OC240344

1 May 2024

Tēnā koe [REDACTED]

I refer to your email/letter dated 3 April 2024, requesting the following under the Official Information Act 1982 (the Act):

> *"I am currently completing the requirements for a Master of Information Governance from The University of Auckland.*
>
> *I am writing a research paper that concerns in part the Algorithm Charter for Aotearoa|New Zealand and the actions taken by its signatories to discharge the signatory commitments set out in the Charter.*
>
> *I note your agency/entity/organisation is listed as a signatory to the Charter at [Algorithm charter for Aotearoa New Zealand - data.govt.nz](#).*
> *To assist me with my research, please would you provide at your earliest convenience any reports or materials held by your organisation:*
>
> > 1. *setting out and/or summarising how and when your organisation has met, or intends to meet, the commitments to transparency and partnership set out in the Algorithm Charter for Aotearoa|New Zealand;*
> > 2. *setting out or explaining how decisions made by the organisation are informed by algorithms. This may include without limitation "plain English" documentation of the algorithm/s, information about the data and processes involved, or published information about how data is collected, secured, and stored;*
> > 3. *that demonstrate or detail how your organisation is delivering clear public benefits through Treaty of Waitangi commitments by embedding a te ao Maaori perspective in the organisation's development and use of algorithms consistent with the Treaty of Waitangi;*
> > 4. *that demonstrate or detail how your organisation has, or intends to, identify and consult with people, communities and groups who have an interest in algorithms, including Maaori;*
> > 5. *that describe how your organisation makes sure data is fit for purpose by identifying and managing bias;*
> > 6. *showing how privacy, ethics, and human rights are safeguarded by regular peer reviews of algorithms to assess for unintended consequences, and how the organisation acts on this information; and*
> > 7. *setting out the nominated point of contact for public inquiries about algorithms -*
>
> *together with any internal policies, principles, rules, or guidelines that relate to the above matters."*

The Ministry is a signatory to the Algorithm Charter. However, the Ministry is a small organisation primarily focused on transport sector policy. Algorithm use is confined to transport modelling (Project Monty) and is a work in progress.

As such, formal documentation is limited, and we rely on guidance from StatsNZ, data.govt.nz (https://data.govt.nz/toolkit/data-ethics/government-algorithm-transparency-and-accountability/   ) and the Office of the Privacy Commissioner.

The following document falls within the scope of your request and is attached:

1. *Algorithm Transparency Charter memo*

More information about Project Monty is available here:
https://www.arup.com/projects/building-an-agent-based-modelling-capability-for-new-zealand
Two reports and a presentation on Project Monty, which were previously released as part of another OIA, are available here:
https://www.transport.govt.nz/assets/Uploads/EvaluationWorkProgramme_Part1.pdf

You have the right to seek an investigation and review of this response by the Ombudsman following section 28(3) of the Act. The relevant details can be found on the Ombudsman's website, **www.ombudsman.parliament.nz**

The Ministry publishes our Official Information Act responses, and the information contained in our reply to you may be published on the Ministry website. Before publishing, we will remove any personal or identifiable information.

Nāku noa, nā

Roselle Thoreau
Manager Insights, Data and Evaluation

To:	Peter Mersi, Chief Executive	MEMORANDUM
From:	Dan Jenkins, Manger Analytics and Modelling	
Date:	21 February 2020	

Algorithm Transparency Charter

The Minister for Statistics has agreed this week to seek the endorsement of Digital and Data Ministers on a revised Algorithm Charter for Aotearoa New Zealand. The meeting of Digital and Data Ministers is scheduled for 4 March. StatsNZ are seeking MOT endorsement of the Charter by 25 Feb in order to facilitate the conversation at the Minister's meeting.

Background

You will be aware that since 2018 the Government Chief Data Steward and Government Chief Digital Office have been leading a piece of work examining the ethical use of algorithms across Government. In October 2018 they published an assessment of the current use of algorithms, to which MOT contributed, although the report largely focused on the use of operational algorithms rather than future focused policy or research modelling. A number of recommendations were made and several different options considered over the course of the following 11 months.

In September 2019 StatsNZ outlined a draft text of an Algorithm Charter, which would commit government agencies to improve the transparency and accountability of their use of algorithms. This was consulted on by government agencies, we had no issues with the proposed text or intentions of the charter, although made some comments on scope and levels of accountability. A slightly revised version subsequently formed part of a public consultation.

Algorithm Charter has evolved.

The initial draft text has been revised to take in to account both public and government agencies' advice and consultation submissions.

