

Text changes to the Directive on Automated Decision-Making
November 2024

Published Version	Changes
<p>Preamble</p> <p>The Government of Canada is increasingly looking to use artificial intelligence to make or support administrative decisions to improve service delivery. The government is committed to using artificial intelligence in a manner that is compatible with core principles of administrative law such as transparency, accountability, legality, and procedural fairness. Understanding that this technology is changing rapidly, this directive will continue to evolve to ensure that it remains relevant.</p>	<p>The Government of Canada is increasingly looking to use artificial intelligence to make or support administrative decisions to improve service delivery. The government is committed to using artificial intelligence in a manner that is compatible with core principles of administrative law such as transparency, accountability, legality, and procedural fairness to ensure that decision-making processes are fair and unbiased. Understanding that this technology is changing rapidly, this directive will continue to evolve to ensure that it remains relevant.</p>
<p>1. Effective date</p> <ul style="list-style-type: none"> • 1.1 This directive takes effect on April 1, 2019, with compliance required by no later than April 1, 2020. • 1.2 This directive applies to all automated decision systems developed or procured after April 1, 2020. However, <ul style="list-style-type: none"> ○ 1.2.1 existing systems developed or procured prior to April 25, 2023 will have until April 25, 2024 to fully transition to the requirements in subsections 6.2.3, 6.3.1, 6.3.4, 6.3.5 and 6.3.6 in this directive; ○ 1.2.2 new systems developed or procured after April 25, 2023 will have until October 25, 2023 to meet the requirements in this directive. • 1.3 This directive will be reviewed every two years, and as determined by the Chief Information Officer of Canada. 	<p>1. Effective date</p> <ul style="list-style-type: none"> • 1.1 This directive takes effect on April 1, 2019, with compliance required by no later than April 1, 2020. • 1.2 This directive applies to all automated decision systems developed or procured after April 1, 2020. However, <ul style="list-style-type: none"> ○ 1.2.1 existing systems developed or procured prior to April 25, 2023 will have until April 25, 2024 to fully transition to the requirements in subsections 6.2.3, 6.3.1, 6.3.4, 6.3.5 and 6.3.6 in this directive; ○ 1.2.2 new systems developed or procured after April 25, 2023 will have until October 25, 2023 to meet the requirements in this directive. • 1.3 This directive will be reviewed every two years, and as determined by the Chief Information Officer of Canada.
<p>2. Authorities</p> <ul style="list-style-type: none"> • 2.1 This directive is issued pursuant to the same authority indicated in section 2 of the <i>Policy on Service and Digital</i>. 	<p>2. Authorities</p> <ul style="list-style-type: none"> • 2.1 This directive is issued pursuant to the same authority indicated in section 2 of the <i>Policy on Service and Digital</i>.
<p>3. Definitions</p> <ul style="list-style-type: none"> • 3.1 Definitions to be used in the interpretation of this directive are listed in Appendix A. 	<p>3. Definitions</p> <p>3.1 Definitions to be used in the interpretation of this directive are listed in Appendix A.</p>

Text changes to the Directive on Automated Decision-Making
November 2024

<p>4. Objectives and expected results</p> <ul style="list-style-type: none"> • 4.1 The objective of this directive is to ensure that automated decision systems are deployed in a manner that reduces risks to clients, federal institutions and Canadian society, and leads to more efficient, accurate, consistent and interpretable decisions made pursuant to Canadian law. • 4.2 The expected results of this directive are as follows: <ul style="list-style-type: none"> ○ 4.2.1 Decisions made by federal institutions are data-driven, responsible and comply with procedural fairness and due process requirements. ○ 4.2.2 Impacts of algorithms on administrative decisions are assessed and negative outcomes are reduced, when encountered. ○ 4.2.3 Data and information on the use of automated decision systems in federal institutions are made available to the public, where appropriate. 	<p>4. Objectives and expected results</p> <ul style="list-style-type: none"> • 4.1 The objective of this directive is to ensure that automated decision systems are deployed used in a manner that reduces risks to clients, federal institutions departments and Canadian society, and leads to more efficient, accurate, consistent and interpretable decisions made pursuant to Canadian law. • 4.2 The expected results of this directive as it applies to automated decision systems, are as follows: <ul style="list-style-type: none"> ○ 4.2.1 Decisions made by federal institutions departments are data-driven, responsible and comply with procedural fairness and due process requirements. ○ 4.2.2 Impacts of algorithms on administrative decisions are assessed and negative outcomes are reduced; when encountered. ○ 4.2.3 Data and information on the use of automated decision systems in federal institutions departments are made available to the public, where appropriate while protecting privacy, security and intellectual property.
<p>5. Scope</p> <ul style="list-style-type: none"> • 5.1 This directive applies to any system, tool, or statistical model used to make an administrative decision or a related assessment about a client. • 5.2 This directive applies only to automated decision systems in production and excludes systems operating in test environments. 	<p>5. Scope</p> <ul style="list-style-type: none"> • 5.1 This directive applies to any system, tool, or statistical model automated decision systems in production used to make an administrative decision or a related assessment about a client. It • 5.2 This directive excludes systems used solely for research and experimentation purposes, and those • 5.2 This directive applies only to automated decision systems in production and excludes systems operating in test environments.
<p>6. Requirements</p>	<p>6. Requirements</p>

