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## Generative AI Tool and proposed use-case

Name of Generative AI tool	
Name of the tool's developer/owner/vendor	
Description of proposed use-case	

## Details of request and assessment

Requested by:	Name				
	Branch/Unit				
Consultation:	Legal				
	ICT				
	Governance and Risk				
	Other				
Assessed by:	Name		Date:		
	Branch/Unit				
Approved?		Yes		No	
	Reasons:				
	Name		Date:		

# Functions performed by AI tool/use-case

## Operational AI

<b>1. Would the Generative AI tool/use case constitute 'operational AI'?</b> <b>Operational AI</b> systems are those that have a real-world effect. The purpose is to generate an action, either prompting a human to act, or the system acting by itself. Operational AI systems often work in real time (or near real time) using a live environment for their source data. <b>Non-operational AI</b> systems do not use a live environment for their source data. Most frequently, they produce analysis and insight from historical data. <i>Comments:</i>			
	Yes		Document your reasons.
	No		Document your reasons.

## Automated Decision Making

<b>2. Will the use-case use real-time or near real-time data to:</b> – make recommendations for staff to act on in real-time or near real-time or – take actions itself in real-time or near real-time. <i>Comments:</i>			
	Yes. The decisions include high or very high-risk factors, e.g. AI makes and implements operational decisions that can negatively affect human wellbeing autonomously of human input.		Do not proceed without advice from Legal, Governance and Risk Branch. If the use-case proceeds, pilot first with ongoing controls and monitoring. A formal review should be conducted after pilot phase with oversight from Legal, Governance and Risk Branch.
	Yes. The decisions include medium risk factors, e.g. AI generates operational insights, decisions or recommendations for human to action with some potential for harm.		Do not proceed without advice from Legal, Governance and Risk Branch. Pilot first with ongoing controls and monitoring required once pilot commences.
	Yes. The decisions include low risk factors e.g. AI generates insights or alerts for operational human use with minimal potential for harm.		The use-case can proceed with appropriate ongoing controls and monitoring. Pilot the use-case first.
	No. Relies on historical data. However, outputs may generate insights for non-operational human use from non-sensitive data.		The use-case can proceed, but you need to review your risk treatments and make sure there are sufficient controls in place.
	No. Relies on historical data for reporting or informing purposes only.		The use-case can proceed with appropriate ongoing controls and monitoring.

# General assessment

## General benefits assessments

Consider the benefits associated with the use-case	Insignificant	Minor	Moderate	Major	Extensive
Deliver an existing service or outcome to a higher standard/quality (e.g. accuracy or client satisfaction).					
Reduce processing or delivery times.					
Generate financial efficiencies or savings.					
Deliver a new service or outcome (particularly if it cannot be done without using AI).					
Enable future innovations to existing services, or new services or outcomes.					

### Comments

Please include your overall assessment of the general benefits and the rationale for your assessment.

## General risk factor assessment

Consider the inherent risks <sup>1</sup> associated with	Insignificant	Minor	Moderate	Major	Severe
The use-case delivering a new or existing service.					
The potential to cause discrimination from unintended bias.					
The use-case is a single point of failure for your service or policy.					
Insufficient experienced human oversight of the use-case.					
Over-reliance on the use-case or ignoring the system due to high rates of false alert.					
The linkage between operating the use-case and the strategic plan outcomes is clear.					

### Comments

Please include your overall assessment of the general risk and the rationale for your assessment.

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<sup>1</sup> Refer to risk ratings in Appendix 3 of the Office's Risk Management Framework.

## Community benefit

### 3. Will the use-case improve on existing approaches to deliver the outcomes described in the Office's:

- Enabling legislation
- Strategic plan
- Transformation program.

*Comments:*

	<b>Yes</b>		Document your reasons. Go to the next question.
	<b>Partially</b>		Conduct a formal benefits review before scaling the use-case. Document your reasons and go to the next question.
	<b>No</b>		Do not proceed any further. Discuss the use-case with Legal, Governance and Risk Branch.

