ONTARIO NONPROFIT NETWORK

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Submission on Ontario's Trustworthy Artificial Intelligence (AI) Framework

To Michael Maddock:

We are writing to provide recommendations on Ontario's Artificial Intelligence (AI) framework as the government considers how to best use AI in their service to Ontarians and improve the public's trust in it.

ONN is the independent nonprofit network for the 58,000 nonprofits in Ontario, focused on policy, advocacy and services to strengthen Ontario's nonprofit sector as a key pillar of our society and economy. We work to create a public policy environment that allows our network of diverse nonprofit organizations across Ontario to work together on issues affecting our communities and channel the voices of our network to governments, funders, and other stakeholders.

Summary
For a trustworthy artificial intelligence framework to adequately protect Ontarians from risks associated with AI, especially those most vulnerable to risks, ONN recommends the following:

1. **Develop inclusive AI to mitigate biases**
2. **Enact safety guardrails with legislation and regulations to combat harm**
3. **Ensure a "Digital Commons" ownership model exclusively to ensure public accountability**
4. **Prioritize technology and data literacy so the public can make informed decisions about their use**

Leveraging nonprofits role in AI development and governance for an equitable future with technology
The nonprofit sector is well-positioned to contribute to the best possible future with emerging technologies, including AI. Nonprofits have the missions, the expertise, roots in community, attention to inequities, and provide a bridge as service deliverers and conveners of community voices. Two experts studying technology and Canada's nonprofit sector, James Stauch and Alina Turner, underscore the importance of co-creation with communities affected, particularly with nonprofits at the table. Nonprofits "can't afford to be the clean-up crew of the fourth industrial

revolution. We are all passengers on an AI airplane that is picking up exponential momentum with each metre of runway".[1]

The nonprofit sector has a stake in the way in which emerging technologies, like AI, are created and governed, especially when they are used in services that support the social benefits of Ontarians. Not only are nonprofits potential users of the technology, perhaps in similar ways as the province, but also any negative impacts and harm will disproportionately be felt by the communities our sector most often serves. This includes seniors, Black and Indigenous communities, newcomer and other racialized communities, people with disabilities, low-income families, homeless people and those that do not have access to technology or the internet, to name a few.

While AI can certainly help the government do its work more efficiently and effectively, AI comes with its own dangers and requires careful oversight and accountability to assist us with complex social problems. As highlighted by the Province, the digital economy must be powered by trustworthy AI that has proper governance and oversight; without a carefully constructed ethical and legal framework, the use of AI can cause inequality, uncertainty and harm.

Recommendation #1: Develop inclusive AI that mitigates biases and provide clear explanations of how AI makes decisions

It is well documented that AI is only as informed as those who build it.[2] The algorithms underpinning AI will encompass the biases and values of its builders and those who developed the data sets they use. When those builders are from a homogenous group and incentivised to build for profits and not necessarily fairness, the technology can profoundly perpetuate and deepen inequities.[3]

In the same vein, it is imperative that the decisions made by AI be easily explainable - that is, which factors, features and data sets are used in decision-making and which ones are not and why - especially when the decisions are about people.[4]

Stauch and Turner have outlined four possible futures with AI - civilizational collapse, civilizational replacement, benign containment, and human-machine co-creation.[5] In the latter co-creation

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[1] James Stauch and Alina Turner. "From Algorithms to Altruithms: The Fourth Social Purpose Revolution." February 17, 2020.
https://thephilanthropist.ca/2020/02/from-algorithms-to-altruithms-the-fourth-social-purpose-revolution/
[2] Chui, M., et al. (2018, December) Notes from the AI Frontier: Applying artificial intelligence for social good (discussion paper). McKinsey Global Institute.
[3] Cathy O'Neil. "The Truth About Algorithms." October 17, 2018.
https://www.youtube.com/watch?v=heQzqX35c9A
[4] Nicholas Diakopoulos. "We need to know the algorithms the government uses to make important decisions about us." May 23, 2016.
https://theconversation.com/we-need-to-know-the-algorithms-the-government-uses-to-make-important-decisions-about-us-57869
[5] James Stauch and Alina Turner. "From Algorithms to Altruithms: The Fourth Social Purpose Revolution." February 17, 2020.
https://thephilanthropist.ca/2020/02/from-algorithms-to-altruithms-the-fourth-social-purpose-revolution/

future, humans are in the "co-pilot's" seat with AI, ensuring that the noblest, democratic, rationally compassionate, and just human values and aspirations are embedded into every algorithm.[6] An algorithm might not always make the best choice in terms of risk, security, and quality nor should it be used where vulnerable populations are at risk. It cannot be left alone to "tech" (computer scientists, software engineers and data scientists) or the companies that own them to develop inclusive AI.