Text changes to the Directive on Automated Decision-Making
November 2024

<p>The Assistant Deputy Minister responsible for the program using the automated decision system, or any other person named by the Deputy Head, is responsible for:</p>	<p>The Assistant Deputy Minister responsible for the program using the automated decision system, or any other person <u>senior official</u> named by the Deputy Head, is responsible for:</p>
<p>6.1 Algorithmic Impact Assessment</p> <ul style="list-style-type: none"> 6.1.1 Completing and releasing the final results of an Algorithmic Impact Assessment prior to the production of any automated decision system. 6.1.2 Applying the relevant requirements prescribed in Appendix C as determined by the Algorithmic Impact Assessment. 6.1.3 Reviewing and updating the Algorithmic Impact Assessment on a scheduled basis, including when the functionality or scope of the automated decision system changes. 6.1.4 Releasing the final results of the Algorithmic Impact Assessment in an accessible format via Government of Canada websites and any other services designated by the Treasury Board of Canada Secretariat pursuant to the Directive on Open Government. 	<p>6.1 Algorithmic Impact Assessment</p> <ul style="list-style-type: none"> 6.1.1 Completing, <u>approving</u> and releasing <u>publishing</u> the final results of an Algorithmic Impact Assessment in an accessible format on the Open Government Portal prior to the production of any automated decision system. 6.1.2 Applying the relevant requirements prescribed in Appendix C as determined by the Algorithmic Impact Assessment. 6.1.3 Reviewing, and updating <u>and approving</u> the Algorithmic Impact Assessment on a scheduled basis, including when the functionality or scope of the automated decision system changes. <p>6.1.4 Releasing the final results of the Algorithmic Impact Assessment in an accessible format via Government of Canada websites and any other services designated by the Treasury Board of Canada Secretariat pursuant to the Directive on Open Government.</p>
<p>6.2 Transparency</p> <p>Providing notice before decisions</p> <ul style="list-style-type: none"> 6.2.1 Providing notice through all service delivery channels in use that the decision rendered will be undertaken in whole or in part by an automated decision system, as prescribed in Appendix C. 6.2.2 Providing notices prominently and in plain language, pursuant to the Canada.ca Content Style Guide. <p>Providing explanations after decisions</p> <ul style="list-style-type: none"> 6.2.3 Providing a meaningful explanation to affected individuals of how and why the 	<p>6.2 Transparency</p> <p>Providing notice before decisions</p> <ul style="list-style-type: none"> 6.2.1 Providing notice through all service delivery channels in use that the decision rendered will be <u>undertaken in whole or in part made or assisted</u> by an automated decision system, as prescribed in Appendix C. 6.2.2 Providing notices prominently and in plain language, pursuant to the Canada.ca Content Style Guide. <p>Providing explanations after decisions</p> <ul style="list-style-type: none"> 6.2.3 Providing a meaningful explanation to affected individuals <u>clients</u> of how and why the

Text changes to the Directive on Automated Decision-Making
November 2024

<p>decision was made, as prescribed in Appendix C.</p> <p>Access to components</p> <ul style="list-style-type: none"> • 6.2.4 Determining the appropriate licence for software components, including consideration of open source software in accordance with the measures specified in the Government of Canada Enterprise Architecture Framework. • 6.2.5 If using a proprietary licence, ensuring that: <ul style="list-style-type: none"> ○ 6.2.5.1 All released versions of proprietary software components used for automated decision systems are delivered to, and safeguarded by, the department. ○ 6.2.5.2 The Government of Canada retains the right to access and test automated decision systems, including all released versions of proprietary software components, in case it is necessary for a specific audit, investigation, inspection, examination, enforcement action, or judicial proceeding, subject to safeguards against unauthorized disclosure. ○ 6.2.5.3 As part of this access, the Government of Canada retains the right to authorize external parties to review and audit these components as necessary. <p>Release of source code</p> <ul style="list-style-type: none"> • 6.2.6 Releasing custom source code owned by the Government of Canada in accordance with the measures specified in the Government of Canada Enterprise Architecture Framework, unless: <ul style="list-style-type: none"> ○ 6.2.6.1 the source code is processing data classified as Secret, Top Secret or Protected C; or 	<p>decision was made, as prescribed in Appendix C.</p> <p>Access to components</p> <ul style="list-style-type: none"> • 6.2.4 Determining the appropriate licence for software components, including consideration of open source software in accordance with the measures specified in the Government of Canada Enterprise Architecture Framework. • <u>6.2.5 Obtaining and safeguarding all released versions of software components used for automated decision systems.</u> • 6.2.65 If using a proprietary licence, ensuring that: <ul style="list-style-type: none"> ○ 6.2.5.1 All released versions of proprietary software components used for automated decision systems are delivered to, and safeguarded by, the department. ○ 6.2.56.12 The Government of Canada retains the right to access and test automated decision systems, including all released versions of proprietary software components, in case it is necessary for a specific audit, investigation, inspection, examination, enforcement action, or judicial proceeding, subject to safeguards against unauthorized disclosure. ○ 6.2.65.23 As part of this access, the Government of Canada retains the right to authorize external parties to review and audit these components as necessary. <p>Release of source code</p> <ul style="list-style-type: none"> • 6.2.6 Releasing custom source code owned by the Government of Canada in accordance with the measures specified in the Government of Canada Enterprise Architecture Framework, unless:
---	--

