Agenda
State Government Artificial Intelligence Advisory Council

Meeting Date:	**Wednesday, September 4, 2024**	
Time:	1:00 PM – 3:00 PM	
Location:	**Join the Meeting Here** **Meeting ID:** 253 396 344 170 **Passcode:** Xmfx3j **Phone:** +1 503-446-4951 **Phone conference ID:** 248 679 603#	

ITEM	PRESENTER	TIME	ACTION, NOTES
1. Call to Order and Roll Call			
	Terrence Woods	1:00-1:05	Confirm quorum
2. SubCommittee: Equity			
Attachment 2.1 Equity Subcommittee Report Out	Kathryn Darnall Helms	1:05-1:20	Discussion
3. SubCommittee: Security			
Attachment 3.1 Security Subcommittee Report Out	Ben Gherezgiher	1:20-1:35	Discussion
4. SubCommittee: Ethics			
Attachment 4.1 Ethics Subcommittee Report Out	Catie Theisen	1:35-1:50	Discussion
5. Review Draft Framework Work Product			
Attachment 5.1 Discussion to receive and confirm directional feedback to guide EIS submission of draft framework	Terrence Woods	1:50-2:20	Decision
6. Updated Council Timeline			
Attachment 6.1 SGAI Advisory Council Updated Timeline Attachment 6.2 Potential Guest Speaker Recommendations for upcoming Council meetings	Kathryn Darnall Helms	2:20-2:30	Discussion
7. Council Comments			
	Council Members	2:30-2:45	Discussion
8. Public Comment			
Attachment 8.1: SG AI Written Comments Through August 28, 2024 Sign-up instructions for providing public comment verbally or in writing are posted on the Council's webpage: https://www.oregon.gov/eis/Pages/ai-advisory-council.aspx Individuals are asked to limit verbal comments to three minutes or less.	2:45– 3:00		Testimony

Based on the subcommittee's discussion, the following principles and definitions are proposed to address equity, transparency, and privacy within Oregon's Artificial Intelligence Framework. These three principles and vision statements address the importance of equity, transparency, and privacy in AI system development and deployment, with specific attention to human engagement and involvement throughout the AI development lifecycle. Having "humans in the loop," is critical not only for reviewing and monitoring AI outputs, but also within every step of the AI lifecycle to ensure a diversity of viewpoints and lived experiences are incorporated into the State's approach. Codifying these three values into Oregon's framework for Artificial Intelligence highlights the importance of ensuring that impacted communities and individuals are appropriately informed, consulted, and represented in the development of AI systems, allowing the state to build and maintain trust with its constituents and ensuring that AI systems are constantly striving towards fair, representative, and ethical uses that support and uplift rather than cause harm.

Vision Statements:

1. **Equity and Representation**: Ensure AI design and use protect the human rights of affected persons and groups, address bias, incorporate fairness, and promote diversity, equity, and inclusion. Embed ongoing evaluation, inspection, and accountability of AI systems in the system lifecycle. Engage and collaborate with impacted individuals in AI lifecycle teams and collaboration activities. Demonstrate how AI design and use protect human rights (civil, legal, economic, cultural) and inclusion of all groups.

2. **Transparency and Trustworthiness**: Ensure clarity, openness, comprehensibility of AI processes, outcomes, impact, and decision background. Document and share all lifecycle steps of AI system development with the public and impacted persons. Ensure AI design and use justify public trust through accountability and timely communication.

3. **Privacy and Confidentiality**: Protect personal data and privacy rights in AI systems. To the greatest extent possible, AI design and use shall protect sensitive data and personal information from unauthorized access, disclosure, use, alteration, or destruction. Ensure individuals are informed about how their sensitive data and personal information will be used and disclosed and that consent is obtained prior to use when possible and appropriate.

