, TBS launched the **2nd phase of stakeholder engagement** on the 3<sup>rd</sup> review of the Directive on Automated Decision-Making.
- The goal of stakeholder engagement is to **validate the policy recommendations and provisional amendments** proposed in the 3<sup>rd</sup> review and **identify additional issues** that merit consideration as part of this exercise or in future reviews.
- The 2<sup>nd</sup> phase of engagement involved outreach to **federal institutions, academics, bargaining agents, agents of parliament, and industry representatives.**
- The 3<sup>rd</sup> review takes stock of the current state of the directive and identifies risks and challenges to the government's commitment to responsible AI in the federal public service. It proposes **12 policy recommendations** intended to bolster transparency and accountability, strengthen protections against discrimination and harm, ensure automated decisions impacting federal public servants are fair and inclusive, and clarify requirements and operational needs.

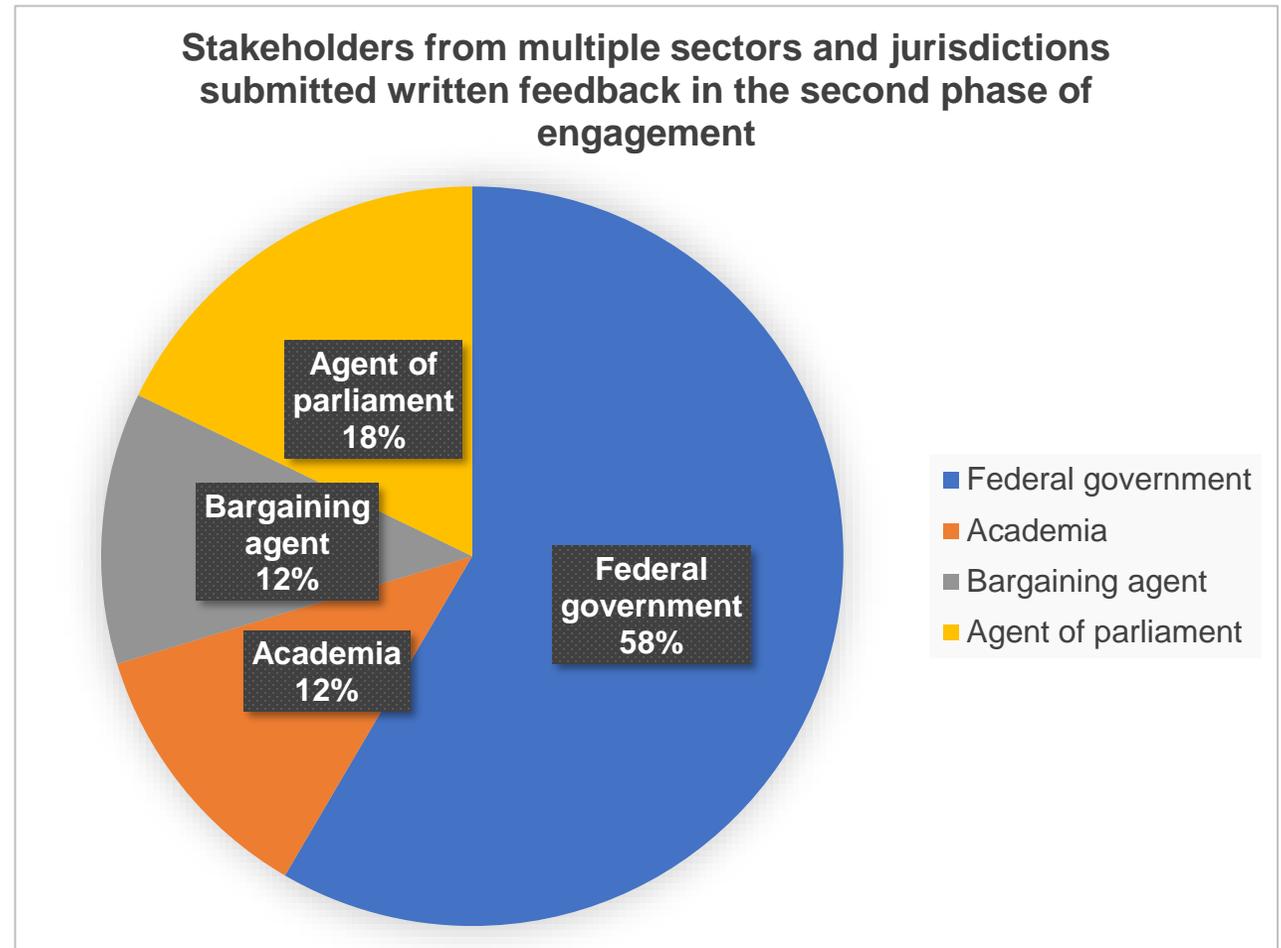
## Engagement summary

- TBS received a total of **17 written submissions** from stakeholders during the 2<sup>nd</sup> phase of engagement.
- Stakeholders were generally supportive of TBS's proposal. For each policy recommendation, the **majority expressed agreement or no objection**.
- Stakeholders emphasized the need for avenues for **public participation** in deliberations and decisions on AI; **open data** on institutions' compliance with the directive; **guardrails** for any automation project impacting employees; a **peer review framework**; and stronger **linkages** between AI policy and privacy obligations.
- For future reviews, TBS will consider issues such as the adequacy of measures for **low-impact projects**; **AIA** scoring; **training** requirements; definitions for **lifecycle phases**; and **environmental impacts** of automated systems.



# Participation

- TBS invited **over 20 stakeholder groups** to participate in the 2<sup>nd</sup> phase of engagement.
- Stakeholders submitted **written feedback** or shared their views during **virtual roundtables**.
- TBS held roundtables with representatives from various communities and institutions, including:
  - Canadian Human Rights Commission
  - Advisory Council on AI
  - CIO Strategy Council
  - Bargaining agents
  - Networks for equity-seeking federal employees
  - GC Human Resources Council
  - GC service community
  - GC data leads
  - Open Government Partnership



## Overview of key themes

Create opportunities for public participation in decision-making on public sector AI policy.

Foster open and effective compliance throughout the lifecycle of an automation project.

