

April 29, 2022

RE: National Institute of Standards and Technology Request for Comment on the Initial Draft of the Artificial Intelligence Risk Management Framework

To Whom It May Concern:

The Data Foundation is a non-profit organization that seeks to improve government and society by using data to inform public policymaking. Our Data Coalition Initiative is America's premier voice on data policy, advocating for responsible policies to make government data high-quality, accessible, and usable. Ensuring reasonable, responsible, and ethical practices are implemented in legislative and administrative activities is a priority for the Data Coalition, thus we work to promote strategies for meaningful artificial intelligence (AI) advancements in government.

The Data Coalition applauds the development of the first draft of the Artificial Intelligence Risk Management Framework (AI RMF). The draft is a productive first step in the long journey toward making AI equitable, secure, and effective for use across sectors. This response gives feedback on the categories identified in the request for comment, specifically categories 1, 3, 7, and 9.

1. Whether the AI RMF appropriately covers and addresses AI risks, including with the right level of specificity for various use cases.

We believe that this framework covers many of the important risks associated with AI use. One additional risk to consider is how to structure effective engagement with disparate audiences. Given the imbalance of knowledge and resources between an agency and a regular citizen (people or corporations), how would an agency structure an appeal process so that adverse decisions could be appealed and effectively challenged? Other related principles—fairness, accountability and transparency—do not directly address this concept, so more explicit incorporation would ensure the framework is considering equity in a manner that supports a citizen's ability to appeal an adverse decision from an agency based on AI.

3. Whether the AI RMF enables decisions about how an organization can increase understanding of, communication about, and efforts to manage AI risk.

Although the document emphasizes transparency, the specification of a requirement for public disclosure could further promote the understanding of and the communication about the use of AI among agencies. Full disclosure of the current applications of AI used within agencies, such as a high-level description of the algorithms and performance statistics, could enhance the public's awareness of current AI applications, methods, and performance.

7. What might be missing from the AI RMF.

The framework currently refers to the inner circle of stakeholders—“the AI System”—as those responsible for the assessment of the threshold for risk. However, those who are represented in the data are not considered to be a part of the risk threshold determination process. Those whose data are being used may have a different perspective of the value the data holds and the acceptable risk levels than a company that may benefit from having such data. To ensure AI is equitable and takes into account all stakeholders, the inclusion of data contributors in the assessment process may be useful.

9. Additional considerations

In the description of attributes of the RMF, the framework is said to strive to be “law- and regulation- agnostic”. While the framework should be flexible and applicable to other legal and regulatory regimes, risk assessment should take into account existing laws, especially regarding discrimination to mitigate bias in AI systems. For example, if AI is used to determine home mortgages, if it does not consider the existing laws that protect against discrimination in lending, it may not be accurately assessing the risk of using AI for such decisions.

Similarly, another consideration is the potential disconnect between training data and target population for any AI application. Frequently, AI applications are trained on pre-selected data, which is filtered by prior expert judgements. To the extent training data fails to correspond with the target population, AI applications would magnify and propagate the prior biases embedded in selection. In the long run, without sufficient unbiased training data, AI could serve as its own data filter, perpetuating its own negative data feedback loop.

Finally, it is difficult to balance innovation and risk management, especially among bureaucracies. Explicit articulation of the appropriate risk tolerance is paramount so agencies are able to make informed decisions about AI innovations and uses.

Thank you for the opportunity to provide comments on this very important issue, and we hope to continue to support your efforts to support ethical and useful AI advancements in government. Please contact me at corinna@datafoundation.org if you have any questions or would like to discuss the Data Coalition’s interest in this matter further.

Sincerely,

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Data Coalition