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Inspector
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Dear ■■■

Expert panel advice on Taylor Fry report – Safe and ethical use of algorithms

1   Introduction

We are grateful to the Expert Panel (the Panel) for their time and thoughtfulness in their review of our report – *Safe and ethical use of algorithms*. We also appreciate the opportunity to respond to their advice.

Broadly speaking, we agree with the advice provided by the Panel. Noting that our review was high-level in nature and a relatively small engagement overall, most of the Panel comments add to, rather than detract from our report.

2   Our substantive comments

We agree with the panel's comment that 'the devil lies very much in the details' and that our report is a starting point for considering the necessary governance processes and structures. We note that complimentary advice was provided in our separate report – *Guidelines for algorithm life-cycle management*. This report was not part of the Panel's review.

Point five of the Panel's advice refers to 'the absence of any specific reference to Te Ao Māori or commitments under the Treaty of Waitangi'. The Panel recommends 'that upstream engagement with Māori and other communities should be prioritised'. We agree that understanding the use of algorithm life-cycle management from a Te Ao Māori perspective is incredibly important and accordingly is a commitment under the Algorithm Charter for Aotearoa New Zealand. This is noted at the start of Section 1.2 of our report. It is also noted in several places in our separate report – *Guidelines for algorithm life-cycle management*. This separate report also highlights the need for adequate consultation with relevant stakeholders from early in the algorithm life cycle i.e. well before algorithm development occurs.

Point six of the Panel's advice expresses 'some reservations about some of the algorithms listed in Appendix A as "low risk"'. As highlighted in our report and the Panel's advice, risk grading of this nature is somewhat arbitrary and subjective. We agree with the Panel's advice that 'proper attention must therefore be paid to the criteria for this initial classification', when NZ Police consider the specific governance processes that apply to each algorithm.

Point eight of the Panel's advice reads that 'the Panel were somewhat sceptical of Recommendation 8: Develop algorithms nationally, rather than at a district level'. While we understand the Panel's point of view, we believe there is the need to make a trade-off between strong centralised governance of algorithm development versus local development to take advantage of local subject matter expertise. We believe that centralised governance should take precedence – governance of algorithm development across 12 police districts is likely to be significantly harder and will introduce greater risks.

There are other potential disadvantages of devolution of algorithm development including:

- Additional costs of inefficiencies in maintaining 12 district analytics centres
- Varying quality of the algorithms developed.

Further, guidelines for nationally developed algorithms could require accessing the same local subject matter expertise via consultation when relevant. It is also feasible for nationally developed algorithms to accommodate regional nuances.

3   Conclusion

We thank you for the opportunity to respond to the Panel's advice. We are happy to discuss this further with you and/or the Panel.

Yours sincerely

Dan Stoner
Director