Develop a peer review framework.

Strengthen the integration of privacy obligations.

Support efforts to ensure automation in internal services does not harm the interests of federal public servants.

# Theme 1: Create opportunities for public participation in decision-making on public sector AI policy

- Stakeholders were supportive of the internal and external stakeholders that TBS proposed to add to the consultations section of the AIA.
- Many, however, flagged the need for open and inclusive processes for participation in policy reviews, peer reviews, and the design and development of automation projects.
- While TBS has engaged with a wide range of stakeholders in the 3<sup>rd</sup> review, stakeholders noted the need for a standardized process that includes Indigenous groups, members from 2SLGBTQI+ communities, and other interest groups who possess relevant expertise or who may be impacted by automated decision-making.
- These considerations were motivated by the perceived lack of consistency in the government's approach to periodic reviews and to consultations during the development of AIAs.

**Relevant TBS recommendation:**

AIA (consultations section): Amend the question to add new options to the lists for internal and external stakeholders.

**TBS actions in response to feedback:**

- Expand the list of stakeholders in the AIA's consultation section to include Indigenous groups, networks for equity-seeking federal employees, accessibility working groups, and the 2SLGBTQI+ Secretariat.
- Commit to encouraging departments to consult external groups in line-by-line AIA guidance.
- Commit to developing a standard process for periodic reviews, drawing on lessons learned from completed reviews.

## Theme 2: Foster open and effective compliance throughout the lifecycle of an automation project

- Stakeholders noted that there is a lack of publicly available information indicating whether and how departments are meeting the requirements of the directive.
- They also asked how responses to questions in the AIA (e.g., on GBA+, accessibility, reasons for automation) would be evaluated.
- Stakeholders also noted the importance of continuous risk management (e.g., bias testing) following the launch of a system. They pointed to the need for clear conditions for revising AIAs to ensure they remain current throughout a project's lifecycle.
- While the AIA provides an extensive overview of an automation project, there is a need for open data demonstrating institutions' compliance with key measures in the directive. External oversight is also needed to ensure that risks identified through AIAs, peer reviews, or other means are addressed appropriately.

