

CHARTER FOR THE RESPONSIBLE USE OF AI IN PUBLIC SERVICES

1. Introduction

As public services (“we”), our aim is to provide all citizens (“you”) with the best possible services. Increasingly, we occasionally rely on artificial intelligence (AI) to help us do so.

This Charter clarifies what you can expect from us when we make use of such systems. It sets out the commitments we will uphold whenever we develop, procure, and deploy AI systems for our decision-making processes, so that we can ensure your trust when we do so. There already exist a lot of legal and ethical documents on AI around the world. However, while taking these texts fully into account, we found it important to assert our own commitments to you in a single document, so that it can be a guide both for citizens and for civil servants in the context of AI.

By AI, we mean all machine-based system that can influence their environment by producing an output (predictions, recommendations, or decisions) for a given set of objectives. We think it is important to include a wide range of systems, from knowledge-driven applications (like expert systems), data-driven applications (like machine learning systems), to robotics. Some examples of AI applications that we already use are chatbots, systems that help us detect tax fraud, or number plate recognition cameras.

Public services can rely on AI systems in different contexts and for different purposes. The type of application matters less than the impact it can have on citizens, which is why we embrace a broad definition of AI when it comes to this Charter. If there is uncertainty about whether an application falls under the Charter’s scope, we will assume that it does.

Our starting point is that AI systems can be of added value to our services, but they also entail risks. As public services, it is our duty to mitigate these risks, and ensure that we always respect human rights, the integrity of the democratic process, and the rule of law. These three cardinal values are fundamental for ensuring our democracy. Therefore, we will ensure that the use of AI systems is always compatible therewith. Whenever an AI system is not compatible with those core values, or with the law in general, we will not use it.

To inform you of how we will protect these values in the context of AI, we prepared this Charter, which ‘translates’ them into a set of commitments that we make to you. These commitments are drawn from existing legal standards, including human rights and the principles of good administration (“beginselen van behoorlijk bestuur”, “principes de bonne administration”). They are also drawn from existing ethical standards, such as the Ethics Guidelines of the European Commission’s High-Level Expert Group on AI and its key requirements for trustworthy AI. You can find our commitments in Section 2.

In addition, in this Charter we also explain which implementation measures we will adopt to ensure those commitments are duly implemented within our services. You can find these measures in Section 3.

2. Our commitments when using AI systems

1. Whenever you interact with us, you will always have the option to request an interaction with a human being rather than with an AI system.
 - This also means that, whenever relevant (for instance, when we use a chatbot), you will always be informed of the fact that you are interacting with an AI system rather than a human being.
2. Whenever we intend to rely on an AI system, we will first assess if and when this can help us deliver our services to you in a better manner.
 - This means that we will examine whether the specific system is the right tool for the problem we need to solve or for the task we must carry out. Whenever and as far possible, we will involve citizen’s representatives in this assessment.
 - We will also examine if there are (alternative or complementary) non-technical measures that can help achieve this goal, and that should have been undertaken.
 - We will examine if we have a legal basis to use the AI system, and if this use fully respects human rights, especially privacy and non-discrimination legislation.
3. Whenever we take a decision or an action with the assistance of an AI system, we take due care to minimize potential risks.
 - This means that we will ensure this system complies with all the applicable laws, also in case we did not develop it ourselves but procured it from a third party.
 - Before deploying an AI system for a new application, we will systematically carry out a risk-assessment to map and mitigate potential ethical, social, legal and security risks associated with the system, such as the impact on human rights like non-discrimination or privacy. To do so, we will use a well-established risk assessment tool developed by an international organization or other credible authority. We will make this risk-assessment accessible pursuant to the rules on administrative transparency (“openbaarheid van bestuur”).
 - We will carry out periodic internal and/or external audits of our algorithmic systems, to ensure their continuous evaluation.
4. Whenever we rely on an AI system for a decision or action that concerns or affects individuals, groups, or society, we will be transparent about this.
 - This means we will provide information about the fact that an AI system is being used, and on which legal basis we rely for its use.
 - We will provide information about the purpose of the system and the role it played in our decision.
 - We will explain the reasons for a decision that affects you, pursuant to the principle of motivation.
 - We will keep (automated) logs of the system’s operations, so that we can trace and monitor its functioning.
 - To enhance transparency, whenever possible, we will use open-source software and publish the algorithms we deploy.