Text changes to the Directive on Automated Decision-Making
November 2024

<ul style="list-style-type: none"> ○ 6.2.6.2 disclosure would otherwise be exempted or excluded under the <i>Access to Information Act</i>, if the <i>Access to Information Act</i> were to apply. ● 6.2.7 Determining the appropriate access restrictions to the released source code. <p>Documenting decisions</p> <ul style="list-style-type: none"> ● 6.2.8 Documenting the decisions of automated decision systems in accordance with the <i>Directive on Service and Digital</i>, and in support of the monitoring (6.3.2), data governance (6.3.4) and reporting requirements (6.5.1). 	<ul style="list-style-type: none"> ○ 6.2.6.1 the source code is processing data classified as Secret, Top Secret or Protected C; or ○ 6.2.6.2 disclosure would otherwise be exempted or excluded under the <i>Access to Information Act</i>, if the <i>Access to Information Act</i> were to apply. ● 6.2.7 Determining the appropriate access restrictions to the released source code. <p>Documenting decisions</p> <ul style="list-style-type: none"> ● 6.2.768 Documenting the decisions <u>and assessments</u> of automated decision systems in accordance with the <i>Directive on Service and Digital</i>, and in support of the monitoring (6.3.2), data governance (6.3.45) and reporting requirements (6.5.1).
<p>6.3 Quality assurance</p> <p>Testing and monitoring outcomes</p> <ul style="list-style-type: none"> ● 6.3.1 Before launching into production, developing processes so that the data and information used by the automated decision system, as well as the system's underlying model, are tested for unintended biases and other factors that may unfairly impact the outcomes. ● 6.3.2 Developing processes to monitor the outcomes of the automated decision system to safeguard against unintentional outcomes and to verify compliance with institutional and program legislation, as well as this directive, on a scheduled basis. <p>Data quality</p> <ul style="list-style-type: none"> ● 6.3.3 Validating that the data collected for, and used by, the automated decision system is relevant, accurate, up-to-date, and in accordance with the <i>Policy on Service and Digital</i> and the <i>Privacy Act</i>. <p>Data governance</p>	<p>6.3 Quality assurance</p> <p>Testing and monitoring outcomes</p> <ul style="list-style-type: none"> ● 6.3.1 Before launching into a <u>system is in</u> production, developing processes so that the data and information used by the automated decision system, as well as the system's underlying model, are tested for <u>accuracy</u>, unintended biases and other factors that may <u>unintentionally or</u> unfairly impact the outcomes <u>or infringe human rights and freedoms</u>. ● <u>6.3.2</u> Developing processes to monitor the outcomes of the automated decision system to safeguard against unintentional <u>and unfair</u> outcomes and to verify compliance with <u>human rights obligations</u>, institutional and program legislation, <u>as well as and</u> this directive, on a scheduled basis. ● <u>6.3.3 Documenting client complaints, unexpected impacts and human overrides of the decision or assessment made by the system.</u>