### **TBS actions in response to feedback:**

- Leverage the Management Accountability Framework (MAF) to assess compliance with transparency provisions in the directive (ongoing).
- Develop guidelines supporting the implementation of the monitoring and reporting requirements (ongoing).
- Require periodic revision of published AIAs and develop guidance on the conditions of updating an assessment.

## Theme 3: Develop a peer review framework

- Many stakeholders highlighted the need for direction on the peer review requirement, particularly in light of TBS's proposal to mandate the publication of complete or summary peer reviews.
- TBS was advised to develop an approach to the peer review process that would provide:
  - Criteria for the selection of experts;
  - Key elements of a peer review; and
  - Conditions for publishing a summary instead of a full review.
- There was emphasis on ensuring that reviewers are independent and accessible to departments.
- While some stakeholders argued that peer reviews should be fully disclosed *by default*, others were satisfied with allowing departments to publish summaries of completed reviews.

**Relevant TBS recommendation:**

Mandate the publication of complete or summarized peer reviews and require completion prior to system production.

**TBS actions in response to feedback:**

- Develop guidance on the peer review process, addressing expert selection, review elements, and acceptable limits on full disclosure (ongoing).

## Theme 4: Strengthen the integration of privacy obligations

- The directive already makes links with requirements in privacy policy and legislation. However, some stakeholders called on TBS to strengthen such connections.
- This includes recognizing that privacy is central to impact assessment within the framework of the directive.
- Stakeholders also flagged the need to reconcile privacy obligations with the requirements of the directive, including by:
  - Informing clients of their right to access and correct personal information, and of relevant recourse options, in notices and/or explanations;
  - Integrating privacy safeguards into the proposed data governance measures, explanation criteria, and new and existing AIA questions.
- Addressing these issues would better align the directive with Bill C-27 and the ongoing modernization of the *Privacy Act*.

### Relevant TBS recommendations:

- Expand the scope to cover internal services.
- Introduce measures supporting the tracing, protection, and appropriate retention and disposition of data used and generated by a system.
- Establish explanation criteria in support of the explanation requirement and integrate them into the AIA.
- Expand the AIA to include questions concerning an institution's reasons for pursuing automation and potential impacts on persons with disabilities.

### TBS actions in response to feedback:

- Add privacy to the principles proposed as a new impact area (Appendix B).
- Integrate privacy safeguards into the proposed data governance measures and relevant AIA questions.
- Include recourse considerations as part of explanation measures (Appendix C).

## Theme 5: Support efforts to ensure automation in internal services does not harm the interests of federal public servants

- While most stakeholders welcomed TBS's proposal to expand the scope of the directive to cover internal services, some were concerned about the impacts of automation on jobs in the federal public service.
- These stakeholders advised that the government should be cautious about using AI (and other automated systems) in ways that may compromise public service jobs or result in unfair treatment of employees.
- They also highlighted the importance of human oversight in such contexts and of consulting bargaining agents on any plan to automate services impacting employees.

### Relevant TBS recommendation:

Expand the scope to cover internal services.

### TBS actions in response to feedback:

- Engage the Office of the Chief Human Resources Officer (OCHRO) to strengthen linkages between the directive and policy efforts related to the future of work.
- Include bargaining agents on the list of stakeholders in the AIA's consultations section (phase 1).
- Engage departments to ensure they are aware of the directive's potential application to automation in internal services.

*The government's approach to responsible AI does not promote or encourage any specific uses of AI; it only seeks to ensure that the appropriate guardrails are in place when a department decides to pursue automation.*

## Other key issues

- The directive includes redundant exemptions and exceptions that are established elsewhere in the policy suite.
- The explanation criteria may not be sufficient to ensure clients understand the factors that programs use to make determinations about clients.
- The risk-based approach to the AIA question on accessibility does not align with the framework of the *Accessible Canada Act*.
- The AIA questions on Privacy Impact Assessments (PIAs) do not account for other privacy risk assessments that departments may undertake in support of an existing PIA. The questions also do not provide the public with any information about efforts to develop or update a PIA.
- Some new measures (e.g., on GBA+) would not effectively cover existing systems given their focus on the development phase of the lifecycle.
- The text of the directive includes inconsistencies and outdated references that may create confusion for departments.