5. When developing or procuring an AI system, we will take into account sustainability.
 - This means we will take into consideration the system’s environmental impact and its energy consumption. We may therefore also favor more sustainable options over more technologically advanced systems.
6. We will regularly ask citizens to give feedback about the AI systems we use and strive to take this feedback into account as much as possible.
 - Before we introduce a new application in a public service that can affect your interests or rights, we will give you the opportunity to offer feedback. This is why, as noted under point 3, we also make our risk-assessment report public before implementing it, so that you can individually or collectively let us know if we missed anything important.
 - Once a system is in use, you also have the opportunity to give feedback about it, and to suggest improvements.
7. Whenever our reliance on AI system infringed your rights or interests, or caused you any type of damage, you have the right to effective redress.
 - You can lodge a recourse against the decision with the public service that uses the AI system. This appeal will be examined by a human having the independence, resources, and competence to modify the decision.
 - You can contact and file a report at national human rights structures such as, for instance, the Ombudsman, Unia or at the VMRI.
 - You can also introduce a recourse before an administrative court (such as the Data Protection Authority or the Council of State) or a civil court.
8. We will always oversee the AI systems we use through human oversight, and maintain control over any system outcomes that affect our actions and decisions.
 - Responsibility for our actions and decisions that were taken with assistance of an AI system will always lie with us, and more particularly with the explicitly designated civil servant who is appointed as responsible for the specific action or decision.
 - There will be no negative consequences for any civil servant who questions the output of an AI system, even if this means it may take more time to assess a file.
 - There will be no negative consequences for any civil servant who raises concerns about the compatibility of an AI system with this Charter or with the law. Whistle-blowers have full protection.

3. Implementation measures

To ensure that this Charter is duly implemented in public services, will take the following implementation measures:

1. In every public service that makes use of AI systems, a person (or team) will be appointed as responsible to ensure compliance with this charter (for instance, the Data Protection Officer with the Data Security Officer), and to ensure the quality management of the algorithmic system. These persons can be contacted by people within the public service with questions about the charter, and their names will be duly published.

2. In addition to appointing a responsible person, each public service must submit a plan outlining how (procedures and other measures) the aforementioned commitments will be implemented in that specific service. A committee will evaluate these plans on feasibility and provide feedback if necessary.
3. Whenever an AI system is deployed, sufficient resources will be allocated to ensure compliance with this Charter (including risk-assessment, audits, periodic evaluation etc).
4. On the relevant public services' website, information will be provided about the AI systems that are used and the different redress mechanisms available for whomever believes their interests were harmed thereby.
5. All public services that deploy AI systems will have a feedback form on their website to enable citizens to share their feedback. Whenever possible, citizens and multi-stakeholder participation will be sought in governance decisions about the design, development and use of AI systems.
6. When developing, procuring or using AI systems, we will strive to do so through multidisciplinary teams. When AI systems are procured from a third party, we will include a clause referring to this Charter in the specifications of each public contract. By signing the tender, the tenderer undertakes to comply with all provisions of this Charter, including the conditions on human rights, democracy and the rule of law. If breaches of the law are nevertheless found, we can report this to the relevant authorities protecting fundamental rights.
7. We will ensure proper training and education about the limitations and capabilities of AI systems for all civil servants that work with them and develop internal expertise and know-how.
8. Best practices on ensuring compliance with this Charter will be exchanged amongst public services at federal and regional level (and, where relevant, also internationally).

Contact: If you have any questions about this Charter, you can contact us at: xxxxx.