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Data Ethics – Stats NZ and Data Ethics Advisory Group visit to NZSIS SLT

Date	4 August 2020
Venue	PHoP 9.13
Time	0945 - 1030
Attendees	NZIC: D-Rebecca K, GC-s6(a) DS-s6(a) , SM-s6(a) ADC-s6(a) s6(a) KM-s6(a)

Stats NZ: Mark Sowden (CE Stats NZ and Government Chief Data Steward), Professor Juliet Gerrard (Prime Minister's Chief Science Advisor and Chair of the Data Ethics Advisory group), Dr Dale Levy (Manager System Policy Stats NZ), Dr Craig Jones (DCE, Data System Leadership, Stats NZ)

Background

1. Mark Sowden, in his role as Government Chief Data Steward, is in the process of engaging with Chief Executives across government to encourage conversations about governmental use of data. His primary aims are to promote transparency, debunk certain myths about government data use, and find ways to highlight the societal benefits of data exploitation (against a commentary that tends to focus only on risks). He explained how at present he is exploring the best places to have these conversations – through either the Digital Council or the Government's Data Ethics Advisory Group – the latter of which is chaired by Professor Gerrard (present at the meeting).

2. NZSIS had welcomed the opportunity to learn more about what Stats have been doing in this area; our own data and information objectives (featuring prominently in the NZSIS strategy) include a plan to establish a data ethics framework. So this was also an opportunity to share our early thinking and lay the groundwork for future engagement with external expertise in this field.

Key points

3. Dr Levy summarised the research that his group has conducted, partly in conjunction with the Office of the Privacy Commissioner, in the establishment of ethical principles for the use of data (with key topic areas of Transparency and Human Oversight). He also talked about the establishment of the Data Ethics Advisory Group as a mechanism for providing agencies with external viewpoints and advice about their data usage.

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4. In specific recent developments, Stats NZ have published the Algorithm Charter (already signed up to by 25 agencies across the public sector) and established a Data Ethics "micro-credential" (100 hours of study) in conjunction with Victoria University.

5. Professor Gerrard was asked to comment on her role as chair of the Data Ethics Advisory Group (DEAG). She began by making clear that she is not a data ethics specialist, so acts as a neutral chair, but that the group has managed to gather a wide range of perspectives through diverse membership. They are still in the process of working through issues about how the group itself can be both transparent and a place for "free and frank discussion". Professor Gerrard also made reference to the 'beautiful baby' phenomenon they've experienced, whereby agencies have referred perfectly formed data projects to the group; she feels the DEAG might be able to provide more value if agencies are willing to share 'ugly babies' too – projects and initiatives grappling with really tricky ethical dilemmas or that are in some other way in need of support and advice.

6. Finally, Mark described the iwi leaders group he has formed to seek Māori voices on the topic of data ethics. He offered this as a good route in for agencies wanting to incorporate a Te Ao Māori perspective on their work with data. The group is developing views on data sovereignty (a known area of interest to iwi), but also starting to explore more generally what data means to Māori, and what safeguards and processes they feel would be important to address their interests.

7. Next, s6(a)/KM was asked to talk about work in NZSIS on this topic to date. He described at a very high level the strategic objective the organisation has around data and information, and how our mission and the changing nature of our environment requires us to now access and analyse more data than ever before. To maintain social license, we are balancing our investments in new data accesses and analytical capabilities with work to build trust in NZSIS as a responsible custodian of public data. This includes the creation, for the first time, of an explicit data ethics framework to help guide NZSIS in this area.

8. s6(a) explained how our intentions are coalescing into two main activities: creating a set of internally-agreed data ethics principles for NZSIS, and operationalising these through the formation of an internal Data Ethics panel and supporting procedures. He acknowledged the reported difficulties organisations have in transitioning data ethics principles into an operational setting, and expressed some optimism that our existing 'review before we act' procedures (like Human Rights Risk Assessments and the incorporation of operational security perspectives into operational planning, for example) put us in a good starting place.

9. He acknowledged the challenges NZSIS might face in seeking (and demonstrating) 'transparency' and raised the possibility previously discussed with Dr Levy in earlier engagement that we could take our own principles and procedures to the DEAG for review. We would also like to explore whether a suitably-cleared member of the DEAG (perhaps Professor Gerrard herself) might be able to participate on an internal NZSIS Data Ethics Panel, to provide an external viewpoint, when we take specific data matters for consideration.

10. The emerging NZSIS draft principles draw heavily on research conducted by Stats NZ (for which we thanked our guests more than once!) and cover Accountability, Responsible

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Use, Tackling Bias & Discrimination and Transparency. Engagement is underway at a working level to get these into a form that can be shared with, and ultimately endorsed by, SLT.

11. In the ensuing discussion, a lot of good advice was shared. Highlights include:

- NZSIS can do much to leverage existing relationships it has with community groups or other large organisations. Having a dialogue about data ethics is as important as formal frameworks and processes;

- Dr Jones suggested that we might like to give serious consideration to workforce development opportunities related to data ethics (with specific reference to the programme of study at Victoria University described above). Organisations will need to grow some degree of expertise in this area;

- When engaging with external audiences – particularly academics (which form a large part of the DEAG) – it will be helpful to develop vignettes / scenarios / case studies that can shine a light on the way the Service might use data. These can serve to remove some of the myths and preconceptions others might have about the work we do and the methods we employ. Our work on foreign interference will be particularly relevant for academic or commercial contacts;

- Mark will provide Rebecca/D with the names of some good external thinkers we may wish to connect with; people who will have some understanding of our world, and who can provide valuable perspective or perhaps help to amplify certain messages we would like to get out;

- The importance of engaging particular journalists, especially those with a technology / future slant to their work, was raised (names passed to communications team separately);

- Stats NZ have found private sector companies to be more engaged in data ethics work than they might have expected (though some differences between their approach and that of the public sector remain). In some cases, this is tied to the offering of services that support ethical data use (eg IBM offering an algorithm review service);

- We should explore parallels that exist in other government departments and their use of public data – particularly the Ministry of Social Development, which was mentioned more than once. In a similar vein, our guests felt that NZSIS would benefit from engagement with the government's Digital Council, and are happy to facilitate introductions to that group's chair;

- When appointing members of ethics panels, you need to balance transparency of process with deliberate effort to ensure you have a diverse range of people, perspectives and experience. The DEAG was formed in this way – open advertisements for positions on the group, with certain individuals encouraged to apply.

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12.   Rebecca referred to conversations she has had with our Minister about the benefit to be had from her and/or him speaking in public about our increasing use of data, and asked whether our guests felt we should wait until we have a more robust ethics framework in place. It wasn't felt this was necessary – the entire NZ government approach to data ethics has been about transparency and warming the public up gradually to where we are at – none of our government mechanisms to address data issues and ethics were operating in a mature capacity yet. Public engagement on the issues and the work that is underway is important, and when one government agency speaks, it will benefit all of government.

13.   Finally, the group agreed that most of our ethical considerations should be able to be expressed and discussed without comprising classified information, but that we were clearly going to have to proceed with care when it comes to ensuring we have appropriate external involvement in our thinking.

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Actions

Action	Description	Lead
1.	KM to continue to develop internal Data Ethics principles under oversight from the Data Steering Group	KM s6(a)
2.	Invite Professor J Gerrard back for a Top Secret-level briefing on our data analysis capabilities and work programme, to commence discussion about external representation on our panel	D & DODG