### **TBS actions in response to feedback:**

- Remove redundant exceptions and exemptions, including the national security system exemption which is established in the Policy on Service and Digital.
- Integrate program factors into the proposed explanation criteria for all impact levels.
- Reframe the proposed AIA question on accessibility to better align with the *Accessible Canada Act*.
- Update the question on PIAs to prompt departments to describe PIA-related efforts and account for other privacy risk assessments.
- Revise amendments proposing new measures to ensure they apply to both new and existing systems.
- Update outdated references and ensure consistency in terminology, where appropriate.

## What we learned



Ensure that experts, civil society organizations, and members of the public can meaningfully engage the federal government on AI policy issues.



Strengthen linkages with key policy areas such as privacy and human resources (future of work).



Enhance central oversight of automation projects in the federal government and ensure that risks identified in the AIA are duly addressed.



Encourage departments to proactively disclose information about their efforts to comply with the directive.



Prioritize efforts to develop guidance to support implementation of key policy requirements.

# Updates to proposed amendments to the directive

Instrument & section	Updated amendment (provisional text)*	Rationale for update
DADM, Section 5 (Scope)	Remove section 5.1: “This Directive applies only to systems that provide external <b>or internal</b> services, <b>in accordance with as defined in</b> the Policy on Service and Digital.”	The goal of removing, rather than amending, this provision is to simplify the scope section. The intended effect remains to expand the scope of the directive to include internal services. With the removal of section 5.1, section 5.2 would establish the scope of the directive by stating that it applies to systems that make administrative decisions or assessments related to such decisions. Any service – external or internal – involving an administrative decision would be covered.
DADM, Section 5 (Scope)	Remove section 5.4: “As per the Policy on Service and Digital, this Directive does not apply to any National Security Systems.”	In the service and digital policy suite (of which the directive is part), exemptions and exceptions are mainly established at the policy level. In this case, the provision exempting national security systems (NSS) is established in section 6.3 of the Policy on Service and Digital. As part of a broader effort to minimize redundancies in the directive, TBS is proposing the removal of the NSS exemption. The exemption remains in place in policy; this change therefore has no effect on the application of the directive.
DADM, Section 6 (Requirements)	Amend subsection 6.1.3: “ <b>Reviewing and</b> updating the Algorithmic Impact Assessment <b>on a scheduled basis, including</b> when <b>the system</b> functionality or <b>the</b> scope of the Automated Decision System changes.”	Departments are currently not required to revisit their AIAs on a periodic basis following publication. Given the early stage at which AIAs are published, departments would benefit from regularly reviewing their AIAs to ensure they remain up-to-date throughout the lifecycle of the automation project. The proposed amendment achieves this by requiring scheduled reviews and updates to the AIA, as needed. The requirement already specifies conditions that warrant a revision to an AIA: changes to the scope and/or functionality of the system. TBS will develop guidance on these conditions and identify other changes that should trigger a review of an AIA.
DADM, Section 6 (Requirements)	Amend subsection 6.2.4: “Determining the appropriate license for software components, <b>including consideration of open source software as per in accordance with the requirements measures</b> specified in <b>section A.2.3.8 of the Directive on Service and Digital Government of Canada Enterprise Architecture Framework.</b> ”	The proposed amendment is intended to update an outdated reference to what used to be Appendix A under the Directive on Service and Digital. The mandatory procedures in that appendix are now captured as part of the GC Enterprise Architecture Framework. The amendment also emphasizes open source considerations to clarify how the framework bears on this requirement. One of the criteria in the application layer of the framework is “use open source solutions hosted in public cloud”. It’s also worth noting that subsection 4.4.3.12 of the Directive on Service and Digital requires departmental CIOs to ensure that “open source software is encouraged”. (Note: subsection 6.2.6 has the same outdated reference to Appendix A, which would also be replaced with the GC Enterprise Architecture Framework.)
DADM, Section 6 (Requirements)	Remove subsection 6.2.6.3: “An exemption is provided by the Chief Information Officer of Canada.”	Like the rationale for removing section 5.4, the goal of removing this subsection is to minimize redundancies. This exception is established in subsection 4.1.1.2.3 of the Directive on Service and Digital for the entire service and digital policy suite. Removal of this provision therefore has no effect on the need to seek exceptions from the GC CIO via submissions to the GC Enterprise Architecture Review Board. (Technical note: the text of this provision was meant to highlight an <i>exception</i> rather than an exemption: exceptions are granted on a case-by-case basis whereas exemptions exclude an entire department, use-case, or other category.)

