



Usage of Algorithms by the Governments in Czechia, Georgia, Hungary, Poland, Serbia and Slovakia

Report and Policy Recommendations

The ePaństwo Foundation, together with the Partners from Czechia, Georgia, Hungary, Poland, Serbia and Slovakia, performed extensive **research on the usage of algorithms in decision making processes between November 2018 and April 2019**. The revealed scale of this phenomenon indicates that we must continue the discussion over the impact of technological tools on the state-citizen relations.

Despite the ongoing debate on the dangers of algorithms' influence on human rights, the **analysts have not identified an existing overall state's policies regarding the implementation of alGOVrithms** in any of the countries participating in the research. There are **no detected examples of ethical or legal frameworks** comprehensively describing personal responsibility for the tools' application, safety of their implementation or the rights and obligations of the states and citizens in this regard. The knowledge of their functioning remains classified.

All Partner countries have already introduced technological tools that impact the society: automated decision making is present in a large number of spheres including speed control, allocation of judges and other public officials, choosing batches for conducting controls and inspections, distributing social benefits, detecting frauds and even preselection of contractors in public procurements.

We have found, however, that **algorithms used in software created for automated decision making are not subject to transparency and access to the algorithms or the source code which includes them is not possible**. For instance, not only citizens but also judges are deprived of access to information related with Random Allocation of Judges

System. **Frequently, only companies elaborating tools for public institutions have the full knowledge of the algorithms' functions and do not undergo any external auditing processes** determining the fairness and accuracy of the tools. Additionally, **none of the researched countries established a coordinating body** responsible for monitoring automated decision making implementation, including the creation of tools and their performance.

The Report *ALGOVrithms - State of Play* is followed by Policy Recommendations that should be immediately implemented in the region. In line with advancement of tools and using elements of AI in their development, the issues described in the Report shall intensify. Therefore, we recommend to introduce:

- The policies regulating automated decision making describing transparency of the implementation process and functioning of the tools;
- The Algorithmic Impact Assessments (AIA) based on the systems created in the area of law-making like Regulatory Impact Assessments, where an institution responsible for the tools' implementation is obliged to demonstrate the necessity of their use, their impact on citizens' rights, definition of the risks and methods of evaluation;
- The mechanisms of independent control of algorithms;
- The legal guarantees to counteract discrimination and provide effective means of legal protection.

Finally, **the multidisciplinary approach in the process of creating algorithms is a must.** Human rights organizations play an important role in providing expertise on social inclusion and equality, prevention of discrimination and transparency of governments. There is also a growing civic tech community which can support governments in creating tools which are truly aimed at supporting citizens and public interest rather than comforting authorities and wrongly understood "effectiveness" of public institutions.

The Report and Policy Recommendations in all Partners languages are available online: <https://epf.org.pl/en/projects/algovrithms/>.



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