

Evaluation of two tools used for waitlist prioritisation
for planned care in Health New Zealand – Te Whatu Ora

Appendix 8: Algorithm Charter for Aotearoa New Zealand

March 2024

Launched in July 2020 by Statistics New Zealand, the *Algorithm Charter for Aotearoa New Zealand* is designed to promote transparency and accountability in government agencies' use of algorithms. While Health New Zealand – Te Whatu Ora is not a signatory (Ministry of Health – Manatū Hauora is the health signatory), the Charter's principles can still inform and guide the use of algorithms within the organisation.

The Charter loosely defines the term 'algorithm' and covers a broad range of analytical tools. The Charter does not specify a technical definition of an algorithm, instead, it commits signatories to take a particular focus on those algorithms that have a high risk of unintended consequences and whether it has a significant impact if things go wrong, particularly for vulnerable communities. For government agencies using algorithms during standard operations, a risk assessment is undertaken to determine if Charter commitments should be applied. The risk assessment comprises a comparative evaluation of both the potential for unintended adverse outcomes and the relative impact of the algorithm.

The likelihood of an unintended adverse outcome is categorised into three levels:

- **Improbable** – unlikely but possible to occur during standard operations.
- **Occasional** – likely to occur sometime during standard operations.
- **Probable** – likely to occur often during standard operations.

The impact is assessed based on two key factors, the severity of the decision and the extent of its reach. This is further defined in the following categories:

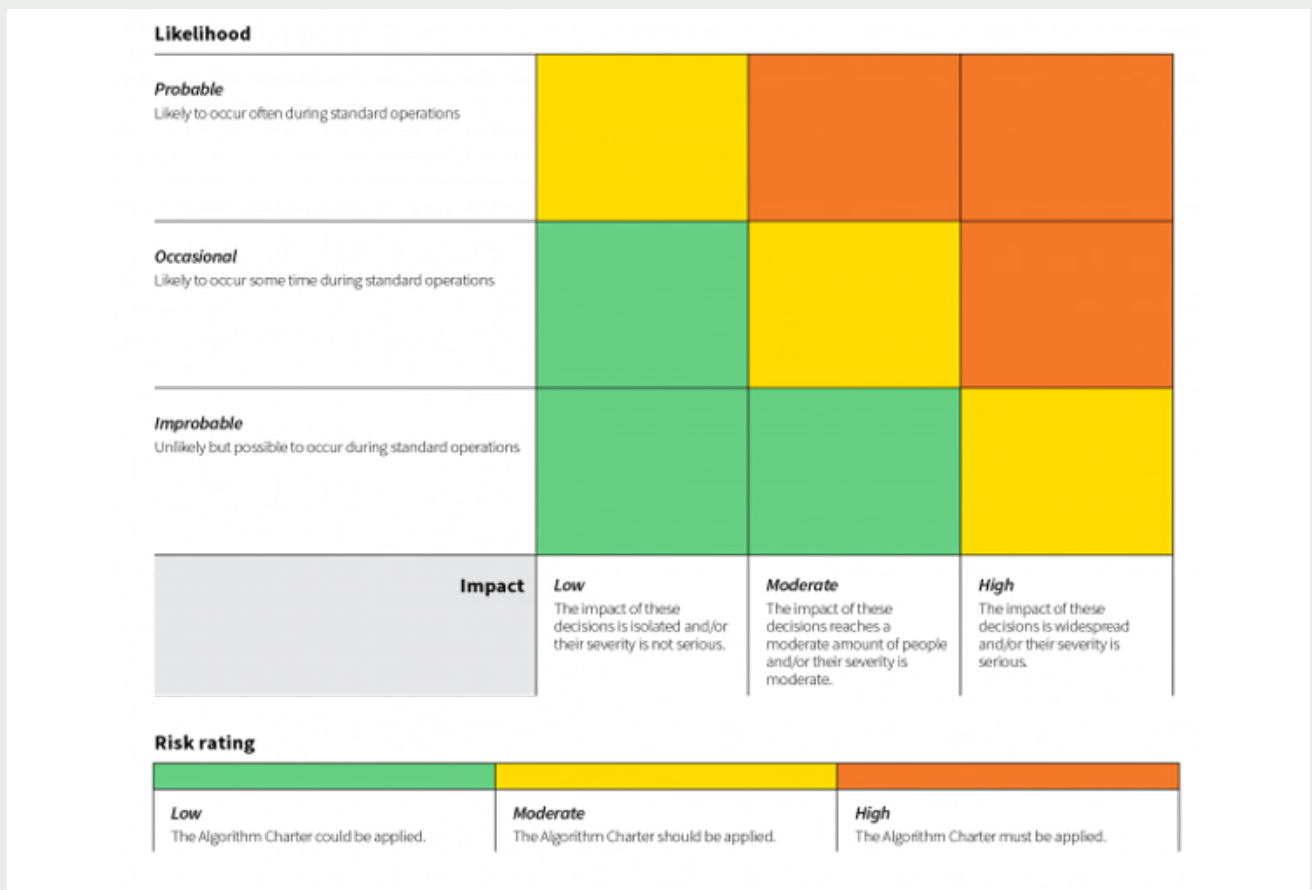
- **Low** – the impact of these decisions is isolated and/or their severity is not serious.
- **Medium** – the impact of these decisions reaches a moderate amount of people and/or their severity is moderate.
- **High** – the impact of these decisions is widespread and/or their severity is serious.

