Australia's National
Science Agency

CSIRO submission

OAIC Consultation on Guidance for Transparency in Automated Decision-Making

12 June 2026

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Scope note

This response document is framed as a technical and operational contribution to the OAIC consultation on transparency in automated decision-making (ADM) under APP 1. The response follows the OAIC's ADM Issues Paper[1] and the 10-question structure in OAIC's ADM Issues Paper Submission Questions document. It is *not* intended to be a privacy-law submission or a statement about CSIRO's operational use of ADM. Rather, the answers and comments below are offered to assist practical guidance development.

1 Substantially and directly related to making a decision

CSIRO generally agrees that the listed factors are relevant. We suggest separating the ability to override an ADM output from the empirical likelihood of override. The former is a core design and governance factor; the latter is useful contextual evidence but better to be interpreted cautiously.

RANKING	FACTOR	REASON
5	Degree of reliance on ADM output	High reliance indicates the output materially shapes the decision.
5	Ability of human oversight and intervention	A genuine ability to depart from the output is central to meaningful human decision-making.
5	Integration into workflow	Deep workflow integration can make the ADM output practically central to the decision.
4	Nature of output	Outputs that score, rank, recommend or determine options are more influential than purely descriptive outputs.
4	Transparency and explainability	Clear outputs support critical review; opaque outputs can increase practical reliance.
3	Empirical likelihood of override or acceptance rates	Low override may indicate reliance or automation bias but may also reflect accurate outputs or straightforward cases.
3	Empirical effectiveness of control measures	Meaningful oversight depends on the socio-technical system, including workflow, interface, review processes, training, escalation, and monitoring.
3	Audit evidence of critical engagement	Evidence that decision-makers review source material, record reasons for disagreement, and challenge outputs can help assess whether human oversight is meaningful in practice.

2 Generative AI with human oversight

Our response: Yes.

NACIA's use of GPTea could be considered substantially and directly related to making decisions. The chatbot summarises candidate profiles and provides eligibility recommendations in a high-

[1] https://www.oaic.gov.au/__data/assets/pdf_file/0027/263925/ADM-Issues-Paper.pdf

impact aged-care context. Even where human staff make the final decision, the AI output may shape what facts are noticed, how evidence is framed and what outcome appears appropriate. Here, intermediate artefacts may include summaries, selected evidence, highlighted factors or omitted information.

OAIC guidance might benefit from an architecture-neutral position. The issue is not whether the chatbot uses retrieval, document upload, an internal knowledge base or another configuration. Relevant risks associated with AI-assisted decision-making and intermediate artefacts include incomplete, outdated, mismatched or biased source information; omitted or over-emphasised facts; authoritative but uncertain recommendations; and generated explanations that may be difficult to verify or contest. The paper listed in the reference section below provides more technical detail.

3 Factors affecting rights or interests

CSIRO suggests that significance could be assessed by reference to the nature of the decision, the person affected and the practical consequences of the outcome. No single factor would be determinative.

RANKING	FACTOR	REASON
5	Sensitive information	Use of sensitive information can increase risks of harm, stigma or discrimination.
5	Vulnerable persons	The same decision may have greater consequences for people in vulnerable circumstances.
5	Intrusive practices	Intrusive monitoring, profiling or inference can significantly affect autonomy and privacy.
5	Financial outcomes	Decisions affecting income, credit, insurance, pricing or debt can have serious practical implications.
4	Legal status, eligibility, entitlement or exclusion	Decisions affecting legal or institutional status often have significant consequences.
4	Long-term impact on opportunities or treatment	Some decisions shape future access to employment, education, housing or services.
3	Cumulative, frequency and scale effect	Repeated decisions may amplify impact where repeated low-level ADM decisions affect access to opportunities or services over time.
3	Difficulty of detecting, understanding or contesting the decision	Contestability affects practical accountability but does not alone determine significance.

4 Vulnerable persons

Vulnerability could be understood contextually rather than as a closed category. Relevant circumstances may include age, disability, health status, family or domestic violence, economic hardship, low digital literacy, limited English proficiency, limited access to technology, and dependence on essential services or supports. Some types of decisions may also have different, and greater consequences for Aboriginal and Torres Strait Islander people than non-Indigenous Australians.

The guidance might also want to consider recognising situational vulnerability. A person may become vulnerable in a particular ADM context because the decision is urgent, difficult to contest, made in a high power-asymmetry setting, or affects access to essential support.

5 Significant service or support

The significance of a service or support could be assessed by the consequences of denial, delay, reduced access, altered terms or differential treatment.