The subcommittee proposes the following **actions** to uphold the principles identified above:

1. **Principle**: Equity and Representation
   - **High-level Action:** Policy Alignment and Development
     - **Action:** Develop and implement an AI governance framework that incorporates principles of diversity, equity, and inclusion (DEI) as foundational elements in partnership and consultation with community partners. This framework should guide AI system development and deployment to ensure that AI solutions reflect the diverse needs and values of our constituents.
     - **Action:** AI accountability, governance, and oversight structures should embody the State's values of diversity, equity, inclusion, and belonging in how they are developed, implemented, and oversighted. Measurement of agency compliance should be balanced with investment in developing agency capacity to mature their AI governance structures.
     - **Action:** Establish requirements and expectations for agencies that include direct community engagement to gather input from affected populations in AI system development, procurement, and deployment. Requirements should include

acknowledgement that community engagement be an ongoing process, not just a one-time consultation
- **High-level Action:** Regulatory & Governance
  - **Action:** Establish and resource an appropriate position and authority to set the State's AI Governance and Oversight structure and model, that includes requirements and expectations for how state agencies will engage with the AI oversight office/role.
  - **Action:** Identify resource and capacity gaps that currently impact agency capacity/capability to comply with new AI Oversight and Governance
  - **Action:** Establish a responsible body/authority to oversight, govern, and ensure adherence to principles and to craft appropriate governance structures to support
  - **Action:** Define expectations of how agencies uphold demonstration of protecting human rights and inclusion.
  - **Action:** Include a Community Advisory Body or other community-engaged oversight into statewide AI Governance and Oversight. Community advisory body should have role in reviewing agency equity impact assessments or other tools for evaluating equity within AI solutions.
- **High-Level Action:** Methodology and Testing
  - **Action**: Establish methods and requirements in the AI development lifecycle that ensure equity, representation, and inclusion are considered crucial components of development, rather than "checklist" items.
  - **Action**: Set standards and guidelines for agencies to evaluate and embed awareness of biases and inaccuracies into AI development
- **High-Level Action:** Data Management and Governance
  - **Action:** Ensure that data development and AI development are in alignment with Oregon's Data Strategy principles
  - **Action:** Oversight measures and expectations for agencies will include expectations for documenting data representation, visibility, and quality and avoid discrimination and replication of systemic harm(s)
- **High-Level Action:** Collaboration and Partnerships
  - **Action:** Identify opportunities for public-private partnerships, public-academic partnerships, or similar collaboratives with organizations and private companies committed to equitable AI development and technology for the public good.
2. **Principle:** Transparency and Trustworthiness:
   - **High-Level Action:** Regulatory and Governance
     - **Action:** Set expectations of mandatory public disclosure when GenAI or similar AI capabilities are used in processes to produce a decision
       - People should know when and how they are engaging with AI
     - **Action:** Develop and release a statewide AI inventory, with expectations for documentation based upon the nature of the AI system in use
   - **High-Level Action:** Collaboration & Partnerships
     - **Action**: Foster collaboration and build partnerships with various stakeholders, including industry, academia, government agencies, local jurisdictions, and other public body partners. Encourage sharing of knowledge, resources, and best practices to enhance AI development and deployment.
     - **Action**: Develop or invest in 3rd party audit/oversight capabilities for external partners to conduct AI system reviews
   - **High-Level Action:** Human in the Loop
     - **Action:** Ensure that AI systems incorporate human oversight, especially in areas impacting equity and ethics. This approach ensures that AI systems are accountable and aligned with the state's values, and support development of AI systems as a tool to support worker efficiency, not to replace human decision-making.

- **High-Level Action:** Procurement
  - **Action**: Set forth expectations for vendors in support of complying with transparency and trustworthiness when bidding for AI contracts. Explore requirements around transparency and trustworthiness for vendors.
  - **Action**: Develop policies requiring AI systems to be compliant with public records laws, even if AI-generated content is not initially subject to such laws, to create further transparency around how to respond to and navigate public records requests related to AI systems. Set expectations for vendor transparency in system development and design to be compliant with state public records laws and data transparency and interoperability requirements.
- **High-Level Action:** Methodology and Testing
  - **Action:** Implement standardized continuous testing and auditing processes for deployed AI solutions to protect against bias, monitor system performance, and ensure systems are meeting intended outcomes. These processes should be developed in partnership with state agencies and standardized to maintain consistency.