Text changes to the Directive on Automated Decision-Making
November 2024

<ul style="list-style-type: none"> 6.3.4 Establishing measures to ensure that data used and generated by the automated decision system are traceable, protected and accessed appropriately, and 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. <p>Peer review</p> <ul style="list-style-type: none"> 6.3.5 Consulting the appropriate qualified experts to review the automated decision system and publishing the complete review or a plain language summary of the findings prior to the system's production, as prescribed in Appendix C. <p>Gender-based Analysis Plus</p> <ul style="list-style-type: none"> 6.3.6 Completing a Gender-based Analysis Plus during the development or modification of the automated decision system, as prescribed in Appendix C. <p>Employee training</p> <ul style="list-style-type: none"> 6.3.7 Providing adequate employee training in the design, function, and implementation of the automated decision system to be able to review, explain and oversee its operations, as prescribed in Appendix C. <p>IT and business continuity management</p> <ul style="list-style-type: none"> 6.3.8 Establishing strategies, plans and/or measures to support IT and business continuity management, as prescribed in Appendix C and in accordance with the Directive on Security Management. <p>Security</p> <ul style="list-style-type: none"> 6.3.9 Conducting risk assessments during the development of the automated decision system and establishing appropriate safeguards, in accordance with the Policy on Government Security. <p>Legal</p>	<ul style="list-style-type: none"> 6.3.3.1 Using findings from outcome monitoring and documented complaints, unexpected impacts and human overrides to identify issues and take corrective actions. <p>Data quality</p> <ul style="list-style-type: none"> 6.3.34 Validating that the data collected for, and used by, the automated decision system used to train the automated decision system as well as the data input into the system is relevant, accurate, up-to-date, and in accordance with the Policy on Service and Digital and the Privacy Act. <p>Data governance</p> <ul style="list-style-type: none"> 6.3.45 Establishing measures to ensure that data used and generated-produced by the automated decision system are traceable, protected and accessed appropriately, and 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. <p>Peer review</p> <ul style="list-style-type: none"> 6.3.65 Consulting the appropriate qualified experts to review the automated decision system, AIA and supporting documentation, and publishing the complete review or a plain language summary of the findings prior to the system's production, as prescribed in Appendix C. <p>Gender-based Analysis Plus</p> <ul style="list-style-type: none"> 6.3.76 Completing a Gender-based Analysis Plus during the development or modification of the automated decision system, as prescribed in Appendix C. <p>Employee training</p>
---	--

Text changes to the Directive on Automated Decision-Making
November 2024

- 6.3.10 Consulting with the institution's legal services from the concept stage of an automation project to ensure that the use of the automated decision system is compliant with applicable legal requirements.

Ensuring human intervention

- 6.3.11 Ensuring that the automated decision system allows for human intervention, when appropriate, as prescribed in Appendix C.
- 6.3.12 Obtaining the appropriate level of approvals prior to the production of an automated decision system, as prescribed in Appendix C.

- 6.3.87 Providing ~~adequate employee training to each employee who develops, uses, manages or makes decisions relating to automated decision systems on how to use, oversee, explain or maintain in the design, function, and implementation of~~ the automated decision system ~~to be able to review, explain and oversee its operations~~, as prescribed in Appendix C.

~~IT and business continuity management~~

- ~~6.3.8 Establishing strategies, plans and/or measures to support IT and business continuity management, as prescribed in Appendix C and in accordance with the Directive on Security Management.~~

Security

- 6.3.9 Conducting risk assessments during the development of the automated decision system and establishing appropriate information management and information technology security safeguards protections, in accordance with the Policy on Government Security and the Policy on Service and Digital.

Legal

- 6.3.10 Consulting with the institution's department's legal services ~~from during~~ the concept stage of an automation project to ensure that the use of the automated decision system is compliant with applicable legal requirements.

Ensuring human ~~intervention~~involvement

- 6.3.11 Ensuring that the automated decision system allows for human ~~intervention~~involvement, when appropriate, as prescribed in Appendix C.
- 6.3.12 Obtaining the appropriate level of approvals prior to the production of an automated decision system, as prescribed in Appendix C.

Text changes to the Directive on Automated Decision-Making
November 2024

<p>6.4 Recourse</p> <ul style="list-style-type: none"> 6.4.1 Providing clients with any applicable recourse options that are available to them to challenge the administrative decision. 	<p>6.4 Recourse</p> <ul style="list-style-type: none"> <u>6.4.1 Providing-Informing</u> clients <u>with-of any-all applicable</u> recourse options <u>that are available to them</u> to challenge the administrative decision. <ul style="list-style-type: none"> <u>6.4.1.1 Ensuring that recourse options are timely, effective, and easy to access.</u>
<p>6.5 Reporting</p> <ul style="list-style-type: none"> 6.5.1 Publishing information on the effectiveness and efficiency of the automated decision system in meeting program objectives on a website or service designated by the Treasury Board of Canada Secretariat. 	<p>6.5 Reporting</p> <ul style="list-style-type: none"> <u>6.5.1</u> Publishing information on the effectiveness and efficiency of the automated decision system in meeting program objectives on <u>the Open Government Portal</u>a website or service designated by the Treasury Board of Canada Secretariat. <u>6.5.2</u> Approving a summary of how the use of the automated decision -system is fair, effective, and transparent and meets the requirements of the Directive. <ul style="list-style-type: none"> <u>6.5.2.1</u> Submitting the summary to <u>Treasury Board of Canada Secretariat</u> prior to system production.
<p>7. Consequences</p> <ul style="list-style-type: none"> 7.1 Consequences of non-compliance with this directive can include any measure allowed by the <i>Financial Administration Act</i> that the Treasury Board would determine as appropriate and acceptable in the circumstances. 7.2 For an outline of the consequences of non-compliance, refer to the <i>Framework for the Management of Compliance</i>, Appendix C: Consequences for Institutions and Appendix D: Consequences for Individuals. 	<p>7. Consequences</p> <p>7.1 Consequences of non-compliance with this directive can include any measure allowed by the <i>Financial Administration Act</i> that the Treasury Board would determine as appropriate and acceptable in the circumstances.</p> <p>7.2 For an outline of the consequences of non-compliance, refer to the <i>Framework for the Management of Compliance</i>, Appendix C: Consequences for Institutions and Appendix D: Consequences for Individuals.</p>
<p>8. Roles and responsibilities of Treasury Board of Canada Secretariat</p> <p>Subject to the necessary delegations, the Chief Information Officer of Canada is responsible for:</p>	<p>8.7. Roles and responsibilities of Treasury Board of Canada Secretariat</p> <p>Subject to the necessary delegations, the Chief Information Officer of Canada is responsible for:</p>