A strategy to mitigate biases should include:
- Transparent public communications that explain who is building the technology, how, and for what purpose, as well as how AI makes decisions.
- Convening a variety of vocations, perspectives and Ontarians - including those who are ultimately the end users/clients - to assist in developing AI and continuously testing and evaluating for bias/risk. This includes sociologists, ethicists, anthropologists, human rights lawyers, economists, and historians, to name a few.[7]
- Human oversight controls and overrides in high-risk situations

Recommendation #2: Enact safety guardrails with legislation and regulations to combat harm
Who is responsible for the harm caused by AI? The question is no longer hypothetical and we have seen cases where, for instance, the designers of self-driving cars could be implicated in collisions under certain circumstances.[8] If AI will be used to determine eligibility for social assistance or a position on an organ donor waitlist, for example, it is important to establish avenues for recourse for people who have been harmed by decisions made via AI. We recommend a robust legal and regulatory framework to provide guardrails and parameters for AI decision making, especially in statutory programs that must be provided by right, such as social assistance, health care, family services, and public safety.

Recommendation #3: Ensure a "Digital Commons" ownership model exclusively to ensure public accountability
Those who own the AI technology and data collected/housed that the government chooses to use will hold considerable power over the lives of Ontarians.[9] Ownership of AI will dictate what governance looks like, how the technology is developed, as well as who can access the data, when, and for what purposes. If the owners are third party for-profits rather than public bodies accountable to and reflective of Ontarians, then ensuring inclusive development, fairness, equal access and decommodification of personal information will prove difficult and elusive.

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[6] James Stauch and Alina Turner. "From Algorithms to Altruithms: The Fourth Social Purpose Revolution." February 17, 2020.
https://thephilanthropist.ca/2020/02/from-algorithms-to-altruithms-the-fourth-social-purpose-revolution/
[7] James Stauch and Alina Turner. "Rise of the (Good) Machines: A Blueprint for Action."March 16, 2020.
https://thephilanthropist.ca/2020/03/rise-of-the-good-machines-a-blueprint-for-action/#_edn2
[8] Ian Bogost. "Can You Sue a Robocar." March 20, 2018.
https://www.theatlantic.com/technology/archive/2018/03/can-you-sue-a-robocar/556007/
[9] Richard Freeman. "Who Owns the Robots Rules the World." May-June 2016.
https://www.harvardmagazine.com/2016/05/who-owns-the-robots-rules-the-world

We recommend a "Digital Commons" ownership model through which a public body owns and stewards AI technology and its data much like other public and community assets such as parks, schools, and open source software. This will help to ensure values of equity and fairness as well as public oversight.[10]

Recommendation #4: Prioritize technology and data literacy so the public can make informed decisions about their use

With an exponential growth of complex technology use, it is essential that the Ontario government establish a program to improve the data literacy of Ontarians. Without a robust public education program, public trust in the use of AI in government programs is unlikely to develop. We emphasize again that nonprofits are a natural partner for the government in this work, given our sector's connections to diverse communities and high levels of trust relative to other sectors.

In conclusion

Nonprofits can contribute to the best possible future with technology, as the Ontario government wades deeper into this issue and as the use of technology continues to exponentially increase. It is pertinent that Ontario's AI framework embeds inclusive AI development, enacts safety guardrails, ensures digital commons ownership and prioritizes data literacy.

Thank you for giving serious consideration to our recommendations. We look forward to further consultations with the Ontario government on this matter.

Sincerely,

Cathy Taylor
Executive Director

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[10] Dana Brown. "The Commons." October 4, 2018. https://thenextsystem.org/learn/stories/commons