3. **Principle:** Privacy and Confidentiality
   - **High-Level Action:** Operational Policy & Guidelines
     - **Action**: Offer implementation guidance around "high risk" "low risk" or "prohibited" uses of AI tools as they apply within Oregon (EU language might be possible) to assist agencies in evaluating use cases associated with AI
     - **Action:** Policies, guidelines, and expectations for state agencies and employees shall prohibit the use of confidential data in public AI models
     - **Action:** Develop and implement incident response procedures specifically for AI systems. These procedures should address the disclosure or breach of confidential data, notification requirements, and remediation approaches consistent with existing state privacy and breach notification laws and procedures.
   - **High-Level Action:** Regulatory and Governance
     - **Action**: Establish a centralized privacy program with leadership and resources to conduct privacy impact assessments (PIAs) and human rights impact assessments (HRIAs) for AI systems. This program should ensure that AI initiatives comply with federal, state, and other relevant privacy laws.
     - **Action**: Align and engage public privacy programs to generate alignment across public bodies in how privacy is protected within Oregon AI systems
   - **High-Level Action:** Procurement
     - **Action:** Agency contracts shall prohibit vendors from using Oregon materials or data in generative AI queries, or for training proprietary models unless explicitly approved by the state.
     - **Action:** Agency contracts shall require vendors to adhere to strict data use standards, ensuring that government-provided data is used exclusively for government purposes. This must be a non-negotiable clause in contracts.
     - **Action:** Agency contracts shall prohibit the use of confidential data in public AI models
     - **Action:** Wherever possible, vendors should be required to disclose datasets used to train AI models during the procurement process. Disclosures should be made public where applicable and incorporated into state procurement processes and expectations for AI systems.
     - **Action:** Require change management processes for vendors be documented so that state agencies are informed any changes to AI systems, especially Large Language Models, regardless of perceived impact, to ensure state agencies can proactively manage impacts on service delivery or implementation

- **Action:** Examine existing state contracting language to ensure vendors are compliant with all necessary state and federal privacy laws and regulations and to incorporate privacy compliance into assessments during the procurement process.
  - **High-Level Action:** Methodology and Testing
    - **Action:** Guidance and support for incorporating privacy considerations into AI development and deployment, such as privacy impact assessments, should be included
    - **Action:** Guidance around data documentation and data privacy should be incorporated into privacy impact or other assessments to describe the nature of data in use, the personal or sensitive fields in use, or restricted/sensitive data
  - **High-Level Action:** Data Governance and Management
    - **Action:** Policies, guidelines and expectations for AI implementation should promote data minimization and other privacy protection strategies in AI system design to limit the amount of data collected and processed, reducing potential privacy risks.

The subcommittee also identified the following **recommendations** to support the principles above and associated policy challenges for equity, transparency, and privacy within Oregon's Artificial Intelligence Framework. These recommendations outline additional areas of development, consideration, or incorporation into further AI Framework materials, or included in downstream implementation.

Governance, Accountability, and Oversight
- **Centralized Governance Structure:** Establish a centralized governance body responsible for vetting AI system deployments across state agencies. This body should ensure that AI systems adhere to established governance and ethical standards and align the needs across all principles to oversee and support state agencies in adopting AI solutions.
- **Standardized AI Lifecycle Governance:** The state's centralized governance structure for AI should include a centralized, standardized process for AI governance, ensuring accountability at every stage of the AI lifecycle. This includes establishing oversight mechanisms to monitor ongoing AI system performance and alignment with state goals.
- **Playbook for Implementation:** Develop and distribute a playbook to state agencies, providing clear guidance on implementing AI systems in support of the principles and recommendations within the AI Framework. This playbook should include steps for ensuring equity, fairness, and transparency in AI projects.
- **Ongoing Oversight:** Implement ongoing oversight and accountability mechanisms to monitor AI system operations and outcomes, ensuring they remain aligned with state policies and public interests.

