Policy 101

An Introduction to Participating in the Policymaking Process

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GRAIL NETWORK
What is Policy?

Oakland bans city use of facial recognition software
It's now the third US city to do so.

Dissecting racial bias in an algorithm used to manage the health of populations
Ziad Obermeyer1,2,*, Brian Powers3, Christine Vogeli4, Sendhil Mullainathan5,6

HUD Seeks to Amend Interpretation of Fair Housing Act’s Disparate Impact Rule

Twitter rolls out total ban on ads from political figures
Twitter is banning all ads that mention specific candidates, elections, or legislation.
Where a plaintiff identifies an offending policy or practice that relies on an algorithmic model, a defending party may defeat the claim by:

(i) Identifying the inputs used in the model and showing that these inputs are not substitutes for a protected characteristic and that the model is predictive of risk or other valid objective;

(ii) showing that a recognized third party, not the defendant, is responsible for creating or maintaining the model; or

(iii) showing that a neutral third party has analyzed the model in question and determined it was empirically derived, its inputs are not substitutes for a protected characteristic, the model is predictive of risk or other valid objective, and is a demonstrably and statistically sound algorithm.
What is Policy?

“To build and use a model is to make, and to promote as useful, a particular lens for understanding [a social problem].”

“Planning for the cut [in benefits], Dobbs calculated what she could do without, choosing between trips to church or keeping the house clean.”
### Who makes policy?

#### Standards and governance bodies
- Technical standards
- Multistakeholder processes

#### Governments
- Legislation
- Regulations & guidance
- Appropriations
- Procurement
- Reports & oversight
- Public Consultations
- Public Hearings and Forums

#### Communities
- Voting
- Direct action (demonstrations, petitions, legislative outreach)
- Community governance
- Public notice & comment participation
- Self-advocacy

#### Courts
- Decide which cases to take
- Interpret laws
- Create precedent/common law

#### Companies
- Lobbying/advocacy
- Industry standards/self-reg
- Design systems & architecture
- Determine costs of & access to non-government resources

#### Developers & designers
- Formalize policies and values into computing rules
- Set tech use & design standards
- Set social norms through design
- Scale or disrupt power structures
- Decide what data will shape future decisions

#### Civil society & academia
- Legislative/regulatory advocacy
- Community organizing
- Governance standards/principles
- Corporate advocacy/pressure
- Public testimony/statements
- Research
- Impact litigation
## Where to find opportunities to get involved

### Government websites
- Federalregister.gov
- Congressional committee websites
- europa.eu/info/consultations
- State legislative websites
- Gao.gov
- crsreports.congress.gov

### Academic centers
- Princeton Center for Information Technology Policy
- Georgetown Institute for Technology Law & Policy
- Data & Society
- KU Leuven Institute for AI
- techscience.org

### Advocacy groups, coalitions, & partnerships
- FAT* listserv
- GRAIL Network
- Algorithm Watch, Upturn, CDT, & other nonprofits
- Civil & human rights groups outside of tech

### Procurement & appropriations
- Government RFIs, RFPs, contracts, & industry days
  - Sam.gov
  - SmartProcure (paid database)
  - FedScoop.com
  - Federal News Network

### Hearings & forums
- Public hearings
- Representatives (local, state, fed)
- Corporate community forums

### News, social media, etc.
- Equalfuture.org
- Politico’s Morning Tech
- Twitter
Where to find opportunities to get involved

Governance
Research in
Artificial
Intelligence
Leadership
grailnetwork.org

Policymaking Opportunities
Check out some of the ongoing policy discussions related to Artificial Intelligence –
Current/Upcoming:
UK ICO and the Turing Institute, Consultation on Explaining AI Decisions Guidance, Comments due January 24, 2020
Australian Human Rights Commission, Consultation on Human Rights and Technology, Comments accepted until March 10, 2020
World Intellectual Property Organization, Consultation on the impact of artificial intelligence on intellectual property – Consultation closes February 14, 2020
US White House Office of Science and Technology Policy, Request for Comments on a draft memo “Guidance for Regulation of Artificial Intelligence Applications” – Comments due March 12, 2020

Deepfake Bot Submissions to Federal Public Comment Websites Cannot Be Distinguished from Human Submissions
- Publicly available artificial intelligence methods can generate an enormous volume of original, human-speech-like topical text “Deepfake Text” that is not based on conventional search-and-replace patterns
- I created a computer program (a bot) that generated and submitted 1,001 deepfake comments regarding a Medicaid reform waver to a federal public comment website, stopping submission when these comments comprised more than half of all submitted comments. I then formally withdrew the last comments
- When humans were asked to classify a subset of the deepfake comments as human or bot submissions, the results were no better than would have been gotten by random guessing

Voter Identity Theft: Submitting Changes to Voter Registrations Online to Disrupt Elections
- Websites for 35 states and DC in 2016 were vulnerable to voter identity theft attacks; an impostor could submit changes to voter registration information
- An impostor needed a combination of voter’s name, date of birth, gender, address, Social Security Number, or Driver’s License Number
- Relevant data can be acquired from government, data brokers, or darknet markets. Total cost of an automated attack against 1% of all vulnerable voter registrations nationwide ranged from $10,831 to $24,936 depending on the data source used. State cost less, e.g., $1 for Alaska and $2,000 for Illinois