\* Proposed updates on slides 14-21 do not include editorial changes or updates to missing or outdated hyperlinks.

# Updates to proposed amendments to the directive

Instrument & section	Updated amendment (provisional text)	Rationale for update
DADM, Section 6 (Requirements)	Amend subsection 6.2.8: “Documenting the decisions of Automated Decision Systems in accordance with the Directive on Service and Digital, and in support of the monitoring (6.3.2), <b>data governance (6.3.4)</b> and reporting requirements (6.5.1).”	The proposed amendment seeks to highlight the link between documenting decisions and governing data associated with the system. Ensuring that system outputs are traceable and handled appropriately can ensure that departments are able to document them – particularly when the outputs serve as decisions about clients.
DADM, Section 6 (Requirements)	Amend the new subsection under section 6.3: “ <b>Establishing measures to ensure that data used and generated by the Automated Decision System are traceable, protected and accessed appropriately, and <del>appropriately</del> lawfully collected, used, retained and disposed of in accordance with the Directive on Service and Digital, Directive on Privacy Practices, and Directive on Security Management.</b> ”	The proposed update is meant to strengthen privacy considerations in data governance measures. This would strengthen privacy safeguards around any personal information used or generated in the context of automated decision-making. Given the scope of the directive, both system inputs and outputs are likely to include personal identifiers. The update would also support compliance with the <i>Privacy Act</i> and supporting privacy policy.
DADM, Section 6 (Requirements)	Amend the new subsection under section 6.3: “ <b>Completing a Gender Based Analysis Plus during the development or modification of the Automated Decision System, as prescribed in Appendix C.</b> ”	The proposed update seeks to ensure that this requirement covers systems developed or procured before April 2023. As proposed, departments operating such systems would have a full year to comply with new requirements, including on GBA+. Since the systems would be past the development phase, the update provides for completion of a GBA+ when they are modified.
DADM, Section 8 (Roles and Responsibilities of TBS)	Remove section 8.2: “Granting exceptions under any of these provisions, in consultation with the Enterprise Architecture Review Board prior to making a decision.”	Like the rationale for removing section 5.4, the goal of removing this subsection is to minimize redundancies. This exception is established in subsection 4.1.1.2.3 of the Directive on Service and Digital for the entire service and digital policy suite. Removal of this provision therefore has no effect on the need to seek exceptions from the GC CIO via submissions to the GC Enterprise Architecture Review Board.
DADM, Section 10 (References)	Amend section 10.2 to add a new reference: “ <b>Standard on Security Screening</b> ”	The amended directive would apply to automation in security screening of employees. The proposed update refers to a standard that establishes security screening practices which would support compliance with the directive.
DADM, Appendix B (Impact Assessment Levels)	Amend the proposed impact area under each of the four impact levels: “ <b>the equality, dignity, privacy and autonomy of <del>federal public servants</del> individuals.</b> ”	The proposed update arises from a recognition that privacy is a key component of impact assessment within the framework of the directive. It therefore merits inclusion as an impact area in Appendix B. The update also affirms that the values in the new impact area do not only concern federal public servants; they rather extend to any individual who may be impacted by an automated decision made within the federal public service.