### 4. Were other non-AI systems considered?

*Comments:*

	<b>Yes</b>		Document your reasons, then go to next question.
	<b>Informally</b>		Conduct a formal benefits review before scaling the use-case. Document your reasons and go to the next question.
	<b>No</b>		Do not proceed any further. Discuss the use-case with Legal, Governance and Risk Branch.

## Alignment with legal frameworks

### 5. Does the use-case and the use of data align with relevant legislation?

You must make sure your data use aligns with:

- Privacy and Personal Information Protection Act 1997 (NSW) (PPIPA)
- NSW Anti-Discrimination Act 1977
- Government Information (Public Access) Act 2009 (GIPA)
- State Records Act 1998

Other relevant NSW or Commonwealth Acts including:

- Public Interest Directions made under PIPPA (exemptions)
- Health Records and Information Privacy Act 2002 (NSW) (HRIPA)
- Health Public Interest Directions made under HRIPA (exemptions)
- Public Health Act 2010
- Ombudsman Act 1974

*Comments:*

	<b>Yes</b>		Document your reasons. Go to next question.
	<b>Unclear</b>		Pause the use-case. Seek advice from Legal, Governance and Risk Branch.
	<b>No</b>		Do not proceed any further unless you receive advice from Legal, Governance and Risk Branch that allows the use-case to proceed. Consider redesigning the use-case.

## Risk factors for individuals or communities

Consider the risks of the AI tool resulting in:	Insignificant	Minor	Moderate	Major	Severe
Physical harms					
Unfair Treatment					
Providing poor or the wrong services					
Reducing processing or delivery times					
Environmental harms or harms to the broader community					
Unauthorised use of health or sensitive personal information (SIP)					
Impact on right, privilege or entitlement					
Unintended identification or misidentification of an individual					
Misapplication of a fine or penalty					
Other financial or commercial impact					
Incorrect advice or guidance					
Inconvenience or delay					
Other harms					

### Comments

*Please include your overall assessment of the risks and the rationale for your assessment.*

## Possible Harms – Significant and irreversible

### 6. Considering planned mitigations, could the use-case cause significant or irreversible harms?

If there is a residual risk of significant or irreversible harms and the use-case proceeds, you must pilot the use-case first, then conduct a formal benefits review before scaling the use-case.

For more information on when a Human Rights Impact Assessment is required see <https://humanrights.gov.au/>

*Comments:*

	<b>No</b>		Document your reasons, then go to next question.
	<b>Yes, but it's better than existing systems</b>		You must have Legal, Governance and Risk Branch advice that allows this use-case to proceed. Consult with Chief Executive Board. Consider a Human Rights Impact Assessment.
	<b>Yes</b>		Do not proceed any further unless you receive Legal, Governance and Risk Branch advice that allows the use-case to proceed. Consult with Chief Executive Board. Consider a Human Rights Impact Assessment.

## Possible Harms – Reversible

### 7. Considering planned mitigations, could the use-case cause reversible harms?

If there is a residual risk of mid-range (or higher) harms and the use-case proceeds, you must pilot the use-case first before scaling the use-case.

*Comments:*

	<b>No</b>		Document your reasons, then go to next question.
	<b>Yes, but it's better than existing systems</b>		You must have Legal, Governance and Risk Branch advice that allows this use-case to proceed. Consult with Chief Executive Board. Consider a Human Rights Impact Assessment.
	<b>Yes</b>		Do not proceed any further unless you receive Legal, Governance and Risk Branch advice that allows the use-case to proceed. Consult with Chief Executive Board. Consider a Human Rights Impact Assessment.



## Possible harms – secondary or cumulative

- 8. Considering planned mitigations, could the use-case result in secondary (or follow-on) harms, or result in a cumulative harm from repeated application of the use-case?**

If there is a residual risk of mid-range (or higher) harms and the use-case proceeds, you must pilot the use-case first before scaling the use-case.