Public submissions show a strong level of support for the charter, based on the feedback from the publics submissions the Charter has been revised to specifically improve the alignment with the Treaty of Waitangi and make clear the links to other extant guidance, specifically the *Principles for Safe and Effective use of Data and Analytics* (which we are using to develop our internal and sector wide data use strategies).

Another important change is that the Charter now applies to all algorithms not just operational, am sure there will need to be some definitional work placed around what constitutes an algorithm but we think this is a positive step forward in opening up all algorithm lead analysis, in a similar way to the Open data initiative.

www.transport.govt.nz

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The draft Charter

The Charter would commit MOT and specifically, you and me, as CE and Manger responsible for Analytics, to:

1. Clearly explaining how decisions are informed by algorithms
2. Deliver clear public benefit through treaty commitments by embedding a Te Ao Maori perspective in development and use of algorithms
3. Focus on people, consult with those people who are interested or impacted by algorithms
4. Make sure data is fit for purpose
5. Ensure privacy, ethics and human rights are safeguarded through regular review
6. Retain human oversight of algorithms and decisions made by them, retaining a point of contact and providing a channel for appeal of decisions informed by algorithm

What this means for us

We are largely compliant with all of the Charter's obligations already. Both the Domain Strategy, Economics and Evaluation and the Analytics and Modelling Team use the *Principles for Safe and Effective use of Data and Analytics,* as a key document in our day-to-day approach to modelling and use of algorithms to support policy work. Alongside the Open data principles by which we also work, the Charter would not impact greatly the way in which the we and the wider Ministry delivers and publishes it's work.

We would however, need to be more explicit in referencing Te Ao Maori and the Treaty of Waitangi in our modelling work. Largely implicit currently as we consider the whole of the NZ population and provide segmentation of demographic (by ethnicity) where data allows. We would need to make an adjustment there in our treatment of the NZ population.

As mentioned in the Charter there will need to be some exceptions to the fully open levels of transparency, for example national security which may in some circumstances apply to our modelling.
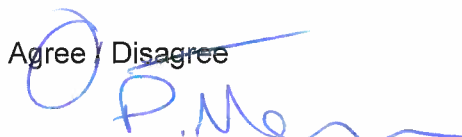
Recommendation

The Charter provides a voluntary commitment to provide a level of consistent transparency of algorithm lead decision making across government, I believe it is a useful step forward in providing additional transparency of algorithms used by government agencies. It will am sure lead to a greater level of public confidence in our work and potentially greater levels of collaboration between agencies. The draft wording is attached below.

As the next Digital and Data Ministers occurs before the next meeting of Digital Government Leadership Group Chief Executives, the Chief Statistician Mark Sowden is seeking MOT endorsement of the draft Charter, prior to 25 February to enable a discussion between Digital and Data Ministers on 4 March.

Recommend that MOT endorse the current draft of the Algorithm Transparency Charter.

Agree / Disagree

Peter Mersi
Chief Executive

Annex One – Revised Algorithm Charter for Aotearoa New Zealand

Introduction:

This Charter demonstrates a commitment to ensuring New Zealanders have confidence in how government agencies use algorithms.

This Charter is one of many ways that government is demonstrating transparency and accountability in the use of data. However, it cannot fully address important considerations, such as Artificial Intelligence and Māori Data Sovereignty as these are complex and require more focussed solutions.

Commitment:

Our organisation understands that decisions made using algorithms impact people in New Zealand.

We commit to the actions outlined in this charter in developing all new algorithms.

Over the next five years, we commit to aligning existing algorithms with the actions outlined in this Charter and the *Principles for the Safe and Effective use of Data and Analytics*.

Committing to using algorithms fairly and transparently means we will:

Maintain transparency by:

- Clearly explaining how decisions are informed by algorithms, this may include:
  - Plain English documentation of the algorithm,
  - Making information about the data and processes available (in some cases, such as algorithms being used for national security, there may be exceptions),
  - Publishing information about how data are collected, secured and stored.

- Deliver clear public benefit through Treaty commitments by:
  - Embedding a Te Ao Māori perspective in the development and use of algorithms consistent with the principles of the Treaty of Waitangi.

- Focus on people by:
  - Identifying and actively engage with people, communities and groups who have an interest in algorithms, and consult with those impacted by their use.

- Make sure data is fit for purpose by:
  - Understanding its limitations.
  - Identifying and managing bias.

- Ensure that privacy, ethics and human rights are safeguarded by:
  - Regularly peer reviewing of algorithms to assess for unintended consequences and act on this information.

- Retain human oversight by:
  - Nominating a point of contact for public inquiries about algorithms.
  - Providing a channel for challenging or appealing of decisions informed by algorithms.
  - Clearly explaining the role of humans in decisions informed by algorithms.