AGRIR-Lab Submission on Automated Decision-Making Transparency and Public Integrity Analytics
Response to the OAIC Automated Decision-Making Transparency Obligation (APP 1) Issues Paper
Draft Submission v0.1

Submitted by: AGRIR-Lab — Algorithmic Governance, Risk & Institutional Resilience Lab
Contact: [redacted]
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1. Introduction

AGRIR-Lab welcomes the opportunity to comment on the Office of the Australian Information Commissioner's Issues Paper on the Automated Decision-Making Transparency Obligation under Australian Privacy Principle 1.

AGRIR-Lab is an open research initiative focused on algorithmic governance, institutional risk and public-sector resilience. One of its current components, **Anti-Corruption Governance, Public Integrity & Institutional Resilience**, examines how public institutions can responsibly use data analytics, artificial intelligence and automated decision-support tools in anti-corruption governance, public integrity, internal audit, risk assessment and institutional accountability.

The component is especially concerned with the conditions under which automated systems used by public bodies become more than passive information tools and begin to shape decisions affecting rights, interests, procedural fairness, reputation, access to services or public accountability.

From this perspective, the OAIC's Issues Paper is highly relevant beyond privacy compliance. It addresses a broader public governance question:

> **How should institutions disclose, explain and govern automated systems that materially influence decisions affecting individuals?**

AGRIR-Lab supports a broad, practical and rights-sensitive interpretation of the ADM transparency obligation.

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2. General Position

AGRIR-Lab's central submission is that automated decision-making transparency should apply not only where a computer program makes a final decision, but also where the system **substantially and directly shapes the human decision-making process**.

This is particularly important in public-sector contexts, where automated tools may influence:

- eligibility decisions;
- prioritisation of complaints;
- allocation of public resources;
- audit or inspection selection;
- public procurement scrutiny;
- risk classification;
- access to services or support;
- treatment of vulnerable persons;
- reputational or procedural outcomes.

In such contexts, a nominally “advisory” system may have practical determinative force if human users routinely rely on its output, lack capacity to challenge it, or operate within workflows that make override unlikely.

Accordingly, AGRIR-Lab recommends that OAIC guidance should emphasise **decision proximity**: the closer an automated output is to a decision affecting rights or interests, the stronger the transparency and disclosure requirements should be.

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3. Response to Question 1: Substantially and Directly Related to Making a Decision

AGRIR-Lab considers the following factors especially important for determining whether a computer program substantially facilitates and is directly connected to a human decision-maker’s decision.

Factor	Recommended Importance	Rationale
Degree of reliance on ADM output	5	High reliance can make an advisory tool functionally determinative.
Ability and likelihood of human override	5	Override must be real, not merely theoretical.
Nature of output: advisory vs determinative	5	Determinative outputs require the strongest disclosure, but advisory outputs can still be highly influential.
Integration into decision-making workflow	5	Workflow integration may make the system difficult to bypass.
Transparency and explainability of outputs	5	Human review is weak if reviewers cannot understand or test the output.
Time pressure on human decision-makers	4	Time pressure increases automation bias and reliance.
Complexity of the underlying material	4	Complex cases may increase reliance on automated summaries or recommendations.
Availability of alternative evidence review	4	If no independent evidence review is required, the ADM system has stronger influence.
Whether the output affects prioritisation or triage	5	Prioritisation decisions can materially affect access, timing, scrutiny or opportunity.

AGRIR-Lab recommends that OAIC guidance should make clear that a system may be substantially and directly related to a decision even where the final formal decision is made by a human.

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4. Response to Question 2: Generative AI with Human Oversight

In the fictional NACIA example, AGRIR-Lab would consider the use of GPTea to be substantially and directly related to making decisions.

Although human staff make the final eligibility decision, GPTea summarises candidate profiles and provides eligibility recommendations. In a high-impact context such as aged-care support, this creates a strong connection between the AI system and the decision-making process.