Text changes to the Directive on Automated Decision-Making
November 2024

<ul style="list-style-type: none"> • 8.1 Providing government-wide guidance on the use of automated decision systems. • 8.2 Developing and maintaining the Algorithmic Impact Assessment and any supporting documentation. • 8.3 Communicating and engaging government-wide and with partners in other jurisdictions and sectors to develop common strategies, approaches, and processes to support the responsible use of automated decision systems. 	<ul style="list-style-type: none"> • 87.1 Providing government-wide guidance on the use of automated decision systems. • 87.2 Developing and maintaining the Algorithmic Impact Assessment and any supporting documentation. —87.3 Communicating and engaging government-wide and with partners in other jurisdictions and sectors to develop common strategies, approaches, and processes to support the responsible use of automated decision systems. • <u>7.4 Monitoring policy implementation and recommending actions to departments to improve outcomes for clients.</u> • <u>7.5 Publishing an annual summary of departmental reporting requirements on the Open Government Portal.</u>
<p>9. Application</p> <ul style="list-style-type: none"> • 9.1 This directive applies to all institutions subject to the <i>Policy on Service and Digital</i>, unless excluded by specific acts, regulations or Orders-in-Council; <ul style="list-style-type: none"> ○ 9.1.1 Agents of Parliament are excluded from this directive, including the: <ul style="list-style-type: none"> ▪ Office of the Auditor General of Canada, ▪ Office of the Chief Electoral Officer, ▪ Office of the Commissioner of Lobbying of Canada, ▪ Office of the Commissioner of Official Languages, ▪ Office of the Information Commissioner of Canada, ▪ Office of the Privacy Commissioner of Canada, and 	<p>98. Application</p> <ul style="list-style-type: none"> • 98.1 This directive applies to all institutions subject to the <i>Policy on Service and Digital</i>; unless excluded by specific acts, regulations or Orders-in-Council; <ul style="list-style-type: none"> ○ 98.1.1 Agents of Parliament are excluded from this directive, including the: <ul style="list-style-type: none"> ▪ Office of the Auditor General of Canada; ▪ Office of the Chief Electoral Officer; ▪ Office of the Commissioner of Lobbying of Canada; ▪ Office of the Commissioner of Official Languages; ▪ Office of the Information Commissioner of Canada; ▪ Office of the Privacy Commissioner of Canada, and

Text changes to the Directive on Automated Decision-Making
November 2024

<ul style="list-style-type: none"> ▪ Office of the Public Sector Integrity Commissioner of Canada. • 9.2 Agencies, Crown Corporations, or Agents of Parliament may enter into Specific Agreements with the Treasury Board of Canada Secretariat to adopt the requirements of this directive and apply them to their organization, as required. 	<ul style="list-style-type: none"> ▪ Office of the Public Sector Integrity Commissioner of Canada. • 9.2 <u>Other departments or separate agencies that are not subject to these provisions are encouraged to meet these requirements as good practice. Agencies, Crown Corporations, or Agents of Parliament may enter into Specific Agreements with the Treasury Board of Canada Secretariat to adopt the requirements of this directive and apply them to their organization, as required.</u>
<p>10. References</p> <ul style="list-style-type: none"> • 10.1 Legislation <ul style="list-style-type: none"> ○ Financial Administration Act ○ Access to Information Act ○ Canadian Human Rights Act ○ Privacy Act ○ Security of Information Act ○ Accessible Canada Act • 10.2 Related policy instruments <ul style="list-style-type: none"> ○ Policy on Access to Information ○ Policy on Service and Digital ○ Policy on Government Security ○ Policy on Privacy Protection ○ Policy on People Management ○ Directive on Open Government ○ Standard on Security Screening 	<p><u>910</u>. References</p> <ul style="list-style-type: none"> • <u>910</u>.1 Legislation <ul style="list-style-type: none"> ○ Financial Administration Act ○ Access to Information Act ○ Canadian Human Rights Act ○ Privacy Act ○ Security of Information Act ○ Accessible Canada Act • <u>910</u>.2 Related policy instruments <ul style="list-style-type: none"> ○ Policy on Access to Information ○ Policy on Service and Digital ○ Policy on Government Security ○ Policy on Privacy Protection ○ Policy on People Management ○ Directive on Open Government ○ Standard on Security Screening ○ Values and Ethics Code for the Public Service
<p>11. Enquiries</p> <ul style="list-style-type: none"> • 11.1 For interpretation of any aspect of this directive, contact Treasury Board of Canada Secretariat Public Enquiries. 	<p><u>101</u>. Enquiries</p> <ul style="list-style-type: none"> • 11<u>10</u>.1 For interpretation of any aspect of this directive, contact Treasury Board of Canada Secretariat Public Enquiries.