*Comments:*

	<b>No</b>		Document your reasons. Go to next question.
	<b>Yes, but it's better than existing systems</b>		You must have Legal, Governance and Risk Branch advice that allows this use-case to proceed. Consult with Chief Executive Board. Consider a Human Rights Impact Assessment.
	<b>Yes</b>		Do not proceed any further unless you receive Legal, Governance and Risk Branch advice that allows the use-case to proceed. Consult with Chief Executive Board. Consider a Human Rights Impact Assessment.

## Fairness: Risk factors

*Note: When using this matrix to assess open-source generative AI tools, 'data' may more appropriately refer to the data the tool was trained on. Answer according to how much you know about the training data. Minority populations and vulnerable groups may be underrepresented in training data sets, therefore risks might increase if little is known about the tool's training data.*

Consider the risks associated with:	Insignificant	Minor	Moderate	Major	Severe
Using incomplete or inaccurate data					
Having poorly defined descriptions and indicators of "Fairness"					
Not ensuring ongoing monitoring of "Fairness indicators"					
Decisions to exclude outlier data					
Informal or inconsistent data cleansing and repair protocols and processes					
Using informal bias detection methods (best practice includes automated testing)					
The likelihood that re-running scenarios could produce different results (reproducibility)					
Inadvertently creating new associations when linking data and/or metadata					
Differences in the data used for training compared to the data for intended use					

### Comments

*Please include your overall assessment of the risks and the rationale for your assessment.*

## Fairness – Data selection

9. Can you explain why you / the vendor selected this data for this use-case and not others?			
<i>Comments:</i>			
	Yes		Document your reasons. Go to next question.
	Unclear		Consult with Legal, Governance and Risk Branch and Chief Executive Board to identify alternative data sources or implement a data improvement strategy or redesign the use-case.
	It's better than existing systems		Document your reasons. You should clearly demonstrate that you have consulted with Legal, Governance and Risk Branch and Chief Executive Board before proceeding.
	No		Pause the use-case and consider how absent data or poor-quality data will impact your system.

## Fairness – Data availability and quality

### 10. Is the data that you need for this use-case available and of appropriate quality given the potential harms identified?

If the use-case is a data creation or data cleansing application, answer according to the availability of any existing data that is needed for the use-case to succeed, for example, training datasets.

Comments:

	Yes		Document your reasons, then go to next question.
	Unclear		Consult with Legal, Governance and Risk Branch and Chief Executive Board to identify alternative data sources or implement a data improvement strategy or redesign the use-case.
	It's better than existing systems		Document your reasons. You should clearly demonstrate that you have consulted with Legal, Governance and Risk Branch and Chief Executive Board before proceeding to pilot phase.
	No		Pause the use-case and consider how absent data or poor-quality data will impact your system.

## Fairness – Data representative of population

### 11. Does your data reflect the population that will be impacted by your use-case?

Comments:

	Yes		Document your reasons, then go to next question.
	Not entirely, but it's better than existing systems		You should clearly demonstrate that you have consulted with Legal, Governance and Risk Branch and Chief Executive Board before proceeding to pilot phase. Consider a Human Rights Impact Assessment
	No or unclear		Pause the use-case and address the gaps in your solution design.
	N/A		Document your reasons as to why this does not apply, then go to next question.

## Fairness – Diversity and inclusion

### 12. Have you considered how your use-case will address issues of diversity and inclusion (including geographic diversity)?

### 13. Have you considered the impact with regard to gender and on minority groups including how the solution might impact different individuals in minority groups when developing this use-case?

Minority groups may include:

- those with disability
- LGBTQIA+ and gender fluid communities
- people from CALD backgrounds
- Aboriginal and Torres Strait Islanders
- children and young people

Comments:

	Yes		Document your reasons, then go to next question.
	Not entirely, but it's better than existing systems		You should clearly demonstrate that you have consulted with Legal, Governance and Risk Branch and Chief Executive Board before proceeding to pilot phase. Consider a Human Rights Impact Assessment
	No or unclear		Pause the use-case and address the gaps in your solution design.