# Updates to proposed amendments to the directive

Instrument & section	Updated amendment (provisional text)	Rationale for update
DADM, Appendix C (Impact Level Requirements)	<p>Amend the explanation measures for impact level I: “In addition to any applicable legal requirement, ensure <del>ing</del> that a meaningful explanation is <del>published provided</del> for common decision results. <del>The explanation must should provide a general description of: This involves providing information describing</del></p> <ul style="list-style-type: none"> <li>• The role of the system in the decision-making process;</li> <li>• <del>The training and client</del> Input data, <del>their</del> its source and method of collection, <del>if applicable</del>;</li> <li>• The criteria used to evaluate input <del>client</del> data and the operations applied to process it; <del>and</del></li> <li>• The output produced by the system, <del>and</del> any relevant information needed to interpret it in the context of the administrative decision; <del>and</del></li> <li>• <b>The principal factors behind a decision.</b></li> </ul> <p><b>Explanations must also inform clients of relevant recourse options, where appropriate.</b></p> <p><b>Descriptions must be</b> made available in plain language through the Algorithmic Impact Assessment <del>This information can include providing the explanation via a Frequently Asked Questions section and discoverable via on a departmental website.”</del></p>	<p>The proposed update seeks to enhance the explanation criteria by requiring a description of the key factors that led to a decision. This refers to the basis on which a program makes decisions in the context of a certain service. Departments would have to consider how to disclose this information in a way that does not compromise program integrity.</p> <p>The update also integrates the directive’s recourse requirement, recognizing that explanations could serve as a mechanism for informing clients (and in this case public observers) of available recourse options that would allow them to contest an automated decision. This would facilitate compliance with the recourse requirement and therefore help safeguard procedural fairness.</p>

# Updates to proposed amendments to the directive

Instrument & section	Updated amendment (provisional text)	Rationale for update
DADM, Appendix C (Impact Level Requirements)	<p>Amend the explanation measures for impact levels II-IV: “In addition to any applicable legal requirement, ensure <del>ing</del> that a meaningful explanation is provided <b>to the client</b> with any decision that results <del>ed</del> in the denial of a benefit, <del>a</del> or service, or involves <del>a</del> <b>other</b> regulatory action. <b>The explanation must <del>should</del> inform the client in plain language of:</b></p> <ul style="list-style-type: none"> <li>• <b>The role of the system in the decision-making process;</b></li> <li>• <b>The training and client data, their source, and method of collection, <del>as if</del> applicable;</b></li> <li>• <b>The criteria used to evaluate client data and the operations applied to process it;</b></li> <li>• <b>The output produced by the system, <del>and any relevant information needed to interpret it in the context of the administrative decision;</del> and</b></li> <li>• <b>A justification of the administrative decision, <del>including the principal factors that led to it.</del></b></li> </ul> <p><b>Explanations must also inform clients of relevant recourse options, where appropriate.</b></p> <p><b>A general description of these elements <del>must should</del> also be made available through the Algorithmic Impact Assessment and discoverable via a departmental website.”</b></p>	See the rationale for proposed changes to explanation measures for impact level I.

# Updates to proposed amendments to the directive

Instrument & section	Updated amendment (provisional text)	Rationale for update
AIA (Business Driver / Positive Impact)	<p>Amend the proposed questions:</p> <ul style="list-style-type: none"> <li>• <b>“What <del>client user</del> needs will the system address and how will this system meet them? If possible, describe how <del>client user</del> needs have been identified.</b> [Free text]”</li> <li>• <b>“Please describe any public benefits the system is expected to have.</b> [Free text]”</li> <li>• <b>“How effective will the system <del>likely</del> be in meeting <del>client user</del> needs? [Slightly effective; Moderately effective; Very effective]”</b></li> <li>• <b>“Please describe any improvements, benefits, or advantages you expect from using an automated system. This could include relevant program indicators and performance targets.</b> [Free text]”</li> <li>• <b>“Please describe how you will ensure that the system is confined to addressing the <del>client user</del> needs identified above.</b> [Free text]”</li> <li>• <b>“Please describe any trade-offs between client interests and program objectives that you have considered during the design of the project.</b> [Free text]”</li> <li>• <b>“Have alternative non-automated processes been considered?</b> [Free text]”</li> <li>• <b>“If non-automated processes were considered, why was automation identified as the preferred option?</b> [Free text]”</li> <li>• <b>“What <del>is</del> would be the consequence of not deploying the system?</b> [Free text]”</li> </ul>	<p>The proposed update seeks to ensure that trade-offs (e.g., between privacy and efficiency or individual rights and security) are considered as part of the assessment of how the system will be used. As noted by key stakeholders, it’s important for departments to consider not only limiting the use of the system to meeting client needs, but also evaluating whether the anticipated benefits of automation may come with significant risks or costs.</p> <p>The update also substitutes 'client' for 'user' to clarify that the questions concern the needs of service recipients (rather than those of system users within departments).</p>