Text changes to the Directive on Automated Decision-Making
November 2024

- 11.2 Individuals from federal institutions may contact ai-ia@tbs-sct.gc.ca for any questions regarding this directive, including the Algorithmic Impact Assessment.

11.2 Individuals from ~~federal institutions~~ departments may contact ai-ia@tbs-sct.gc.ca for any questions regarding this directive, including the Algorithmic Impact Assessment [tool](#).

Text changes to the Directive on Automated Decision-Making

November 2024

Appendix A - Definitions

administrative decision

Any decision that is made by an authorized official of an institution as identified in section 9 of this directive pursuant to powers conferred by an Act of Parliament or an order made pursuant to a prerogative of the Crown that affects legal rights, privileges or interests.

algorithmic impact assessment

A framework to help ~~institutions-departments~~ better understand and reduce the risks associated with automated decision systems and to provide the appropriate ~~governance, oversight and reporting/audit~~ requirements that best match the type of ~~application-system~~ being designed.

artificial intelligence

~~Information technology that performs tasks that would ordinarily require biological brainpower to accomplish, such as making sense of spoken language, learning behaviours or solving problems.~~

automated decision system

Any technology that either assists or replaces the judgment of human decision-makers. These systems draw from fields like statistics, linguistics and computer science, and use techniques such as rules-based systems, regression, predictive analytics, machine learning, deep learning, and neural net~~works~~.

procedural fairness

~~A guiding principle of governmental and quasi-judicial decision-making. The degree of procedural fairness that the law requires for any given decision-making process increases or decreases with the significance of that decision and its impact on rights and interests.~~

production

~~A system is in production when it is in use and has impacts on real clients. This can include when it is in beta or user testing and producing outputs that impact clients.~~

proprietary

~~Refers to systems, algorithms or software owned by an entity, such as a company or government. These systems are often closed-source, meaning the source code is not publicly available.~~

source code

~~A computer program in its original, human-readable programming language, before translation into object code usually by a compiler or an interpreter. It consists of algorithms and computer instructions, and may include a developer's comments.~~

test environment

An environment containing hardware, instrumentation, simulators, software tools, and other support elements needed to conduct a test. ~~A system in a test environment may mimic a production environment but does not impact real clients. Test environments may include exploration zones and sandboxes.~~

Text changes to the Directive on Automated Decision-Making
November 2024

Appendix B - Impact Assessment Levels

Level	Description
I	<p><u>The context in which the system is operating likely has low levels of risk associated with it. This may be because of:</u></p> <ul style="list-style-type: none"> • <u>the identity factors of the clients that may be impacted;</u> • <u>the line of business and the decision that the system is supporting;</u> • <u>the type of technology being used.</u> <p>The decision will likely have little to no, <u>easily reversible, and brief impacts on some of: impact on:</u></p> <ul style="list-style-type: none"> • the rights of individuals or communities; • the equality, dignity, privacy, and autonomy of individuals; • the health or well-being of individuals or communities; • the economic interests of individuals, entities, or communities; • the ongoing sustainability of an ecosystem. <p>Level I decisions will often lead to impacts that are reversible and brief.</p> <p><u>The data used by the system likely presents low levels of risk. This may be because of:</u></p> <ul style="list-style-type: none"> • <u>the sensitivity of the data (such as the use of non-personal or unclassified information);</u> • <u>the use of structured data;</u> • <u>the data collection approach.</u>
II	<p><u>The context in which the system is operating likely has moderate levels of risk associated with it. This may be because of:</u></p> <ul style="list-style-type: none"> • <u>the identity factors of the clients that may be impacted;</u> • <u>the line of business and the decision that the system is supporting;</u> • <u>the type of technology being used.</u> <p>The decision will likely have moderate, <u>likely reversible and short-term impacts on some or all of impacts on:</u></p> <ul style="list-style-type: none"> • the rights of individuals or communities; • the equality, dignity, privacy, and autonomy of individuals; • the health or well-being of individuals or communities; • the economic interests of individuals, entities, or communities; • the ongoing sustainability of an ecosystem. <p>Level II decisions will often lead to impacts that are likely reversible and short-term.</p> <p><u>The data used by the system likely presents moderate levels of risk. This may be because of:</u></p> <ul style="list-style-type: none"> • <u>the sensitivity of the data (such as the use of personal, non-personal, unclassified or protected information);</u> • <u>the use of structured or unstructured data;</u> • <u>the data collection approach.</u>

