Making Algorithm Registers Work for Meaningful Transparency

IA Ciudadana
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IA Ciudadana is a coalition of 17 organizations working to defend human rights in the context of digital technologies. Our goal is to expand societal participation in the regulation and governance of artificial intelligence and algorithms.

This policy brief is based on the report "Making Algorithm Registers Work for Meaningful Transparency", by Soizic Pénicaud. It is available on the website iaciudadana.org.

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Context

The Growing Use of Algorithms in Public Administration

Public administrations are **increasingly adopting algorithms for decision-making and citizen interactions** in areas such as health, education, welfare, and law enforcement. These systems also influence critical private sector domains like insurance, banking, and employment. **Despite their widespread use, algorithms often lack transparency**, leaving citizens, regulators, and watchdogs **unable to fully understand or monitor their implications.**

The EU AI Act and Algorithm Registers

The European Union AI Act[1], **effective since August 2024**, introduces a public database for high-risk AI systems in the EU. **Article 71 requires the European Commission to maintain this database**, covering public sector systems in critical areas such as healthcare, law enforcement, or migration and critical private sector systems in banking and employment

Limitations of the AI Act database

The database includes basic technical details and impact assessment summaries but has several shortcomings:

- It **excludes rule-based systems and non-high-risk systems.**
- It carves out **exceptions for critical sectors, such as law enforcement and border control**, limiting public access.
- It **lacks detailed information**, such as source codes and training data.

Given all these limitations, the database **should be seen as a starting point** for Member States to develop complementary and more comprehensive national algorithm registers

[1] Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024

Main concerns and relevant issues

Risks of Algorithmic Systems

Opaque algorithmic systems pose **risks of discrimination, violations of fundamental rights, and poor-quality decisions**. Cases of misuse have **eroded public trust and demonstrated the need for robust transparency mechanisms** to safeguard democratic values and accountability.

Algorithm Registers as a tool for transparency

Transparency is **fundamental to building trust and ensuring accountability** in public and private institutions. In the realm of algorithmic systems, it **enables stakeholders to scrutinise and evaluate decision-making processes, reducing the risks of bias, discrimination, and misuse.**

Algorithm registers play a crucial role in this context by serving as structured repositories of information about algorithms in use. They are **"consolidated directories providing information about algorithmic systems used by public agencies in different jurisdictions"**[2] .These registers **support informed oversight and engagement**, empowering stakeholders to critically assess these technologies while fostering ethical governance and compliance.

Definition and Benefits of algorithm registers

Algorithm registers are **centralized directories providing detailed information about algorithmic systems** used by public agencies. **They can take the form of public webpages, databases, or datasets**. By offering a consolidated overview, registers can empower:

- **External audiences** (citizens, civil society organizations, journalists, researchers, regulators, and elected officials) to better understand, discuss, and monitor algorithmic systems.
- **Internal users** (government and private sector teams) to enhance governance, compliance, and knowledge-sharing, fostering innovation and accountability.

[2] Ada Lovelace Institute, AI Now Institute and Open Government Partnership. (2021). Algorithmic Accountability for the Public Sector. p.19.

Designing effective National Algorithm Register

To ensure meaningful transparency, **algorithm registers should document:**

1. **Policy Context:** Agencies, officials, funding,legal basis, and procurement details.
2. **Process Integration:** Objectives, intended effects, and the algorithm's role in decision-making.
3. **Technical Aspects:** Architecture, data inputs, development processes, safeguards for personal data, and, where feasible, source codes and models.
4. **Evaluations:** Assessments, data protection, fundamental right reviews and ongoing monitoring mechanisms.
5. **Accountability:** Appeals mechanisms, stakeholder inputs, and responsible contacts.

Recommendations

For the government:

1. **Build a Central, Mandatory Register** to ensure comprehensive coverage and incentivize registration. The Register should **complement the EU's AI act** by encouraging broader registration and require detailed information from third-party suppliers. It should also **include rule-based algorithms** with significant impacts, and **ensure public access** by balancing transparency with risks. Accessibility for diverse audiences should be guaranteed by using plain language, providing expert documentation, and incorporating features like search filters and machine-readable formats. The launch of ALIA models, along with pilot projects in areas such as Treasury and Health, presents a good opportunity to create this register using participatory approaches and including civil society organizations in the process.

- **Create an advisory body at the ministerial level** where civil society is formally represented and oversees the design and creation of the state registry. Additionally, **involve civil society in the inter-ministerial commission** for the coordination and monitoring of measures for connectivity and digitalization of the economy and society.

- Develop a legal framework to ensure that the Register of Algorithms functions as an accountability mechanism, upholding the principles of independence and impartiality while guaranteeing transparency, oversight, and protection from undue influence.
- Adopt necessary measures to ensure that the Register is not merely a formal mechanism but effectively guarantees transparency, audits, and accountability regarding the use of algorithms and their societal impact, with a particular focus on vulnerable groups.
- Establish and maintain open, regular, and effective communication between governmental bodies responsible for digitalization and artificial intelligence policy and civil society organizations. This includes the Secretary for Digitalization and Artificial Intelligence (SEDIA), the AI and Algorithms Supervision Agency (AESIA), Data Protection Authorities, and other relevant institutions.

For the Parliament:

- **Promote the establishment of a parliamentary commission** on algorithmic transparency or, alternatively, mandate the production of an annual report on algorithmic transparency.
- Enhance executive accountability by requiring the government **to report to the Parliament on algorithmic transparency at least once a year.**
- **Advocate for specific regulation** mandating the creation of a state-level algorithm registry, incorporating mechanisms for transparency, accountability, and periodic parliamentary oversight.
- **Facilitate public consultations and expert hearings** to gather diverse perspectives on algorithmic transparency and its societal impacts, ensuring inclusive and informed policymaking. Additionally, establish a parliamentary monitoring commission to oversee government accountability on the progress of the registry, its implementation, updates, reported usefulness, and its role in enhancing algorithmic governance within public administration.
- Foster collaboration **with other legislatures** and international organizations to align regulatory approaches and share best practices on algorithmic governance.