	N/A		Document your reasons as to why this does not apply, then go to next question.
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## Fairness – Performance indicators

<p><b>14. Do you have appropriate performance measures and targets (including fairness ones) for your use-case, given the potential harms?</b></p> <p>Aspects of accuracy and precision are readily quantifiable for most systems which predict or classify outcomes. This performance can be absolute, or relative to existing systems.</p> <p>How would you characterise “Fairness” such as equity, respect, justice, in outcomes from a use-case? Which of these relate to, or are impacted by the use of AI?</p> <p><i>Comments:</i></p>			
	Yes		Document your reasons, then go to next question.
	No or unclear		<p>For <b>operational AI systems</b>, pause the use-case until you have established performance measures and targets.</p> <p>For <b>non-operational systems</b>, results should be treated as indicative and not relied on.</p>
	N/A		Document your reasons as to why this does not apply, then go to next question

## Fairness – Monitor performance

<p><b>15. Do you have a way to monitor and calibrate the performance (including fairness) of your use-case?</b></p> <p>Operational AI systems which are continuously updated / trained can quickly move outside of performance thresholds. Supervisory systems can monitor system performance and alert when calibration is needed.</p> <p><i>Comments:</i></p>			
	Yes		Document your reasons, then go to next question.
	No or unclear		<p>For <b>operational AI systems</b>, pause the use-case until you have established performance measures and targets.</p> <p>For <b>non-operational systems</b>, results should be treated as indicative and not relied on.</p>
	N/A		Document your reasons as to why this does not apply, then go to next question.

## Sensitive data considerations

*The Office handles sensitive data of the types outlined below. In accordance with the Generative AI policy, officers must not enter any sensitive data into any open-source generative AI tools. When assessing this question for open-source generative AI tools, consider the consequences of officers entering sensitive data into the open-access generative AI tool.*

Do you use sensitive data, including information on:	Identifiable cohort >50 or N/A	Identifiable cohort >20 and <50	Identifiable cohort >10 and <20	High Identifiable cohort >5 and <10	Identifiable cohort <5
Children					
Religious individuals					
Racially or ethnically diverse individuals					
Individuals with political opinions or associations					
Individuals with trade union memberships or associations					
Gender and/or sexually diverse individuals					
Individuals with a criminal record					
Specific health or genetic information					
Personal biometric information					
Other sensitive person-centred data					

### Comments

*Please include your overall assessment of the risks and the rationale for your assessment.*

## Privacy and security

*Note: This question may not apply for generative AI tools that can be adopted 'off the shelf'. If this is the case, it may be more appropriate to check with the vendor how the product observes privacy and security principles and answer accordingly.*

<b>16. Have you applied the "Privacy by Design" and "Security by Design" principles in your use-case?</b>			
<i>Comments:</i>			
	<b>Yes</b>		Document your reasons, then go to next question.
	<b>Partially</b>		Pause the use-case and determine how you will improve your data or practices.
	<b>No or unclear</b>		Pause the use-case until you have received advice from Legal, Governance and Risk Branch. You may need to adjust the proposed tool/use-case.

## Privacy and security – Impact assessment

<b>17. Have you completed a privacy impact assessment (either third party or self-assessed)?</b>			
<i>Comments:</i>			
	<b>Yes</b>		Document your reasons, then go to next question.
	<b>No</b>		Pause the use-case until you have completed a privacy impact assessment.

## Privacy and security – Consent

<b>18. If you are using information about individuals who are reasonably identifiable, have you sought consent from citizens about using their data for this particular purpose?</b>			
See the NSW Privacy and Personal Information Protection Act (1998) for a definition of Personal Information.			
See also the NSW Privacy Commissioner's fact sheet on Reasonably Ascertainable Identity			
<i>Comments:</i>			
	<b>Yes</b>		Document your reasons, then go to next question.
	<b>Authorised use</b>		For AI systems intended to operate under legislation which allows use of Identifiable Information, do not proceed unless you receive Legal, Governance and Risk Branch advice that allows this use-case to proceed. The use-case should be carefully monitored for harms during the pilot phase.
	<b>Partially</b>		Pause the use-case until you have consent, or redesign your use-case.
	<b>No</b>		Pause the use-case until you have either consent or Legal, Governance and Risk Branch advice authorising use of this information.
	<b>N/A</b>		Document your reasons as to why this does not apply, then go to next question.

