

Canada

National AI Strategy

The Canadian government has stated “Artificial intelligence (AI) technologies offer promise for improving how the Government of Canada serves Canadians. As we explore the use of AI in government programs and services, we are ensuring it is governed by clear values, ethics, and laws.”²¹⁹ Canada has set out five Guiding Principles to “ensure the effective and ethical use of AI.” The government has committed to “understand and measure” impacts, be transparent about use, “provide meaningful explanations” for AI decision-making, “be as open as we can be,” and provide sufficient training.”

The government of Canada and the government of Quebec have announced a joint undertaking to “advance the responsible development of AI.”²²⁰ The Center of Excellence, established in Montreal, will “will enable Quebec to highlight the important role of its AI ecosystem, specifically in the area of responsible development of AI, and to take its place internationally as an essential partner and subject-matter expert.”

In 2017, the Canadian Institute for Advanced Research (CIFAR) launched the Pan-Canadian Artificial Intelligence Strategy that includes the AI and Society Program and AI Policy Initiatives.²²¹ The Pan-Canadian AI Strategy is expected to host the AICan Symposium in February 2021. The work is funded by the Government of Canada, Facebook, and the RBC Foundation.²²²

²¹⁹ Government of Canada, *Responsible use of artificial intelligence (AI)*, <https://www.canada.ca/en/government/system/digital-government/digital-government-innovations/responsible-use-ai.html>

²²⁰ Government of Canada, *The governments of Canada and Quebec and the international community join forces to advance the responsible development of artificial intelligence* (June 15, 2020), <https://www.canada.ca/en/innovation-science-economic-development/news/2020/06/the-governments-of-canada-and-quebec-and-the-international-community-join-forces-to-advance-the-responsible-development-of-artificial-intelligence.html>

²²¹ CIFAR, *Pan-Canadian Artificial Intelligence Strategy*, <https://www.cifar.ca/ai/pan-canadian-artificial-intelligence-strategy>

²²² CIFAR, *AICan2019: Annual Report of the CIFAR Pan-Canadian AI Strategy*, https://www.cifar.ca/docs/default-source/ai-reports/ai_annualreport2019_web.pdf

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Directive on Automated Decision-making

Canada has established a Directive on Automated Decision-making to ensure that administrative decisions are “compatible with core administrative law principles such as transparency, accountability, legality, and procedural fairness.”²²³ Canada has developed a questionnaire for an Algorithmic Impact Assessment to “assess and mitigate the risks associated with deploying an automated decision system” and to comply with the Directive on Automated Decision-making.²²⁴ A timeline indicates progress from an initial White Paper on AI in October 2016 through an AI Day in early 2019. No subsequent information is posted.

Predicting Homelessness

A new AI project in the city of London, Canada proposes to predict and prevent homelessness. According to a news report, “the Chronic Homelessness Artificial Intelligence (CHAI) model uses machine learning to forecast the probability of an individual in the city’s shelter system becoming chronically homeless within the next six months – that is, remaining in the shelter system for more than 180 days in a year.”²²⁵ According to the development team, ‘Explainable AI’ is an important aspect of the CHAI system. The team designed the model around the principles of the General Data Protection Regulation (GDPR), as well as the Canadian government’s Directive on Automated Decision-Making.

Public Participation

Canada has established an Advisory Council on Artificial Intelligence to “inform the long-term vision for Canada on AI both domestically and internationally.”²²⁶ It is unclear whether the Advisory Council has held meetings or issued reports.

²²³ Government of Canada, *Directive on Automated Decision-Making*, May 2, 2019, <https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=32592>

²²⁴ Government of Canada, *Algorithmic Impact Assessment (AIA)*, July 28, 2020, <https://www.canada.ca/en/government/system/digital-government/digital-government-innovations/responsible-use-ai/algorithmic-impact-assessment.html>

²²⁵ CitiesToday, *‘Explainable AI’ predicts homelessness in Ontario city* (Aug, 25, 2020), <https://cities-today.com/explainable-ai-predicts-homelessness-in-ontario-city/>

²²⁶ Government of Canada, *Protecting and Promoting Privacy Rights*, <https://www.priv.gc.ca/en>

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Data Protection

The Office of the Privacy Commissioner of Canada provides advice and information for individuals about protecting personal information.²²⁷ The agency also enforces two federal privacy laws that set out the rules for how federal government institutions and certain businesses must handle personal information. The Privacy Act regulates the collection and use of personal data by the federal government.²²⁸ The Personal Information Protection and Electronic Documents Act (PIPEDA) applies to personal data collected by private companies.²²⁹

In November 2020, the Privacy Commissioner issued proposals on regulating artificial intelligence.²³⁰ The recommendations “aim to allow for responsible AI innovation and socially beneficial uses while protecting human rights.” The Commissioner recommend amending PIPEDA to:

- allow personal information to be used for new purposes towards responsible AI innovation and for societal benefits
- authorize these uses within a rights-based framework that would entrench privacy as a human right and a necessary element for the exercise of other fundamental rights
- create a right to meaningful explanation for automated decisions and a right to contest those decisions to ensure they are made fairly and accurately
- strengthen accountability by requiring a demonstration of privacy compliance upon request by the regulator