The key reasons are:

1. the decision concerns access to significant support;
2. the affected persons may be vulnerable;
3. the AI system provides a recommendation rather than merely neutral information;
4. human staff may rely on the summary and recommendation;
5. errors or omissions in the AI-generated summary could materially influence the outcome;
6. human oversight may not be sufficient if reviewers lack time or capacity to test the output.

AGRIR-Lab recommends that OAIC guidance should distinguish between **formal human oversight** and **substantive human oversight**.

Substantive human oversight should require that the human reviewer:

- understands the system's role;
- can access the underlying evidence;
- can reject or override the output;
- is trained to avoid automation bias;
- documents the basis for the final decision;
- does not rely solely on an AI-generated summary or recommendation.

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5. Response to Questions 3–5: Rights, Interests, Vulnerability and Significant Services

AGRIR-Lab supports a broad interpretation of decisions that significantly affect rights or interests.

Factors that increase the likelihood of significant effect include:

Factor	Recommended Importance
Sensitive information	5
Vulnerable persons	5
Access to significant public services or support	5
Financial outcomes	5
Healthcare, aged care, housing or essential support	5
Employment, education or livelihood opportunities	5
Procedural fairness or ability to challenge a decision	5
Reputation or exposure to institutional scrutiny	4
Differential treatment based on inferred characteristics	4

| Repeated low-level automated disadvantage | 4 |

AGRIR-Lab also recommends that the concept of “rights or interests” should include procedural and relational interests, not only final material outcomes.

For example, in public integrity and anti-corruption contexts, an automated system may affect a person or entity by:

- increasing scrutiny;
- delaying review;
- reducing priority;
- flagging risk;
- influencing audit or inspection selection;
- shaping reputational treatment;
- affecting access to contracts or grants.

Such effects may be significant even if they do not immediately deny a benefit or impose a sanction.

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6. Response to Question 6: Relevant Legal Frameworks and Policies

AGRIR-Lab suggests that OAIC guidance should consider related frameworks and principles, including:

- administrative law principles of fairness, reason-giving and reviewability;
- freedom of information and proactive disclosure frameworks;
- anti-discrimination law;
- public-sector accountability and ombudsman frameworks;
- AI governance and algorithmic accountability policies;
- procurement rules for third-party ADM systems;
- public-sector records management;
- privacy impact assessment and data protection impact assessment practices;
- human rights frameworks where applicable;
- public integrity and anti-corruption governance frameworks where automated tools are used for oversight, prioritisation or risk assessment.

ADM transparency should be understood as part of a wider accountability ecosystem.

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7. Response to Question 7: Differential Pricing

AGRIR-Lab considers that differential pricing may significantly affect an individual’s interests where:

- the product or service is essential or socially important;
- the price difference is substantial;
- the individual has limited alternatives;
- the pricing relies on sensitive or proxy data;
- the consumer cannot understand, challenge or avoid the pricing logic;
- cumulative disadvantage results from repeated differential pricing;

- the pricing affects access to knowledge, education, health, finance or essential services.

A fixed percentage threshold may be too rigid. Both the **dollar amount** and the **significance of the product or service** matter.

For non-essential consumer products, a 5% difference may not usually be significant. A 20% difference may often be more concerning. However, even a lower differential may be significant where the product is essential or the person is vulnerable.

AGRIR-Lab recommends a contextual approach rather than a single numerical threshold.

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8. Response to Question 8: Discriminatory Targeted Job Advertisement

AGRIR-Lab would consider the non-delivery of the Manscon job advertisement to Rafqa to be relevant to a decision or decision-like automated process.

Even if the employer does not make an individual hiring decision at that point, the algorithmic promotion of the advertisement affects access to employment opportunity. Exclusion from seeing the advertisement can materially limit Rafqa’s employment options.

This example shows that ADM transparency should cover not only final decisions, but also upstream automated processes that shape access, opportunity and visibility.

AGRIR-Lab recommends that OAIC guidance should recognise that automated ranking, filtering, targeting or non-display may significantly affect rights or interests where it changes a person’s access to employment, education, housing, finance, public services or other significant opportunities.

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9. Response to Question 9: Meaning of “Arranged For”

AGRIR-Lab recommends that OAIC guidance address third-party ADM systems clearly.