## Privacy and security – NSW Cyber Security Policy

<b>19. Does the use-case adhere to the requirements in the NSW Cyber Security Policy?</b> <b>Have you considered end-to-end Security Principles for your use-case?</b> <i>Comments:</i>			
	<b>Yes</b>		Document your reasons, then go to next question.
	<b>No or partially</b>		Pause the use-case until these requirements can be met.
	<b>N/A</b>		Document your reasons as to why this does not apply, then go to next question.

## Privacy and security – Sensitive data subjects

*The Office handles sensitive data of the types outlined below. In accordance with the Generative AI policy, officers must not enter any sensitive data into any open-source generative AI tools. When assessing this question, consider the consequences of staff entering sensitive data into the open-access generative AI tool.*

<b>20. Does your dataset include using sensitive data subjects as described by section 19 of the NSW Privacy and Personal Information Protection Act 1998?</b> <i>Comments:</i>			
	<b>No</b>		Document your reasons, then go to next question.
	<b>Yes</b>		Seek explicit approval from Legal, Governance and Risk Branch to proceed with this risk.
	<b>Unclear</b>		Pause the use-case and clarify the nature of the data, address any inadvertent use of sensitive data in the use-case.

## Transparency: Risk factors

Consider the inherent risks associated with:	Insignificant	Minor	Moderate	Major	Severe
Incomplete documentation of use-case design, or implementation, or operation					
No or limited access to model's internal workings or source code ("Black Box")					
Being unable to explain the output of a complex model					
A member of the public being unaware that they are interacting with a use case					
No or low ability to incorporate user feedback into the use-case					

### Comments

Please include your overall assessment of the risks and the rationale for your assessment.

## Transparency – Consultation

You must consult with the relevant community when designing an AI system. This is particularly important for **operational AI systems**.

Communities have the right to influence government decision-making where those decisions, and the data on which they are based, will have an impact on them.

For use-cases intended to operate under legislation which allows use without community consultation, the public benefits must be clear before proceeding to pilot phase.

<b>21. Have you consulted with the relevant community that will benefit from (or be impacted by) the use-case?</b>			
Comments:			
	Yes		Document your reasons, then go to next question.
	Authorised use		For use-cases intended to operate under legislation which allows use without community consultation, do not proceed unless you receive Legal, Governance and Risk Branch advice that allows this use-case to proceed. The use-case should be carefully monitored for harms during the pilot phase.
	No, but it's better than existing systems		Document your reasons. You should clearly demonstrate that you have consulted with Legal, Governance and Risk Branch and Chief Executive Board before proceeding to pilot phase.
	No		Pause the use-case develop a Community Engagement Plan <sup>2</sup> and consult with the relevant community.
	N/A		Document your reasons as to why this does not apply, then go to next question.

<sup>2</sup> A Community Engagement Plan should demonstrate: objectives and planned outcomes, how the public can question and seek reviews of AI-based decision, how the community can get insights into data use and methodology, how the community will be informed of changes to an AI solution, including where existing technology is adapted for another purpose. Source: <https://www.digital.nsw.gov.au/policy/artificial-intelligence/artificial-intelligence-ethics-policy/mandatory-ethical-principles>



## Transparency – Publicise use of tool

<b>22. Is the scope of the office's use of the use-case publicly available?</b>			
<i>Comments:</i>			
	<b>Yes</b>		Document your reasons, then go to next question.
	<b>No</b>		Make sure you communicate the scope and goals of the use-case to Legal, Governance and Risk Branch and Chief Executive Board and the relevant community who are impacted before proceeding beyond pilot.
	<b>N/A</b>		Document your reasons as to why this does not apply, then go to next question.