Equity and Representation in Framework Development
- **Tribal Engagement:** The AI framework should appropriately acknowledge Tribal sovereignty, and the AI Council should discuss how best to engage Tribal governments in the development of the framework to assist in crafting language that appropriately acknowledges Tribal sovereignty in relation to government AI initiatives.

Framework Accessibility and Consistency
- **Plain Language Reporting:** Ensure that the final AI governance framework and report are written in plain language, making them accessible to all stakeholders, including the public.
- **Standardized Definitions:** Use pre-existing standardized definitions (e.g., NIST Glossary of Terms) to ensure consistency and clarity in AI governance documentation.

Based on the subcommittee's discussion, the following principles and definitions are proposed to address Security, Risk, and Safety within Oregon's Artificial Intelligence Framework.

1. **Governance**: Ensure policies, processes, procedures, and practices across the Executive Branch related to the mapping, measuring and managing of AI benefits and risks are in place, transparent, and implemented with accountability and full inspection; a culture of risk management is cultivated and present.
2. **Safety and Impact**: Ensure AI design and use do not decrease overall safety. Specifies impact and safety requirements with quantifiable terms and measurement methods.
3. **Security and Securing**: Ensure the AI system's design, use, and lifecycle management protect it and its data from unauthorized access, alteration, or destruction.
4. **Risk and Risk Management**: Identifying, assessing, measuring, and managing AI risks, focusing on compliance for AI systems and projected impact. Fully assessing risk types, potential harms, and management options.

The subcommittee proposes the following **actions** to uphold the principles identified above:

1. **Governance:** Ensure policies, processes, procedures, and practices across the Executive Branch related to the mapping, measuring and managing of AI benefits and risks are in place, transparent, and implemented with accountability and full inspection; a culture of risk management is cultivated and present.
   - **High-level Action:** Regulatory & Governance
     - **Action:** Create and maintain a chartered governance body or council to oversee AI practices.
     - **Action:** Perform periodic reviews and refinement of governance activities.
   - **High-level Action:** Methodology & Testing
     - **Action:** Develop policy and standards to ensure adherence to laws, regulations, and guidelines specific to AI and data management, including specific documentation, mapping, reporting, auditing, and information disclosure.
   - **High-level Action:** Operational Policy & Guidelines
     - **Action:** Build workforce expertise by investing in AI-specific training and development programs that establish and maintain a skilled, vetted, and diverse service verticals in the AI workforce.
     - **Action:** Develop a comprehensive AI security training and certification program, including clear training plans, requirements, and a certification process for AI users.
   - **High-level Action:** Methodology & Testing
     - **Action:** Develop metrics for measuring AI performance, including accuracy, robustness, and unintended biases. Regularly assess the effectiveness of risk controls and adjust as needed.

2. **Safety and Impact:** Ensure AI design and use do not decrease overall safety. Specifies impact and safety requirements with quantifiable terms and measurement methods.
   - **High-level Action:** Methodology & Testing
     - **Action:** AI design must be tested against AI safety standards.

- High-level Action: Collaboration & Partnerships
  - **Action:** Establish feedback loops with stakeholders to report and receive input on AI safety and security, ensuring that all concerns are addressed promptly.

3. **Security and Securing**: Ensure the AI system's design, use, and lifecycle management protect it and its data from unauthorized access, alteration, or destruction.
   - **High-level Action:** Methodology & Testing
     - **Action:** Establish Reference Architecture for approved AI models and deployments.
     - **Action:** Establish capability and enforce data loss prevention (DLP) and provide for continuous monitoring.
     - **Action:** Continuously monitor and document AI risks, including those specific to attacks using AI, attacks on AI, and AI design failures. Regularly update risk controls or mitigations as new threats emerge.
     - **Action:** Monitor AI system behavior continuously for signs of anomalies or malicious activities.
     - **Action:** Establish 'secure by design' practices throughout the AI lifecycle.
   - **High-level Action:** Regulatory & Governance
     - **Action:** Conduct thorough AI impact assessments as part of the deployment for potential safety and security risks.
   - **High-level Action:** Procurement
     - **Action:** Establish processes to review AI vendor supply chains for security risks, ensuring that all hardware, software, and infrastructure meet security and safety standards.
   - **High-level Action:** Operational Policy & Guidelines
     - **Action:** Maintain an incident response plan that includes AI based service implementations, ensuring recovery from disruptions and clear protocols for addressing AI-related incidents.