# Updates to proposed amendments to the directive

Instrument & section	Updated amendment (provisional text)	Rationale for update
AIA (Risk Profile)	Amend the proposed question: <b>“Will the use of the system <del>pose significant risks create or exacerbate barriers</del> for persons with disabilities? [Yes/No] If yes, please describe the <del>barriers</del> <del>accessibility risks</del> and any planned or existing <del>mitigation</del> measures to identify, remove, and/or prevent them.</b> [Free Text]”	The proposed update seeks to bring the question into closer alignment with the <i>Accessible Canada Act</i> . The Act seeks to realize “a Canada without barriers”, “particularly by the identification and removal of barriers, and the prevention of new barriers” in several areas, including information and communication technologies (ICTs) and the design and delivery of programs and services.
AIA (About the Decision)	Amend the option proposed in response to the question, “Does the decision pertain to any of the categories below (check all that apply):”: <b>Employment (recruitment, hiring, promotion, performance evaluation, <del>monitoring</del>, security clearance).</b>	The proposed update identifies two additional examples of administrative decisions in the employment context. Full or partial automation of a decision related to an employee’s security clearance or performance may be subject to the amended directive.
AIA (Impact Assessment)	Amend the proposed question: <b>“The impacts that the decision will have on the equality, dignity, <del>privacy</del>, and autonomy of <del>individuals federal public servants</del> will likely be: [Little to no impact, moderate impact, high impact, very high impact] Please describe why the impacts resulting from the decision are (as per the option selected above) [Free text]”</b>	See rationale for the update to the Appendix B impact area. (Note: Each impact area in Appendix B has a corresponding question in the Impact Assessment section of the AIA.)
AIA (About the Data)	Amend the following question: “Have you verified if the system is using personal information in a way that is consistent with: (a) the current Personal Information Banks (PIBs) and Privacy Impact Assessments (PIAs) of your programs or (b) planned or implemented modifications to the PIBs or PIAs that take new uses and processes into account?”  If yes: <b>“Please list relevant PIB Bank Numbers.</b> [Free text]”	The proposed update would strengthen the effectiveness of this question in shedding light on how an automation project’s use of personal information meets privacy policy and legal requirements. By identifying relevant PIBs, clients would be better equipped to understand how and for what purpose their information is used by an automated decision system. Disclosure of PIB bank numbers also reinforces privacy notice requirements in the Directive on Privacy Practices.