²²⁷ Office of the Privacy Commissioner of Canada, *The Privacy Act in brief* (Aug. 2019), https://www.priv.gc.ca/en/privacy-topics/privacy-laws-in-canada/the-privacy-act/pa_brief/

²²⁸ Office of the Privacy Commissioner of Canada, *The Privacy Act in brief* (Aug. 2019), https://www.priv.gc.ca/en/privacy-topics/privacy-laws-in-canada/the-privacy-act/pa_brief/

²²⁹ Office of the Privacy Commissioner of Canada, *PIPEDA in brief* (May 2019), https://www.priv.gc.ca/en/privacy-topics/privacy-laws-in-canada/the-personal-information-protection-and-electronic-documents-act-pipeda/pipeda_brief/

²³⁰ Office of the Privacy Commissioner of Canada, *Commissioner issues proposals on regulating artificial intelligence* (Nov. 2020), *Commissioner issues proposals on regulating artificial intelligence*

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- empower the OPC to issue binding orders and proportional financial penalties to incentivize compliance with the law
- require organizations to design AI systems from their conception in a way that protects privacy and human rights

The Commissioner also highlighted a public consultation, initiated by the OPC, that received 86 comments from industry, academia, civil society, and the legal community, among others. Those inputs were incorporated in separate report which informs the recommendations for law reform.²³¹

Algorithmic Transparency

The PIPEDA includes strong rights for individual access concerning automated decisions.²³² The PIPEDA Reform Report for AI build on public consultations and propose to “Provide individuals with a right to explanation and increased transparency when they interact with, or are subject to, automated processing.”²³³ The Cofone Report also explains that “the right to explanation is connected to the principles of privacy, accountability, fairness, non-discrimination, safety, security, and transparency. The effort to guarantee these rights supports the need for a right to explanation.”

Global Partnership on AI

In 2020, Canada and France, and a dozen other countries announced the Global Partnership on Artificial Intelligence to support “support the responsible and human-centric development and use of AI in a manner consistent with human rights, fundamental freedoms, and our shared

²³¹ Ignacio Cofone, Office of the Privacy Commissioner of Canada, Policy Proposals for PIPEDA Reform to Address Artificial Intelligence Report (Nov. 2020), https://www.priv.gc.ca/en/about-the-opc/what-we-do/consultations/completed-consultations/consultation-ai/pol-ai_202011/

²³² Office of the Privacy Commissioner, Canada, PIPEDA Fair Information Principle 9 – Individual Access (Aug. 2020), https://www.priv.gc.ca/en/privacy-topics/privacy-laws-in-canada/the-personal-information-protection-and-electronic-documents-act-pipeda/p_principle/principles/p_access/

²³³ https://www.priv.gc.ca/en/about-the-opc/what-we-do/consultations/completed-consultations/consultation-ai/pol-ai_202011/

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democratic values . . .”²³⁴ According to the statement, the “GPAI will be supported by a Secretariat, to be hosted by the OECD in Paris, as well as by two Centres of Expertise – one each in Montréal and Paris.” The first expert’s plenary session will be held in Canada in December 2020.

Canada and the European Union recently announced that they are collaborating to leverage artificial intelligence (AI) to help the international community respond to COVID-19. The initiatives include the GPAI’s group on AI and Pandemic Response and the annual EU-Canada Digital Dialogue.²³⁵

OECD/G20 AI Principles

Canada endorsed the OECD and the G20 AI Principles.

Human Rights

Canada is a signatory to many international human rights treaties and conventions. Canada typically ranks among the top ten nations in the world for the protection of human rights and transparency.²³⁶ In 2017 Canadian academics urged Prime Minister Trudeau to oppose Autonomous Weapon Systems, as part of the #BanKillerAI campaign.²³⁷

Evaluation

Canada is among the leaders in national AI policies. In addition to endorsing the OECD/G20 AI Principles and establishing the GPAI with France, Canada has also taken steps to establish model practices for the use

²³⁴ Government of Canada, *Joint Statement from founding members of the Global Partnership on Artificial Intelligence* (June 15, 2020), <https://www.canada.ca/en/innovation-science-economic-development/news/2020/06/joint-statement-from-founding-members-of-the-global-partnership-on-artificial-intelligence.html>

²³⁵ European Union, *Joint press release following the European Union-Canada Ministerial Meeting* (Sept. 9, 2020), https://eeas.europa.eu/headquarters/headquarters-homepage/84921/joint-press-release-following-european-union-canada-ministerial-meeting_en

²³⁶ Freedom House, *Freedom in the World 2020 – Canada* (2020), <https://freedomhouse.org/country/canada/freedom-world/2020>

²³⁷ Ian Kerr, *Weaponized AI would have deadly, catastrophic consequences. Where will Canada side?* The Globe and Mail, Nov. 6, 2017, <https://www.theglobeandmail.com/opinion/weaponized-ai-would-have-deadly-catastrophic-consequences-where-will-canada-side/article36841036/>

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of AI across government agencies. Canada has an admirable record on human rights and is now working to update its national privacy law to address the challenges of AI. But actual AI practices in Canada are difficult to evaluate. There is, at the moment, no express support for the Universal Guidelines for AI or the Social Contract for the Age of AI, but Canada's policies are similar to those recommended in these documents.