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Keynote by Patricia Kosseim, Information and Privacy Commissioner of Ontario
IPC Privacy Day Event
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[Modern Government: Artificial Intelligence in the Public Sector](#)

<u>Land acknowledgement</u>

Good morning, everyone.

Before we begin, I want to respectfully acknowledge that as we gather here in Toronto, we are meeting on the traditional territory of many nations including the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee and the Wendat peoples and is now home to many diverse First Nations, Inuit and Métis peoples.

We also acknowledge that Toronto is covered by Treaty 13 signed with the Mississaugas of the Credit, and the Williams Treaties signed with multiple Mississaugas and Chippewa bands.

<u>Welcome</u>

Welcome to the IPC's Privacy Day event in recognition of Data Privacy Day, 2024.

Today's theme is *Modern Government: Artificial Intelligence in the Public Sector.*

I'd like to extend a special welcome to my federal, provincial and territorial colleagues joining us online from across the country and to our special guests here in person, including:

- several members of our Strategic Advisory Council,
- chief commissioner of the Ontario Human Rights Commission,
- counsel of the Law Commission of Ontario,
- CEOs of Ontario Health and Ontario MD,
- clerk and deputy clerk of the City of Toronto, and
- former CEO of Canadian iconic company Blackberry, now the subject of a very popular Netflix series!

I also want to give a warm welcome to our six esteemed panelists whom you will have the pleasure of meeting in just a few moments.

I am thrilled that over 2,000 people are joining us today, which is a testament to how important and timely this topic is.

Today's proceedings are being simultaneously translated into French — alors bienvenue à nos participants Francophones. Ça nous fait grand plaisir de vous accueillir parmi nous aujourd'hui!

Today's webcast will be posted on our [YouTube channel](#) for future viewing as well.

I'd like to thank my staff for their tremendous work in putting this event together.

Introduction

Today's theme is directly related to one of my office's four strategic priorities, namely *Privacy and Transparency in a Modern Government.*

Our goal in this priority area is to advance Ontarians' privacy and access rights by working with public institutions to develop bedrock principles and governance frameworks for the responsible and accountable deployment of digital technologies, including AI.

Artificial Intelligence is the song that's got the whole world singing.

It ushers in tremendous opportunities, with real-world benefits, unfolding in real time.

It also impacts almost every aspect of our lives for good or for ill, including our jobs and our economy — our health and safety — our ideas and creativity — our sense of truth and non-truth — our human dignity and human rights — including privacy.

Our particular focus today will be on the use of AI in Ontario's public sector to fast-track the delivery of government services, make better decisions, improve engagement with residents, and solve complex societal problems.

Our expert panel will guide us through the intricacies of AI, its risks and opportunities, and the privacy implications we must keep in mind as we navigate this new technological frontier.

2023: The year AI went mainstream

At the beginning of this decade, artificial intelligence, for many of us, still belonged to the realm of academics, a small niche of engineers, tech enthusiasts and science fiction writers.

But 2023 marked the year that AI went mainstream, in large part due to the rising popularity of ChatGPT, an AI-powered language tool that anyone can use for free.

As AI becomes more widespread through mass appeal and adoption, the public and policy makers have grown increasingly sensitized to its benefits and its perils.

Benefits of AI

In terms of benefits, AI offers seemingly endless possibilities for the public sector.

AI could potentially remove language barriers for people trying to access emergency services.

For example, 9-1-1 calls are being powered by AI to improve communication for residents who speak languages other than English.

Callers can speak in their native language, which an AI system detects and then translates in real time for call centre employees. Conversely, when the employee responds in English, the system translates it and delivers it back to the caller through a synthesized voice in the caller's native language.

AI can be used by government policy analysts to accelerate their research, synthesize massive amounts of data, including survey responses and public inquiries, and draft succinct and plain language summaries to help inform decision-makers.

AI technology could also help cut down on delays to access government services and benefits, by spotting eligible individuals based on established criteria, and automating the application process, reducing their need to apply and wait for processing, which might otherwise take weeks or months.

AI is being integrated into health care to enhance diagnosis and treatment through virtual AI assistance that can provide customized and real-time recommendations to patients 24/7.

AI can assess complex risk factors and interpret medical images, sometimes catching things the human eye might miss, leading to earlier detection of disease.

And AI can improve management of the health system by predicting health care needs and length of hospital stays, so that resources can be allocated accordingly.

AI is increasingly being used in recruitment processes to assist employers in screening candidates and finding the best person for a job, enhancing productivity, performance, and retention.

In fact, the Ontario government recently proposed Bill 149 which acknowledges the existence of such practices and would, if passed, require employers to be transparent about their use of AI in the hiring process.

Cautionary tales

While the power of AI can lead to benefits like these, we also know of its cautionary tales.