RANKING	SERVICE/SUPPORT	REASON
5	Healthcare, aged care, disability support, housing, income support, emergency services, child protection/family services, essential utilities, and essential banking or credit access	These services can directly affect wellbeing, safety, independence, legal status, labour force participation, or social inclusion.
4	Education, telecommunications, employment-related support, in-home services where not essential to safety or independence, and other important public or quasi-public services	These can significantly affect opportunity and participation, depending on context and consequences.

6 Other legal frameworks or policies

We do not suggest additional legal frameworks or policies beyond those already identified by OAIC for defining “rights” and “interests”. The guidance would be most useful if it focuses on practical indicators and worked examples relevant to the Australian privacy context.

7 Differential pricing

CSIRO does not propose to comment on monetary or percentage thresholds for differential pricing. This raises broader consumer policy and fairness considerations beyond the scope of this technical submission.

8 Discriminatory targeted job advertisement

Our response: Yes, or at minimum it seems logical to be treated as substantially and directly related to a consequential decision.

The practical effect of the advertising system is to allocate visibility and employment opportunity. If a platform’s algorithm suppresses a job advertisement for a class of candidates based on gender or similar attributes, the affected individual may be materially excluded from an opportunity before any formal hiring decision occurs, and the employer risks engaging in unlawful discriminatory recruitment practices.

OAIC guidance might want to consider recognising that ADM can affect rights or interests through ranking, filtering, targeting, suppression or opportunity allocation, not only through final determinations such as approval or rejection.

9 Meaning of “arranged for”

OAIC guidance might want to consider distinguishing between ADM developers and ADM deployers. Developers design, train, supply, configure or maintain ADM capabilities. Deployers decide whether and how those capabilities are used in a real decision-making workflow.

In many cases, the deployer will be best placed to understand the decision context, affected individuals, use of personal information, level of human oversight and consequences of the decision. However, developers and vendors may also be relevant where they provide systems specifically designed, configured or marketed for consequential ADM use, or retain operational control over ranking, scoring, profiling or recommendation functions.

Useful guidance scenarios could include third-party recruitment tools, fraud detection systems, credit or insurance assessment systems, case triage tools, platform-mediated advertising, API-based AI services and systems configured by external integrators.

10 Extent of disclosure

We support layered, plain-language disclosure that is specific enough to be meaningful without overwhelming individuals or exposing unnecessary technical detail.

Effective disclosure could include:

- the types of decisions for which ADM is used
- the role of the ADM system, including whether it scores, ranks, recommends, triages, summarises or determines an outcome
- the kinds of personal information and inferred information used
- whether the system materially supports a human decision or makes the decision directly;
- the general consequences for affected individuals
- available review, complaint or contestation pathways
- where to obtain further information in a specific case.

OAIC guidance might also want to encourage entities to maintain internal ADM registries and governance records, so public disclosures are accurate, current and supported by accountable internal processes.

11 Additional technical observations

Three cross-cutting distinctions may assist OAIC guidance.

- Personal information may be used administratively, such as for identity resolution or notification, or substantively, such as for scoring, ranking, profiling, inference or eligibility logic.
- As discussed above, human-in-the-loop systems can still be within scope where AI outputs materially shape available options, factual framing or practical reliance.
- Guidance may want to consider addressing inferred attributes, proxy variables and group-level correlations, because modern ADM systems may affect individuals even when explicit identifiers or sensitive attributes are not directly used.

CSIRO also notes that further technical work may be useful in translating the ADM transparency obligation into practical guidance for organisations. In particular, to help entities assess whether personal information materially contributes to decision logic, whether human oversight is meaningful in practice, and how disclosure obligations could apply across developer, deployer and third-party platform settings, the following could be useful.

- Worked examples (such as rule-based systems, scoring/ranking systems, generative AI decision support, and third-party platform-based ADM)
- Assurance methods (such as workflow analysis, human oversight assessment, system evaluation, bias testing, override studies, error analysis, and monitoring of override patterns)
- Socio-technical governance frameworks (such as organisational processes, staff behaviour, procurement, and accountability structures) .

CSIRO would be pleased to contribute technical and operational perspectives if further engagement is useful to assist OAIC in developing practical guidance.

Reference

Zhu, Liming, Lu, Qinghua, Lee, Sung Une, Ding Ming, Oversight Design for AI-Enabled Decision Making in Government Services (29 September 2025). Available at http://dx.doi.org/10.2139/ssrn.5543018

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