

## CCI's Response to Ontario's Trustworthy Artificial Intelligence (AI) Framework

The Council of Canadian Innovators (CCI) is pleased with the commitment made by the Government of Ontario to be transparent, fair, and equitable in its use of automated decision systems or Artificial Intelligence (AI). As the [Law Commission of Ontario](#) put it, the spirit of what Ontario is doing in this regard is strong and the issues tackled admirable. However, in order to effectively establish a benchmark for public trust in AI, the term in question should be clearly defined as the consultation process continues. CCI encourages the Government of Ontario to adopt the definition used within the [National Standard of Canada for Automated Decision Systems](#):

“Information technology that performs tasks that would ordinarily require biological brainpower to accomplish, such as making sense of spoken language, learning behaviours, or solving problems.”

In seeking to respond to this consultation, CCI surveyed Ontario-based members who have indicated they employ AI in some way, shape, or form. While the following is a synthesis of their commentary, CCI is pleased to connect the Ontario Digital Service with members directly in order to host more fulsome discussions on any salient points.

### Contact CCI

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### Commitment #1: No AI in Secret

CCI supports responsible algorithmic use by the Government of Ontario that is accountable, safe, and rights based. That said, and specific to potential actions in this regard, it is important to recognize that biases are not **just** created by automated systems, but by humans as well (i.e., introduced by the programmer or embedded within data sets). Consequently, there needs to be accountability mechanisms that distinguish human and machine learning error throughout the development and deployment of AI models. Ontario has an opportunity to address potential gaps left by the federal government's Bill C-11, which does not effectively mitigate risks associated with automated decision-making and fails to provide adequate data governance for the benefit of Canadians. There should be a clearly defined process by which the public can address these potential biases (right to explainability, right to contest, and right to opt out).

Additionally, it is important for the Government of Ontario to disclose not only how it collects data, but **what** data is collected. Data is fundamentally protean: any data collected can be reprocessed, cross referenced, and analyzed in new ways in the future that are unanticipated at the time of collection. The exploitation of data generates new feedbacks that modify the behavior of the society and economy that generated the data in the first place.

With Ontarians as end users, the digitization of government programs and services effectively renders their delivery an 'app.' Much like how we are asked to agree to an end-user license agreement when downloading an app on our mobile devices, Ontarians must be provided all relevant information concerning their interaction with government AI. As the Government of Ontario pledged within the context of the

Digital and Data Strategy, it must lead by example through committed use of clear, plain-language “Terms of Use” for key government services.

### **Commitment #2: AI Use Ontarians Can Trust**

CCI would like to stress the importance of transparent human oversight controls to ensure AI models are continuously validated, tested, and evaluated for bias or risk. With increased reliance on new technologies, there is always a risk that a ‘coded’ rule underpinning an AI technology can become obsolete. The government should commit to updating the data on an annual or biannual basis and then evaluate AI models based on the growth of the dataset. Whether this evaluation is conducted by a trusted third-party or internally within the government apparatus, these pre-emptive checks will minimize the cost for remaking an AI Model and ensure AI software can adapt to the needs of Ontarians.

On the matter of integrating AI technology across provincial programs, we see the government employing an iterative ‘crawl-walk-run’ approach. We propose piloting new technologies with a variety of use cases that would commonly be addressed within the public service. Realizing that one successful use case does not translate to success in another, it is critical to evaluate whether desired outcomes are achieved and whether unintended consequences occur. **Both factors must be measured and balanced against one another before these technologies are widely deployed.**

### **Commitment #3: AI that serves all Ontarians**

CCI is encouraged to see a commitment by the Government of Ontario towards an AI framework that protects the rights and values of Ontarians. Looking to similar efforts in other jurisdictions, CCI encourages the Government of Ontario to refer to the European Commission’s [revised coordinated plan on AI](#) for best practices for AI while ensuring protections for vulnerable populations. In it, the Commission clearly states that, “It is very important that AI systems do not create or reproduce bias. Rather, when properly designed and used, AI systems can contribute to reduce bias and existing structural discrimination, and thus lead to more equitable and non-discriminatory decisions.” This guiding principle is accompanied by a risk-based approach with four levels of risk outlined (unacceptable, high, limited, and minimal). Providers of high-risk AI systems will be required to implement quality and risk management systems to ensure their compliance with the new requirements and minimise risks for users and affected persons, even after a product is placed on the market. Broadly speaking, we encourage the government to view AI as a tool to better understand the needs of vulnerable people and improve their conditions. In keeping with the goal of “AI that serves all Ontarians,” AI should be made accessible to everyone by design so that the positive impacts can be more widely felt.

Lastly, CCI would like to see how the economics of data use are balanced alongside the social complexities in AI technologies. The effectiveness in data sets used to power AI use cases within the OPS cannot be measured on its own. It must be correlated to other data points – data points that our members currently hold. Within the context of a provincial AI framework, a commitment to data sharing with Ontario-domiciled companies stands to be a tangible way for Ontarians to benefit economically from these efforts. While CCI understands that the provincial Data Authority will lead the management of such data sets, we hope Canadian firms will be among the partners the new Data Authority will engage with to leverage secure and reliable data sources. Notwithstanding social considerations, operational data sets are very important to the success of scaling technology companies, who are key prosperity engines in the knowledge-based economy.

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### About CCI

The Council of Canadian Innovators (CCI) represents and works with over 130 of Canada's fastest-growing technology companies. Our members are the CEOs, founders, and top senior executives behind some of Canada's most successful 'scale-up' companies. All of our members are job and wealth creators, investors, philanthropists, and experts in their fields of healthtech, cleantech, fintech, cybersecurity and ICT. Companies in our portfolio are market leaders in their verticals, commercialize their technologies in over 190 countries, and generate between \$10M - \$750M in annual recurring revenue. We advocate on their behalf for government strategies and increase their access to skilled talent, strategic capital and new customers, as well as expanded freedom to operate for their global pursuits of scale. CCI was founded in 2015 by CEOs and is chaired by Jim Balsillie, former Chairman and co-CEO of BlackBerry, and John Ruffolo, founder of OMERS Ventures.