Despite its many promises, and all of its hype, AI is not infallible. We've seen many documented cases where algorithms have either failed to return accurate results or have perpetuated discrimination and bias against historically marginalized groups, with serious ramifications.

For example, an algorithm used in hospitals to predict who was more likely to require extensive medical care turned out to be heavily skewed in favor of white patients over Black patients.

Another algorithm used in the justice system to predict the likelihood of recidivism, returned twice as many false positives among Black offenders compared with white offenders.

An algorithm used to accelerate recruitment processes was found to be inherently biased against women candidates.

Other examples of flawed algorithms include cases where European names were favored over African American names, or where facial recognition systems failed to recognize darker skin tones.

These and many other examples speak to the importance of ridding bias from the data sources used to train algorithms in the first place, as well as the need for human supervision over returning results.

AI, particularly generative AI, brings with it many security dangers as well.

Malicious actors have already worked out how to synthetically mimic CEOs voices, down to their exact tone and accent, duping employees into thinking that their boss is asking them to transfer funds to some account.

Deep fakes, which look and speak like real humans, are sometimes used to poke fun by showing world leaders frolicking together on a beach somewhere, or Pope Francis in a stylish white puffer jacket.

Other times, they can be used more nefariously to sully peoples' reputations, spread propaganda, wreak economic havoc, and even steal elections.

A fake explosion of the Pentagon that caused a brief drop in the stock market and a fabricated video of film-maker Michael Moore voicing support for Trump as the republican presidential nominee for 2024, are no laughing matter.

Risks and opportunities: Humanity on the brink

In my blog, *Privacy and Humanity on the Brink*, I wrote about the need to regulate the design and use of AI technology. I spoke about the existential threats to our sense of human agency and our future as a human species, but also about the very real risks facing us here and now.

I noted that Ontario has a unique opportunity to lead in this area by developing a thoughtfully articulated, principled framework that balances fundamental values of individual autonomy, dignity, and integrity, with broader societal interests.

Need for guardrails and parameters

We need to put in place comprehensive and binding guardrails around the use of AI technologies that protect our safety, privacy, and human rights.

Around the world, regulators are passing legislation to address these and other issues.

The European Council and Parliament have reached a provisional agreement after lengthy negotiations over the EU's proposed *Artificial Intelligence Act*.

This act takes a risk-based approach to regulating AI, supporting innovation, but with greater transparency and accountability, and with several backstops, including prohibitions against cognitive behavioural manipulation, the scraping of facial images from the internet, and the use of social scoring and biometric categorisation to infer sensitive data.

In California, the *AI Accountability Act* has been introduced with the aim of creating a roadmap, guardrails and regulations for the use of AI technologies by state agencies.

This includes requiring notice to the public when they are interacting with AI.

In Canada, the *Artificial Intelligence and Data Act*, part of Bill C-27, would require having measures in place to identify and mitigate the risks of harm or biased output, and to monitor compliance.

This federal legislation would not cover the public sector in Ontario.

That's why it is so essential for us to develop our own framework here.

The Ontario government has already taken some positive steps by building various components of a *Trustworthy Artificial Intelligence Framework*.

But Ontario can and must do more.

IPC efforts on AI

In May, I issued a [joint statement](#) with Chief Commissioner Patricia DeGuire of the Ontario Human Rights Commission, calling on the Ontario government to establish a more robust and granular set of binding rules governing public sector use of AI that respects human rights, including privacy, and upholds human dignity as a fundamental value.

In my last [annual report](#), I reiterated my call for government to continue fleshing out its AI framework with binding rules and appropriate oversight to ensure AI use is safe, transparent, accountable and ethically responsible.

My office also joined our federal, provincial, and territorial counterparts in releasing, *[Principles for Responsible, Trustworthy, and Privacy-Protective Generative AI Technologies](#)*.

These principles are intended to help organizations build privacy protection right into the design of generative AI tools, and throughout their development, provision, and downstream use.

They're devised to mitigate risks, particularly for vulnerable and historically marginalized groups, and to ensure that generative content which could have significant impact on individuals is identified as having been created by generative AI.

On the international front, the IPC co-sponsored two resolutions at the 45th Global Privacy Assembly that were unanimously adopted by data protection authorities around the world.

One on [generative artificial intelligence systems](#) and the other on [artificial intelligence and employment](#), both of which closely align, and resonate with, the kinds of things we've been saying and calling for here at home.

Conclusion

Algorithmic systems are powerful tools of measurement, management, and optimization.

Ultimately however, their successful adoption by public institutions can only be achieved with the public's trust and confidence that these tools are being used in a safe, privacy-protective, and ethically responsible manner.

I'm very much looking forward to the panel discussion which promises to be a highly engaging conversation about many of these issues.

I want to thank all of you once again for joining us today.

And so, with that introduction, I'd like to turn things over to Assistant Commissioner Michael Maddock to introduce our panelists.

Thank you. Merci.