Text changes to the Directive on Automated Decision-Making
November 2024

Level	Description
III	<p><u>The context in which the system is operating likely has high levels of risk associated with it. This may be because of:</u></p> <ul style="list-style-type: none"> • <u>the identity factors of the clients that may be impacted;</u> • <u>the line of business and the decision that the system is supporting;</u> • <u>the type of technology being used.</u> <p>The decision will likely have high, <u>difficult to reverse and potentially ongoing impacts on some or all of impacts on:</u></p> <ul style="list-style-type: none"> • the rights of individuals or communities; • the equality, dignity, privacy, and autonomy of individuals; • the health or well-being of individuals or communities; • the economic interests of individuals, entities, or communities; • the ongoing sustainability of an ecosystem. <p>Level III decisions will often lead to impacts that can be difficult to reverse and are ongoing.</p> <p><u>The data used by the system likely presents high levels of risk. This may be because of:</u></p> <ul style="list-style-type: none"> • <u>the sensitivity of the data (such as the use of personal or protected information);</u> • <u>the use of unstructured data;</u> • <u>the data collection approach.</u>
IV	<p><u>The context in which the system is operating likely has very high levels of risk associated with it. This may be because of:</u></p> <ul style="list-style-type: none"> • <u>the identity factors of the clients that will be impacted;</u> • <u>the line of business and the decision that the system is supporting;</u> • <u>the type of technology being used.</u> <p>The decision will likely have very high, <u>irreversible and perpetual impacts on some or all of: impacts on:</u></p> <ul style="list-style-type: none"> • the rights of individuals or communities; • the equality, dignity, privacy, and autonomy of individuals; • the health or well-being of individuals or communities; • the economic interests of individuals, entities, or communities; • the ongoing sustainability of an ecosystem. <p>Level IV decisions will often lead to impacts that are irreversible and perpetual. The data used by the system likely presents very high levels of risk. This may be because of:</p> <ul style="list-style-type: none"> • <u>the sensitivity of the data (such as the use of personal, protected, or classified information);</u> • <u>the use of unstructured data;</u> • <u>the data collection approach.</u>

Text changes to the Directive on Automated Decision-Making
November 2024

Appendix C - Impact Level Requirements

Requirement	Level I	Level II	Level III	Level IV
Notice (sections 6.2.1–6.2.2)	<p>None</p> <p>Plain language notice posted through all service delivery channels in use (Internet, in person, mail or telephone).</p>		<p>Plain language notice posted through all service delivery channels in use (Internet, in person, mail or telephone).</p> <p>In addition, the notice must direct clients to the published explanation required under Level I of Explanation level 1. publish documentation on relevant websites about the automated decision system, in plain language, describing:</p> <p>how the components work;</p> <p>how it supports the administrative decision;</p> <p>results of any reviews or audits; and</p> <p>a description of the training data, or a link to the anonymized training data if this data is publicly available.</p>	
Explanation (section 6.32.23)	<p>In addition to any applicable legal requirement, ensure that a meaningful explanation is published for common decision results on how the system works in general. The explanation must be in plain language and include provide a general description of:</p> <ul style="list-style-type: none"> the role of the system in the decision-making process; input data, its source and method of collection; <u>the criteria used to evaluate input</u> 	<p>The explanation from Level I is published.</p> <p>In addition, a more detailed, meaningful, plain language, explanation is provided to the client with any decision that results in the denial of a benefit or service, or involves a regulatory action.</p> <p>This explanation must inform the client in plain language of the reason or justification of the administrative decision. This involves a clear and client-focused description of how the system came to the output it did, including:</p> <ul style="list-style-type: none"> the principal factors that led to it, such as a description of the decision tree, scoring or weights of certain factors, and how the system output was used by human officers <p>The client must also be provided with the link to the published level I explanation.:</p> <ul style="list-style-type: none"> the role of the system in the decision-making process; 		

Text changes to the Directive on Automated Decision-Making
November 2024

Requirement	Level I	Level II	Level III	Level IV
	<p>data and the operations applied to process it;</p> <ul style="list-style-type: none"> • <u>results of any reviews or audits;</u> • the output produced by the system and any relevant information needed to interpret it in the context of the administrative decision; and • the principal factors behind a decision. <p><u>This explanation must be made on a discoverable departmental website and linked through in the AIA.</u></p> <p>Explanations must also inform clients of relevant recourse options, where appropriate.</p> <p>Descriptions must be made available in plain language through the Algorithmic Impact Assessment and discoverable via a departmental website.</p>	<ul style="list-style-type: none"> • the training and client data, their source, and method of collection, as applicable; • the criteria used to evaluate client data and the operations applied to process it; • the output produced by the system and any relevant information needed to interpret it in the context of the administrative decision; and • a justification of the administrative decision, including the principal factors that led to it. <p>Explanations must also inform clients of relevant recourse options, where appropriate.</p> <p>A general description of these elements must also be made available through the Algorithmic Impact Assessment and discoverable via a departmental website.</p>		
<p>Peer review (section 6.3.56)</p>	<p>None</p>	<p>Consult at least one of the following <u>qualified</u> experts and publish the complete review or a plain language</p>		<p>Consult at least two of the following <u>qualified</u> experts and publish the complete review or a</p>