The outcome of the assessment provides an overall risk rating for the algorithm, which may be classified as low, moderate, or high. Based on this classification, the Algorithm Charter Commitments are applicable to varying degrees. It could be applied for low risk, should be applied for moderate risk, or must be applied for high risk (as detailed in Figure 1 below).

Based on the outcome of the risk assessment, the Algorithm Charter Commitments, outlined below, will need to be considered:

- **Transparency** – maintain transparency by clearly explaining how decisions are informed by algorithms.
- **Partnership** – deliver clear public benefit through Te Tiriti commitments by embedding a Te Ao Māori perspective in the development and use of algorithms consistent with the principles of Te Tiriti o Waitangi.
- **People** – identify and actively engage with people, communities and groups who have an interest in algorithms, and consult with those impacted by the algorithm’s use.
- **Data** – ensure that data is fit for purpose by understanding its limitations and identifying and managing bias.
- **Privacy, ethics and human rights** – regularly peer review algorithms to assess for unintended consequences and act on this information.
- **Human oversight** – retain human oversight by clearly explaining the role of humans in decisions informed by algorithms, provide channels for challenging or appealing of decisions informed by algorithms, and nominating a point of contact for public enquiries about algorithms.

Figure 1: Risk Assessment Matrix for the Algorithm Charter of Aotearoa New Zealand²⁰⁶



New Zealand Government

ALGORITHM CHARTER FOR AOTEAROA NEW ZEALAND

This Charter demonstrates a commitment to ensuring New Zealanders have confidence in how government agencies use algorithms. This Charter is one of many ways that government is demonstrating transparency and accountability in the use of data. However, it cannot fully address important considerations, such as Māori Data Sovereignty, as these are complex and require separate consideration.

Commitment:

Our organisation understands that decisions made using algorithms impact people in New Zealand. We commit to making an assessment of the impact of decisions informed by our algorithms. We further commit to applying the Algorithm Charter commitments as guided by the identified risk rating.

Algorithm Charter Commitments:

TRANSPARENCY

Maintain transparency by clearly explaining how decisions are informed by algorithms. This may include:

- » Plain English documentation of the algorithm,
- » Making information about the data and processes available (unless a lawful restriction prevents this),
- » Publishing information about how data are collected, secured and stored.

PARTNERSHIP

- Deliver clear public benefit through Treaty commitments by:
 - » Embedding a Te Ao Māori perspective in the development and use of algorithms consistent with the principles of the Treaty of Waitangi.

PEOPLE

- Focus on people by:
 - » Identifying and actively engaging with people, communities and groups who have an interest in algorithms, and consulting with those impacted by their use.

DATA

- Make sure data is fit for purpose by:
 - » Understanding its limitations,
 - » Identifying and managing bias.

PRIVACY, ETHICS AND HUMAN RIGHTS

- Ensure that privacy, ethics and human rights are safeguarded by:
 - » Regularly peer reviewing algorithms to assess for unintended consequences and act on this information.

HUMAN OVERSIGHT

- Retain human oversight by:
 - » Nominating a point of contact for public inquiries about algorithms,
 - » Providing a channel for challenging or appealing of decisions informed by algorithms,
 - » Clearly explaining the role of humans in decisions informed by algorithms.