Algorithmic Systems and Fair Decision-Making Processes

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Innovation at the Front-Lines: Administrative Decision-Making
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Digital dystopia: how algorithms punish the poor

In an exclusive global series, the Guardian lays bare the tech revolution transforming the welfare system worldwide – while penalising the most vulnerable

by Ed Pilkington in New York
Overview

• Defining Algorithmic Systems
• Example: Social Assistance Decisions
• What’s (Administrative) Law Got to Do With It?
Algorithmic Systems

Artificial Intelligence

Machine Learning

Big Data

Algorithms

Automation

Risk Prediction
Algorithmic Systems

Welcome to Online Application for Social Assistance

Eligibility and Applying
Find out if you are eligible or begin the application process by clicking on the appropriate link below:

- Am I Eligible
- Apply For Social Assistance

Ontario offers four programs you may be able to apply for:

GETTING STARTED WITH ONTARIO WORKS
Example: Social Assistance Decisions
What’s (Administrative) Law Got to Do With It? Fair Process and Participatory Rights
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Procedural Fairness:

• Requirements depend on “context”
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Fair Process and Participatory Rights

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• A cornerstone of administrative law
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• Includes “participatory rights”
Participatory Rights:

Their purpose is to ensure that “administrative decisions are made using a fair and open procedure, appropriate to the decision being made and its statutory, institutional, and social context, with an opportunity for those affected by the decision to put forward their views and evidence fully and have them considered by the decision-maker.”

*Baker v Canada*, [1999] 2 SCR 817 (para 22)
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What’s (Administrative) Law Got to Do With It? Fair Process and Participatory Rights

Participatory Rights:

- Are those affected by a decision able to put their views and evidence forward?
- Are their views and evidence considered by the decision-maker?
Algorithmic Systems and Fair Decision-Making Processes?

Basic Challenges for Participatory Rights:

• How do affected individuals learn about the decision being made? Are they able to challenge the basis of the decision?
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• How do affected individuals learn about the decision being made? Are they able to challenge the basis of the decision?

• How are the concerns of impacted individuals “heard” by an algorithmic system?
Questions?

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