Text changes to the Directive on Automated Decision-Making
November 2024

Requirement	Level I	Level II	Level III	Level IV
		<p>summary of the findings on a Government of Canada website:</p> <p>Qualified eExperts from a federal, provincial, territorial or municipal government institution</p> <p>Qualified members of fAcademy members of a post-secondary institution</p> <p>Qualified rResearchers from a relevant non-governmental organization</p> <p>Contracted third-party vendor with a relevant specialization</p> <p>A data and automation advisory board specified by Treasury Board of Canada Secretariat</p> <p>OR:</p> <p>Publish specifications of the automated decision system in a peer-reviewed journal. Where access to the published review is restricted, ensure that a plain language summary of the findings is openly available.</p>		<p>plain language summary of the findings on a Government of Canada website:</p> <p>Qualified eExperts from the National Research Council of Canada, Statistics Canada, the Communications Security Establishment, or Shared Services Canada</p> <p>Qualified members of fAcademy members of a post-secondary institution</p> <p>Qualified Researchers from a relevant non-governmental organization</p> <p>Contracted third-party vendor with a relevant specialization</p> <p>A data and automation advisory board specified by Treasury Board of Canada Secretariat</p> <p>OR:</p> <p>Publish specifications of the automated decision system in a peer-reviewed journal. Where access to the published review is restricted, ensure that a plain language</p>

Text changes to the Directive on Automated Decision-Making
November 2024

Requirement	Level I	Level II	Level III	Level IV
				summary of the findings is openly available.
Gender-based Analysis Plus (section 6.3.76)	None	<p>Ensure that the Gender-based Analysis Plus addresses the following issues includes:</p> <ul style="list-style-type: none"> • An assessment of how impacts of the automation project (including the system, data and decision) on might impact gender and/or other identity factors different population groups. This includes considerations of the impacts of the system and data used in the project, as well as the likely impact of the final decision. Where possible, cite the data used to assess the impacts. It is recommended that the data be gender-disaggregated and include other intersecting identity factors such as age, intersectionality of personal attributes such as gender, disability and race. If the data is unavailable, identify where the data gaps exist; • Details of planned or existing measures to address risks identified through the Gender-based Analysis Plus or other assessments. 		
Training (section 6.3.78)	<p>Role-based training on how to appropriately use and explain the functionalities of the system, at a high level.</p> <p>None</p> <p>Role-based training on how to appropriately use and explain the functionalities of the system, at a high level.</p> <p>Documentation on the design and functionality of the system.</p>		<p>Role-based training on how to appropriately use the functionalities and explain the capabilities of the system, including:</p> <p>the technical aspects of the system (like machine learning or governance of AI) to ensure an up-to-date understanding of the how the system works.</p> <p>Training must be recurring.</p> <p>Documentation on the design and functionality of the system.</p> <p>Training courses must be completed.</p> <p>Role-based training on how to appropriately use the functionalities and explain the capabilities of the system, including:</p>	

Text changes to the Directive on Automated Decision-Making
November 2024

Requirement	Level I	Level II	Level III	Level IV
			<p>the technical aspects of the system (like machine learning or governance of AI) to ensure an up-to-date understanding of the how the system works.</p> <p>-</p> <p>Training must be recurring.</p> <p>Documentation on the design and functionality of the system:</p> <p>Recurring training courses:</p> <p>A means to verify that training has been completed.</p>	
<p>Human-in-the-loop for decisions Ensuring human involvement (section 6.3.11)</p>	<p>Decisions may be rendered without direct human involvement:</p> <p>The system can make decisions and assessments without direct human involvement.</p> <p>Humans are involved in system quality assurance and can override decisions made by the system.</p>		<p>The final decision must be made by a human.</p> <p>Decisions cannot be made without having specific clearly defined human intervention points involvement during the decision-making process; and.</p> <p>Humans review the decisions or recommendations made by the system for accuracy and appropriateness. Humans can override decisions and assessments made by the system.</p>	
<p>IT and business continuity management (section 6.3.8)</p>	None		<p>Ensure that system recovery strategies, business continuity plans, and other relevant security controls are established in coordination with designated officials should the automated decision system be unavailable.</p>	
<p>Approval for the system to operate (section 6.3.12)</p>	<p>None Assistant Deputy Minister responsible for the program.</p>		Deputy Head	Treasury Board