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The Office of the Australian Information Commissioner
GPO Box 5288
Sydney NSW 2001

Guidance for Transparency in Automated Decision-Making

As the primary union representing employees in the Australian Public Service (APS), the Community and Public Sector Union (CPSU) is committed to providing a strong voice for our members. We welcome the opportunity to provide feedback on the development of guidance for the automated decision-making (ADM) transparency obligation.

Government decision-making processes have profound impacts on peoples' lives. The Robodebt Royal Commission documented the extensive harm caused by errors in ADM and highlighted the challenge of rebuilding public trust in government once it has been eroded. Any use of ADM in government service delivery requires robust human oversight and ongoing consultation with workers and their representatives.

While transparency in ADM is necessary and important, disclosure does not prevent harm or ensure accountability. A focus on transparency must not risk legitimising unsafe systems; it must be done in conjunction with strong, enforceable safeguards including mandatory risk assessments, independent review and ongoing auditing of ADM systems. In addition, there must be properly resourced human oversight of all APS compliance programs.

Extent of Disclosure

The CPSU supports the OAIC's view that entities must ensure meaningful and accessible information is provided to individuals to understand the use of ADM. Disclosures must be articulated in plain language and structured in a way that empowers individuals to request further information and to challenge or contest decisions as required.

It is critical that transparency in ADM is not just informative but actionable. Individuals should be equipped with the tools to recognise when ADM may have adversely impacted them and exercise their rights.

Effective and meaningful disclosures about ADM should include:

1. A public registry of ADM systems in use by Government entities, allowing for visibility across the broader ADM landscape to better identify risks or patterns across Government ADM processes.

2. Clear disclosure of rules and decision-making criteria, without revealing sensitive algorithms.

3. Documentation of known system limitations, risks and potential biases such as known error types or groups or communities potentially at higher risk of being adversely affected.

4. Information on whether a human reviewed or validated the decision, and the circumstances under which decisions are automatically referred for human consideration.

5. Information on how to request human reconsideration of an ADM decision.

6. Details of impact assessments undertaken and any steps taken to mitigate risks.

7. Information about the ability to opt-out of ADM use.

8. Clear information about review rights and how to challenge or appeal a decision, including full access to decision records and data used and information on how to obtain that data.

9. Regular reporting on system changes and improvements as systems or processes are updated.

10. Information about how data integrity is maintained, including how personal data is protected and the security standards applied to the ADM system.