

Algorithm Audit's policy for convening normative advice commissions

Preface

At NGO Algorithm Audit, we believe decision-making about responsible AI must be transparent and inclusive. This is not in the hands of solely technical experts. It's up to all of us.

It is Algorithm Audit's mission to form diverse and independent normative advice commissions that advise on ethical issues emerging in real world algorithms. Our approach draws inspiration from established deliberative decision-making processes in other domains, such as ethical review boards convened in bioethics¹, research ethics committees for academic research², and citizens' councils for biometric data³. Enriched by our own experiences, we build upon these frameworks by creating an inclusive and transparent decision-making process to cut [Gordian knots](#) in the context of responsible AI.

Algorithm Audit's working method for convening normative advice commissions is summarized in this policy document. We perceive it as a starting point and invite you to provide us with feedback, so that we can continually enhance our mode of operation.

Board of Algorithm Audit
The Hague, January 2024

Convening a normative advice commission

The outcome of deliberative normative advice commissions is something we call *algorprudence*. Algorprudence is an open source, bottom-up, and inclusive way of taking normative decisions arising in the context of AI.

Algorprudence is built in five steps:

1. **Case selection** – The case committee of Algorithm Audit selects compelling cases for review. These can be identified by the committee itself or can be submitted by external parties through our website.
2. **Problem statement** – The case committee collects relevant information about the case at hand and proactively reaches out to, among others:
 - i) the algorithm developer(s)
 - ii) data subjects
 - iii) subject matter experts
 - iv) civil society organisations

These parties are gathered to compose an all-encompassing *problem statement* that provides context of the algorithmic application and identifies the ethical issue(s). This can, for instance, be the result of a Fundamental Rights Impact Assessment (FRIA). A problem statement contains at least the following elements:

- i) **Introduction:** description of the context of the algorithmic application.
- ii) **Scope of case review:** specification of the scope of the case review within the provided context of the algorithmic application.
- iii) **Legal background:** overview of the relevant legal frameworks and case law relating to the scope of the case review, including a motivation why the outcome of the advice commission does not violate fundamental rights.
- iv) **Description of the ethical issue(s):** addressing the ethical issue(s) in relation to the case at hand.

¹ Xafis, V., Schaefer, G. O., Labude, M. K. et al. (2019). 'An ethics framework for big data in health and research'. *Asian Bioethics Review*, 11(3). <https://doi.org/10.1007/s41649-019-00099-x>

² Metcalf, J. and Crawford, K. (2016). 'Where are human subjects in big data research? The emerging ethics divide.' *Big Data & Society*, 3(1). <https://doi.org/10.1177/2053951716650211>

³ How to make a Citizens' Biometrics Council (2021) <https://www.adalovelaceinstitute.org/feature/how-to-make-citizens-biometrics-council/>

An example of a problem statement on Risk Profiling for Social Welfare Re-examination can be found in AA:2023:02:P4.

3. **Assembling the normative advice commission** – The case committee brings together a normative advice commission that is requested to review the problem statement document. As a guideline, an advice commission should include at least:
 - a. a subject matter expert
 - b. a representative of affected groups
 - c. a person subjected to the algorithm (see text box)
 - d. an academic professional active in at least one of the following areas: ethics, statistics, law;
 - e. an algorithm owner, or representative

The normative advice commission will execute the following work plan.

[text box]

There is no universally optimal method for incorporating people subjected to an algorithm in a normative advice commission. We will therefore experiment with various working formats, among others:

- Include a person or a representative of a group subjected to the algorithm as part of the normative advice commission.
- Include people from varying disciplines subjected to the algorithm in defining the problem statement, prior to the commission gathering.
- Include people subjected to the algorithm by hosting focus sessions in parallel to the normative advice commission gathering.

The above options are not mutually exclusive. Please reach out to us if you think other options should be taken into account⁵.

[/text box]

- **Pre-gathering:** Commission members are asked to write an initial reaction on the ethical issues presented in the problem statement. The collection of this primary response is sent to all commission members. Accumulating initial reactions is a first, preliminary indication to identify different perspectives on how the ethical issue can be approached. Exchanging viewpoints prior to the gathering streamlines the discussion among attendees during the meeting. No lengthy all-encompassing treatment of the ethical issue is required. Commission members are requested to send an initial reaction of maximum two pages, by the announced date..
- **In-gathering:** An agenda for the commission gathering will be created and shared in advance. The following people are present at the meeting:
 - One of the board members of Algorithm Audit
 - Case committee of Algorithm Audit
 - Normative advice commission members

One of us at Algorithm Audit moderates the discussion, with the objective of bringing forth a normative decision about the ethical issue introduced in the problem statement. The meeting is recorded for notetaking and conversation reconstruction purposes.

4. **Advice document** – An initial version of the distilled advice document, composed by the case commission of Algorithm Audit, is sent for feedback to all commission members. This process could be repeated until the content of the advice document is satisfactory for all. Consensus among commission members regarding the final judgment and advice is not strictly necessary. When no agreement can be reached, an elaboration on the existing varying viewpoints will be presented in the advice document, as this provides useful insights regarding the ethical issues discussed. In the final advice document, a disclaimer will be added that the advice document concerns a group effort and that no individual commission member can be held accountable for any statements being made. Normative commission members may not disclose any statements or opinions expressed by individual commission members.

⁴ <https://algorithmaudit.eu/algoprudence/risk-profiling-for-social-welfare-reexamination-aa202302/>

⁵ info@algorithmaudit.eu

5. [Publication of algoprudence](#) – The problem statement and final advice document is published on www.algorithmaudit.eu/cases.

[Timeline algoprudence](#)

Case reviews differ in scale and scope. We apply a multi-tier approach for case reviews:

- Small: timespan 1-2 months, 4 commission members.
- Medium: timespan 2-4 months, 4-6 commission members.
- Large: timespan 4-6 months, 6 commission members.

The number of simultaneous case reviews depends on available resources.

[Procedural safeguards to prevent ethics washing](#)

Algorithm Audit works under explicit conditions that we discuss with our partners on forehand. Criteria for eligible cases are outlined in our [Policy Eligible Case Reviews](#). Oversight of adherence to this policy is assigned to the Supervisory Board of Algorithm Audit.

[Legal status of algoprudence](#)

Algorithm Audit does not have a mandate to issue legally binding rulings. In our case studies, we provide non-binding ethical advice. This often goes beyond advice on what is required for legal compliance. Yet in the absence of regulation or clear standards established by a supervisory body, our independent ethical advice also serves as a preliminary signpost for organizations, both public and private parties. Our case advice may also help elaborate official standards or support future decisions by various authorities. In this sense, our ethical advice does have relevance for the legal domain.