Entities should be treated as having “arranged for” ADM where they:

- procure a third-party system;
- configure or deploy a vendor tool;
- embed an external system into their workflow;
- rely on outputs from a platform or software provider;
- permit staff to use generative AI or ADM tools in decision workflows;
- outsource processing while retaining decision responsibility.

Public bodies and private entities should not be able to avoid transparency responsibility by relying on vendor opacity.

Minimum guidance should require entities to understand and disclose:

- what the third-party tool does;
- what data it uses;
- what outputs it produces;
- how outputs influence decisions;
- what human review occurs;
- how individuals can seek further information or challenge outcomes.

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10. Response to Question 10: Extent of Disclosure

AGRIR-Lab supports the OAIC's position that ADM disclosures must be meaningful, accessible and structured.

Additional disclosure elements should include:

1. **Decision or workflow supported**
   Individuals should know what type of decision or process the ADM system supports.

2. **Role of the system**
   The disclosure should state whether the system makes a decision, recommends a decision, prioritises cases, generates summaries, assigns scores or provides alerts.

3. **Human review point**
   The disclosure should identify whether and where human review occurs.

4. **Override and contestability**
   It should explain whether the automated output can be overridden and how the person can challenge the decision or correct data.

5. **Data categories used**
   The disclosure should identify categories of personal information used, including inferred or derived information where relevant.

6. **Third-party involvement**
   The disclosure should state whether a third-party ADM provider or platform is involved.

7. **Limitations and error risks**
   The disclosure should explain that automated outputs may be wrong, incomplete or biased where relevant.

8. **Contact point**
   Individuals should have a practical way to request further information.

9. **Plain-language description**
   Technical explanations should be translated into ordinary language.

10. **Versioning and updates**
   ADM disclosures should be updated when system use materially changes.

AGRIR-Lab recommends that OAIC guidance include a simple ADM transparency statement template.

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11. Public Integrity and Anti-Corruption Perspective

AGRIR-Lab also encourages the OAIC to consider ADM transparency in public integrity contexts.

Automated systems may increasingly be used to support:

- fraud detection;
- corruption risk mapping;
- procurement monitoring;
- complaint triage;
- internal audit planning;
- grant/subsidy risk assessment;
- regulatory inspection prioritisation.

These systems may create public value, but they also create risks if they operate opaquely.

In public integrity contexts, ADM transparency should clarify that:

- risk indicators are not proof;
- automated alerts are not findings;
- AI outputs should not be treated as legal conclusions;
- human review must be documented;
- affected persons or entities should have meaningful routes to challenge adverse treatment where appropriate.

A useful formulation is:

> **Automated systems may support public integrity, but they must not become hidden decision infrastructure.**

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12. Summary of Recommendations

AGRIR-Lab respectfully recommends that OAIC guidance should:

1. adopt a broad interpretation of “computer program”;
2. focus on decision proximity rather than technology labels;
3. treat advisory systems as relevant where they materially shape human decisions;
4. distinguish formal human oversight from substantive human oversight;
5. recognise prioritisation, triage, ranking and filtering as potentially significant;
6. interpret rights and interests broadly, including reputation, opportunity and procedural fairness;
7. require meaningful disclosure about the role of the ADM system, not merely its existence;
8. address third-party ADM systems and vendor accountability;
9. encourage plain-language transparency statements;
10. ensure that disclosures support challenge, contestation and correction.

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13. Closing Statement

AGRIR-Lab supports the OAIC’s effort to develop practical guidance on ADM transparency.

As automated systems increasingly support administrative, commercial and public-sector decisions, transparency should not be limited to final automated decisions. It should also cover automated influence over human decisions where that influence is substantial, direct and capable of affecting rights or interests.

The central public governance principle is:

> **Individuals should be able to understand when automated systems materially influence decisions about them, what data are used, how the system contributes to the outcome, who reviews it, and how they may seek correction or challenge.**

This principle is essential for privacy, public trust, administrative fairness and public integrity.

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[redacted]
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