National Archives
The Daily Journal of the United States Government

FEDERAL REGISTER
POPULAR DOCUMENTS
- Rules Regarding the Frequency and Notice of Continuing Disability Reviews
- Request for Public Comment on the Federal Trade Commission’s Implementation of the Children’s Online Privacy Protection Rule
- Supplemental Nutrition Assistance Program: Standardization of State Heating and Cooling Standard Utility Allowances
- DNA-Sample Collection From Immigration Detainees
- Office of the Assistant Secretary for Financial Resources; Health and Human Services Grants Regulation
- Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP); Reopening of Comment Period
- Review of Action: Enforcement of U.S. WTO Rights in Large Civil Aircraft Dispute
- Special Areas; Roadless Area Conservation; National Forest System Lands In Alaska

AGENCY:
Office of the Attorney General, Department of Justice.
ACTION:
Proposed rule.
SUMMARY:
The Department of Justice is proposing to amend regulations that require DNA-sample collection from individuals who are arrested, facing charges, or convicted, and from non-U.S. citizens who are detained under the authority of the United States. The amendment would strike a provision authorizing the Secretary of Homeland Security to exempt from the sample collection requirement certain aliens from whom collection of DNA samples is not feasible because of operational exigencies or resource limitations. This will remove the

Acquire Voter Data
Acquire Voter Files
Acquire Driver’s License
Acquire Address
Acquire Driver license
Acquire Voter Files

Acquire Voter Data
Acquire Driver license
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Demographic: Data & Government Identifiers

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Using computing expertise to advocate for policy change and advance justice (what can you do?)

- Surface flaws & biases in data
- Resist unjust design and use of technologies
- Support & solicit community input in the design of systems/technologies
- Provide technical support to advocates
- Audit systems to diagnose both social and technical problems
- Use model design as an opportunity to questions underlying policies
- Communicate the limits of predictive models
- Other ideas?
US federal policymaking

Congress (House & Senate)
- Hearings
- Roundtables, task forces, & other forums
- Draft bills
- Direct advocacy to members (meetings, letters, calls)
- Tech Congress, detailees & tech-focused staff
- Reports/records requests/oversight

Executive branch/agencies
- Agency rulemakings & public comments
- Advisory committees
- White House (OSTP, etc.); executive orders
- Procurement
- Oversight
- Research & reports

Courts
- Litigation & amicus briefs
- Expert witnesses
- Technical support for litigants
The NPRM creates new pleading hurdles that would make it **practically impossible** for plaintiffs to have their disparate-impact cases **heard**, especially when the alleged discrimination results from algorithmic models. The NPRM’s algorithmic defenses **seriously undermine** HUD’s ability to **address discrimination**, are unjustified in the record, and **have no basis in computer or data science**. Adopting the NPRM would **violate** HUD’s obligation to **end discriminatory housing practices** and “affirmatively further fair housing.”
Resisting ICE “extreme vetting” software

Direct outreach to DHS from advocates and computer scientists

Dear Secretary Duke:

We are a group of 54 computer scientists, engineers, mathematicians, and other experts in the use of machine learning, data mining and other advanced techniques. Simply put, no computational methods can provide reliable or objective assessments of the traits that ICE seeks to measure. In all likelihood, the proposed system would be inaccurate and biased. We urge you to reconsider this program.

Corporate & shareholder advocacy

Congressional advocacy

Public education & media

Campaign Action

Sign the petition to IBM's CEO: Don’t Help Trump Deport Immigrants

The Washington Post

Democracy Dies in Darkness

18MR
Questions?

Break Time!
EU Policymaking Roles, Processes, and Tips

Specialized Entities

● Interpreting the Law
  ○ CJEU, ECHR (not EU)
● Advice and Guidance
  ○ HLEG, EDPS
● Parliamentary Committees
  ○ IMCO, ITRE, JURI, LIBE
● Often mirrored at MS level
  ○ German Data Ethics Commission
  ○ UK ICO

Some Forms of Policymaking

● Public Consultations
● Expert Groups
● Direct communication
  ○ Commissioners, MEPS, etc

Question 5. Do you agree that the scope of this initiative should be limited to crypto-assets (and not be extended to digital assets in general)?

- Yes
- No
- Don’t know / no opinion / not relevant

5.1 Please explain your reasoning for your answers to question 5:

5000 character(s) maximum

Including spaces and line breaks, i.e. stricter than the MS Word characters counting method.
States and Localities

This makes a difference where you live!

Some similarities to federal venues

Helpful to be a local, or have a local partner

Things can move quickly, be ready!

Relative impact of participation can be greater.
Non-Governmental Policymaking

IBM Response to “Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification”

Discrimination through Optimization: How Facebook’s Ad Delivery Can Lead to Biased Outcomes
MUHAMMAD ALI*, Northeastern University, USA
PIOTR SAPIEZYNSKI*, Northeastern University, USA
MIRANDA BOGEN, Upturn, USA
ALEKSANDRA KOROLOVA, University of Southern California, USA
ALAN MISLOVE, Northeastern University, USA
AARON RIEKE, Upturn, USA

Facebook To Ban 'Ethnic Affinity' Targeting For Housing, Employment, Credit-Related Ads
Upcoming Opportunities

EU AI in 2020

- Whitepaper on Europe’s AI plans expected Feb. 19 (leaked version already available)
- Consider submitting comments!

UK ICO Auditing Framework for AI

- First steps already taken
- Consultation on framework expected soon

Australia: AI and Human Rights

- Consultation document available
- Comments due March 10
- Only 70 comments in first round!

US OMB Guidance for Regulation of AI Applications

- Draft memo available
- Comments due March 13
- Will shape US agencies approaches to regulation
Questions

But you didn’t explain…

How do I…

What about…

What is the GRAIL Network?