

VIENNA / 17 May 2019

SUBMISSION

**for the report to the UN
General Assembly on
digital technology, social
protection and human
rights**

for epicenter.works:

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1 ALGORITHMIC DISCRIMINATION AT JOB CENTERS IN AUSTRIA

In 2018 the Austrian government has emplaced an algorithm-based system to evaluate the job prospects of unemployed people. This system shall categorize unemployed people by their job prospects into three groups and help job center employees on which kind of support an unemployed person should get.

1.1 Discrimination

Algorithmic decisions are based on age, gender and whether someone is female and has children to take care of. Women are generally getting a lower ranking than men. All citizens over 30 are getting a deduction of points, the amount of points being deducted is even bigger by all people over the age of 50.

1.2 Impact of the algorithm

Segment A: People with very good job prospects, therefore probably not being supported by the Austrian job center, due to the assumption of getting employed soon without any action being taken by the agency.

Segment B: People with mediocre job prospects, therefore having the highest chance of being supported by the Austrian job center, due to a higher return of investment of the agency within this segment.

Segment C: People with minor job prospects, therefore probably not being supported by the Austrian job center, due to the assumption that even huge efforts being undertaken by the job center would not get this person a job soon and thereby not even trying to do so to save expenses on this group.

1.3 Error rate

With an error rate of about 15 percent, about 50.000 people are wrongly classified annually. Even though the head of the Austrian job centers claims that decisions made by the system should only serve as a decision-making aid for the employees and should not relieve them of the decision, other studies have shown that over time human counselors will become increasingly dependent on algorithmic decision helpers and the numbers of cases being ruled against the automated system will decrease over time as the justification of not siding with the aide increases.

Comment

This algorithm manifests current stigmas in society and disincentives reflection on discrimination.

Despite a transparent algorithm, the calculation of the personalized value of a job seeker remains opaque.

Since it presents decision-makers with a simple categorization of all their clients, over time it reduces or eliminates complex considerations for counselors.

<https://futurezone.at/netzpolitik/computer-sagt-nein-algorithmus-gibt-frauen-weniger-chancen-beim-ams/400345297>

2 SUBSEQUENT CASES IN AUSTRIA

2.1 Cellphone data extraction for asylum seekers

State authorities are allowed to collect digital devices and data storages from asylum seekers for evaluation of all relevant data in an asylum process. The purpose of this processing is to cross reference it with the asylum seeker's testimony and personal background.

Authorities are required to return the devices after inspection, but there are no legal safeguards as to the limitations for the further processing of this data.

Ultimately, it is unclear whether data evaluated in this way provides meaningful evidence since, among other things, the UNHCR indicates that mobile phones are regularly exchanged or passed on during the refuge.

<https://epicenter.works/document/1157>

2.2 Reform of the Austrian social security law

This reform of the Austrian social security system establishes massive data transfer and processing provisions for statistical and economic purposes between state and federal level. The reform also introduces new obligations for potential welfare recipients to, for example, provide the citizenship of both parents. Some local governments such as the state of Vienna already announced not to comply with the reform and to even launch a constitutional challenge.

Legal opinion on the reform and blogpost:

<https://epicenter.works/document/1496>

<https://epicenter.works/content/sozialhilfe-statistikgesetz-datenschutz-gibts-nur-fuer-reiche>