FRAIA in Action: “Participants are always positively surprised”

Responsible use of algorithms requires insight into the impact on fundamental rights. Utrecht University developed a Fundamental Rights and Algorithm Impact Assessment (FRAIA) commissioned by the Dutch Ministry of the Interior and Kingdom Relations. Together with the National ICT Guild, pilots were carried out at fifteen governmental bodies and lesson learned were collected. Julia Straatman and Giulia Bössenecker were involved in the report 'FRAIA in action'. Their finding? “Participants are always positively surprised about the process and outcome of a FRAIA.”

Algorithmic applications offer many opportunities to improve government services and help solve social challenges. But there are also risks: algorithms can unexpectedly affect people's fundamental rights. A striking example is fraud detection, says Julia Straatman, data ethicist at the Data School of Utrecht University. “You can develop an algorithm to see whether fraud is occurring with benefits. That is risky, think of the impact if someone is incorrectly labelled as a fraud.” With the FRAIA such risks become apparent. She explains: “The FRAIA provides a way to assess whether or not the algorithm compromises fundamental rights, and if so, to what extent. It is a tool for discussion for a project team to make a well-considered decision whether or not to continue with an algorithm.”

Informed decision making

The FRAIA provides a list of questions addressing legal, ethical and technical aspects of an algorithm. The questions are discussed in sessions in which different roles (e.g. technical, privacy and ethical officer) are present, supported by a process facilitator. The results are laid down in the document. This process offers a lot of benefits for the organisation, Straatman sees. “First, you make an informed decision together about the costs and benefits of an algorithm. What does it deliver, what benefit do we get from an algorithm? But also: what is the impact on fundamental rights? Suppose the impact is large: are benefits and costs in proportion to each other? Secondly, you document the decision-making process with a FRAIA: you enter the results of the FRAIA into the tool, an interactive PDF. This provides the accountability documentation. And thirdly, a FRAIA increases ethical awareness about the risks of algorithms.”

Feedback from the users

The Ministry of Interior and Kingdom Relations commissioned the FRAIA that Utrecht University (UU) developed. The UU has facilitated FRAIA sessions since 2021, together with the National ICT Guild (RIG). Yet the instrument remained relatively unknown, says Straatman: “The Ministry asked us and RIG to further introduce the FRAIA to governmental bodies, especially to municipalities.” We facilitated the application of the FRAIA in 15 governmental organisations and bundled the lessons in this report. The project had two goals, says Straatman. “On the one hand, we wanted to generate awareness and draw further attention to the FRAIA. On the other hand, we have received great feedback from users.” This feedback from users can be used to update and possibly further develop the instrument.

Lots of insights

The report contains lessons learned and recommendations for further development. More experience with the FRAIA among the participating organizations is an important outcome of this pilot, says Straatman. “We have facilitated these sessions, but hopefully organisations can also do this themselves. Both Straatman and Giulia Bössenecker (AI advisor at RIG) have facilitated sessions and say that they are very successful. Straatman: “Participants are

always positively surprised. Time flies. We have had skeptical people in the sessions, who have completely turned around after a session. That's nice to see.” Furthermore, they notice that carrying out a FRAIA provides the organisations with many insights. Bössenecker explains: “During the pilots it often emerged that the employees involved from different disciplines knew little about each other's fields. By bringing these disciplines together in the various sessions, a holistic picture of the opportunities and challenges of an algorithm is created. Participants said that they really appreciated these new insights.” The Utrecht University and RIG notice that every case is different, says Straatman. “For one algorithm the focus is on the human side of the algorithm, for example at implementation level. In another case, it focuses on the technical side, such as security or accuracy. This also underlines the importance of proper facilitation of the process. It is up to us as facilitators to identify: this is a focus point and we should dwell on it a little longer, whereas with another aspect that may not needed.”

Embedding needs attention

The FRAIA process delivers a lot of results for the organisations, as is evident from the pilots. In addition to insights, it also shows the next steps for the project and offers a way to raise these issues higher up in the organisation. Organisations can be more effective if they make the FRAIA part of their regular process, says Straatman. “Now it often remains an one-off exercise.” They found a good example in the municipality of Rotterdam. “For every algorithm they have or will develop, they first do a pre-scan to determine whether a FRAIA needs to be carried out or not. Furthermore: someone has to sign off on the FRAIA results and is accountable for them. This creates a process where responsibilities and tasks are clearly assigned. This is often lacking in other organisations.”

With the new European AI Act, there will be an obligation to carry out a fundamental rights test for high risk AI systems, she says. The European Union AI Office will create a format for this.” The question is what kind of template the EU will create and whether the FRAIA qualifies. Straatman: “There are few comparable instruments in Europe. We would like to see the FRAIA as an European standard. Why try to reinvent the wheel when there is already a good instrument ready to be implemented?"

Key recommendations

The report also makes several recommendations to improve the FRAIA. Straatman explains the three most important ones. “Developing a quick scan FRAIA is an important recommendation, because organisations find it difficult to determine whether a FRAIA is applicable. You don't want to carry out a FRAIA for every algorithm if it is not necessary. It involves capacity, money and time.” The FRAIA is mainly intended for so-called high-risk algorithms.

Another important recommendation is an update of the instrument. “Three years is a very long time in this field, for example, we want to bring the FRAIA more in line with the European AI Act” Straatman says. Third important point in the report: good process facilitation is important. “To get as much out of the sessions as possible within a limited time, it is important that you raise the right points, to ask questions, and also cut off the conversation at the right times. The process facilitator does not have to be external, she emphasizes, it is important that the facilitator is objective. “So don't let your own project manager do it,” Straatman advises.

One final point: the length of the FRAIA document can sometimes be daunting. But, says Straatman, about three quarters of those ninety-five pages are explanatory. For example, in the next version the manual and questions could be split into two documents.

Download the FRAIA (Fundamental Rights and Algorithms Impact Assessment).