## Transparency – Appeal an AI informed decision

<b>23. Is there an easy and cost-effective way for people to appeal a decision that has been informed by your use-case?</b>			
<i>Comments:</i>			
	<b>Yes</b>		Document your reasons, then go to next question.
	<b>No</b>		Pause your use-case, consult with Legal, Governance and Risk Branch and Chief Executive Board and establish an appeals process.
	<b>N/A</b>		Document your reasons as to why this does not apply, then go to next question.

## Transparency – Explainability of decisions

<b>24. Does the use-case allow for transparent explanation of the factors leading to the AI decision or insight?</b>			
<i>Comments:</i>			
	<b>Yes</b>		Document your reasons, then go to next question.
	<b>No, but a person makes the final decision</b>		Consult with Legal, Governance and Risk Branch and Chief Executive Board and establish a process to readily reverse any decision or action made by the use-case. Actively monitor for potential harms during pilot phase.
	<b>No</b>		Pause your use-case, consult with Legal, Governance and Risk Branch and Chief Executive Board and establish a process to readily reverse any decision or action made by the use-case.
	<b>N/A</b>		Document your reasons as to why this does not apply, then go to next question.

## Accountability: Risk factors

Consider the inherent risks associated with:	Insignificant	Minor	Moderate	Major	Severe
Insufficient training of use-case operators					
Insufficient awareness of use-case limitations of Chief Executive Board					
No or low documentation of performance targets or “Fairness” principles trade-offs					
No or limited mechanisms to record use-case decision history					
The inability of third parties to accurately audit AI system insights / decisions					

### Comments

Please include your overall assessment of the risks and the rationale for your assessment.

## Accountability – Responsibilities

**25. Have you established who is responsible for:**

- use of the AI insights and decisions
- policy/outcomes associated with the use-case
- monitoring the performance of the use-case
- data governance?

*Comments:*

	Yes		Document your reasons, then go to next question.
	No or unclear		Pause the use-case while you identify who is responsible and make sure they are aware and capable of undertaking their responsibilities.
	N/A		Document your reasons as to why this does not apply, then go to next question.

## Accountability – Rollback processes

<b>26. Have you established clear processes to:</b> <ul style="list-style-type: none"><li>– intervene if a relevant stakeholder finds concerns with insights or decisions?</li><li>– ensure you do not get overconfident or over reliant on the use-case?</li></ul> <i>Comments:</i>			
	<b>Yes</b>		Document your reasons, then go to next question.
	<b>No</b>		Pause your use-case, consult with Legal, Governance and Risk Branch and Chief Executive Board and establish appropriate processes.
	<b>N/A</b>		Document your reasons as to why this does not apply, then go to next question.

## Procurement

<b>27. If you are procuring all or part of a use-case, have you satisfied the above requirements for:</b> <ul style="list-style-type: none"><li>– transparency</li><li>– privacy and security</li><li>– fairness</li><li>– accountability</li></ul> As defined in the NSW AI Assurance Framework? <i>Comments:</i>			
	<b>Yes</b>		Document your reasons, then go to next question.
	<b>No</b>		Pause your use-case. Make sure you can meet the requirements before you continue.

# Overall Assessment

Community Benefit		Fairness	
AI should deliver the best outcome for the citizen, and key insights into decision making.		Use of AI will include safeguards to manage data bias or data quality risks, following best practice and Australian Standards.	
Highest risk		Highest risk	
No. of Risks		No. of Risks	
Privacy and Security		Transparency	
AI will include the highest levels of assurance. Ensure use-cases adhere to PPIPA.		Review mechanisms will ensure citizens can question and challenge AI based outcomes. Ensure use-case adhere to GIPA Act.	
Highest risk		Highest risk	
No. of Risks		No. of Risks	
Accountability			
Decision-making remains the responsibility of organisations and Chief Executive Board.			
Highest risk			
No. of Risks			

Does the overall risk assessment indicate the use-case involving AI (or other form of automated decision-making technology) can be implemented?			
Comments:			
	Yes		Document your reasons.
	Yes, but only with further safeguards and controls		Document your reasons, including the further safeguards and controls (and who is responsible for overseeing their implementation).
	No, not without further investigation of safeguards and controls		Document your reasons, including whether someone will be assigned to conduct further investigation.