# Updates to proposed amendments to the directive

Instrument & section	Updated amendment (provisional text)	Rationale for update
AIA (Consultations)	<p>Amend the proposed additions to the list of internal and external stakeholders: “Will you be engaging with any of the following groups?”</p> <p>Internal Stakeholders (<b>federal institutions, including the federal public service Strategic Policy and Planning, Data Governance, Program Policy, etc.</b>): <b>“Digital Policy, Human Resources, TBS Office of the Chief Human Resources Officer, TBS Office of the Chief Information Officer, Office of the Privacy Commissioner of Canada, Networks for Equity-seeking Employees, Accessibility Working Groups, 2SLGBTQI+ Secretariat</b></p> <p>External Stakeholders (<b>groups in other sectors or jurisdictions Civil Society, Academia, Industry, etc.</b>): <b>“Bargaining Agents, Governments in other Jurisdictions, International Organizations, Clients or their Representatives, Indigenous Groups, Office of the Privacy Commissioner”</b></p>	<p>The proposed update identifies additional internal and external stakeholders for departments to consider consulting during the development of the system. The additions have been informed by engagement with federal partners and subject matter experts in other sectors.</p> <p>The new stakeholders could provide departments with unique perspectives about the needs of specific individuals or communities who may be impacted by automated decision-making. As with the proposed GBA+ measures, consulting these groups would foster an intersectional approach to the design and development of automation projects.</p>
AIA (Privacy)	<p>Amend the question: “If your system <b>involves the</b> uses or <b>creates of</b> personal information, will you undertake or have you undertaken a Privacy Impact Assessment, or updated an existing one? [Yes/No]”</p> <p>If yes: <b>“Please indicate the following in your answer:</b></p> <ul style="list-style-type: none"> <li>• <b>Title and scope of the PIA;</b></li> <li>• <b>How the automation project fits into the program; and</b></li> <li>• <b>Date of PIA completion or modification.</b> [Free text]”</li> </ul> <p>If no: <b>“Have you undertaken other types of privacy assessments for your automation project? Please describe any relevant efforts.</b> [Free Text]”</p>	<p>The proposed update seeks to strengthen the question by requiring departments to describe their PIA efforts. It also accounts for other privacy risk assessments (e.g., model privacy assessments) that departments may undertake to supplement a PIA or in cases where a PIA has been deemed unnecessary. The update also seeks to align the question with the new data governance measures, which cover both data inputs and outputs.</p> <p>Departments will be advised to draw on their PIAs to respond to this question. This supports a longer-term goal to strengthen links between AIAs and PIAs at the program level.</p>

# Updates to proposed amendments to the directive

Instrument & section	Updated amendment (provisional text)	Rationale for update
AIA (Privacy)	<p>Add the following question: “<b>Will you deidentify any personal information used or created by the system?</b> [Yes/No]”</p> <p>If yes: <b>Please describe your deidentification method(s)</b> [Free text]”</p>	<p>The proposed question would enhance transparency around deidentification practices. Clients and other stakeholders would benefit from knowing the reliability of the methods used to deidentify personal information, which in turn contributes to their understanding of residual privacy risks.</p> <p>(Note: Forthcoming TBS guidance on deidentification of personal information will provide examples of methods and techniques that departments could leverage to inform their approach to this question.)</p>

# Suggestions for future consideration

Stakeholders provided a range of suggestions for consideration in future reviews, including:

- Strengthen **human oversight** of automated decisions, particularly at low levels of impact.
- Examine the **adequacy of measures** applicable to automation projects at **impact levels I and II**.
- Foster coherence between **privacy** and **automation notices**.
- Explore the possibility of enabling clients to request **non-automated alternatives** to services.
- Examine the feasibility of mandating **disclosure of compliance data**.
- Clarify the directive's approach to dealing with systems that are **no longer fit-for-purpose**.
- Ensure that quality assurance measures are undertaken **throughout the lifecycle** of a project.
- Refine the **training** requirement and develop guidance to support implementation.
- Develop **definitions** for terms used to refer to key phases in a **system's lifecycle**.
- Examine how the directive could better account for the **environmental impacts** of automated decision systems.
- Reassess the **weight** assigned to each **AIA question** to ensure it is proportional to the corresponding risk/mitigation.

## Next steps

- Circulate this ‘What We Heard Report’ to federal and public stakeholders (**January 2023**).
- Finalize proposal and launch internal policy amendment process (**December 2022-January 2023**).
- Publish amended directive and AIA (**April 2023**).
- Engage with stakeholders to address questions, issues, and other concerns raised in their feedback (**ongoing**).

Summer-Fall 2022		Winter 2023	
Stakeholder engagement		Policy amendment	
<ul style="list-style-type: none"> <li>• Engage federal partners and external stakeholders on the 3<sup>rd</sup> review.</li> <li>• Update proposal in accordance with input, as appropriate.</li> <li>• Share ‘what we heard’ reports with senior management and the public.</li> </ul>		<ul style="list-style-type: none"> <li>• Commence TBS-OCIO policy amendment process.</li> <li>• Seek senior committee endorsements.</li> <li>• Seek the approval of the Chief Information Officer of Canada and the Secretary of the Treasury Board of the proposed amendments.</li> <li>• Publish the updated directive and AIA.</li> <li>• Support departments with meeting new requirements.</li> </ul>	