4. **Risk and Risk Management**: Identifying, assessing, measuring, and managing AI risks, focusing on compliance for AI systems and projected impact. Fully assessing risk types, potential harms, and management options.
   - **High-level Action:** Methodology & Testing
     - **Action:** Establish and deploy a risk management framework and methods.
     - **Action:** Established risk mitigation methodologies that reduce risk.
     - **Action:** Implement continuous testing and auditing of AI systems to detect errors, vulnerabilities, and other risks. Use dedicated environments for testing to prevent exposure of sensitive information.
     - **Action:** Assess and track the performance of risk controls and mitigations in addressing the specific AI risks identified in the mapped data types.
     - **Action:** Develop and promote behaviors of AI risk management by aligning AI safety and security with organizational principles.
   - **High-level Action:** Regulatory & Governance
     - **Action:** Conduct thorough AI impact assessments as part of the deployment or acquisition process, documenting the intended purposes, and expected benefits.
     - **Action:** Prioritize AI risks using an evidence-based approach, applying appropriate security controls.

The subcommittee also identified the following **recommendations** to support the principles above and associated policy challenges for education, advocacy, and accountability within Oregon's Artificial Intelligence Framework

1. Recommendation: Develop a process that hosts centralized logging and inventory of approved applications.
2. Recommendation: Develop an Enterprise AI Security Training Plan.
3. Recommendation: Develop certification processes for AI system owners and one for defined AI system users.
4. Recommendation: In the absence of specific rules, laws or definitions, NIST AI Risk management Framework must be referenced.
5. Recommendation: Centralized governance, policy, and pipeline controlled by a single entity. [This is an effective means to avoiding broad AI related issues.]
6. Recommendation: Identify and categorize levels of data types, recognizing the associated risks.

State Government Artificial Intelligence Advisory Council

Meeting Date:	**Wednesday, September 4, 2024**
Attachment	**4.1 Ethics Subcommittee Report Out**

Based on discussion, the Ethics Subcommittee proposes the principles, definitions and actions below to address education, advocacy, and accountability within Oregon's Artificial Intelligence Framework.

Subcommittees re-worded principles to be phrased as "vision statements".

1. **Original: AI must enhance user and worker experience and ensure equitable outcomes:** State government use of AI should be used as a tool to make work more efficient and enhance the experience for the user or client. Programs should prioritize inclusivity and actively work to not perpetuate negative outcomes or biases for currently or historically marginalized people including Oregonians interfacing with the system and workers across the globe enabling these systems to function. AI should not supplant direct outreach and engagement with impacted communities Further, Oregon should actively consider any negative environmental and climate impacts before adopting an AI system.
Vision Statement: AI must enhance user and worker experience and ensure equitable outcomes: State government use of AI should be used as a tool to make work more efficient and enhance the experience for the user or client. Programs should prioritize inclusivity and actively work to not perpetuate negative outcomes or biases for currently or historically marginalized people including Oregonians interfacing with the system and workers across the globe enabling these systems to function. AI should improve quality of work, not increase the quantity and should not supplant direct outreach and engagement with impacted communities. Further, Oregon should actively consider any negative environmental and climate impacts before adopting an AI system.

2. **Original: AI use must be transparent and explainable to build trust and understanding:** AI systems deployed by the state should be developed and implemented with transparent methodologies, data sources, and design procedures. Those asked to engage with AI or have their data used by AI should do so with informed consent. AI decision-making processes must be clearly explained to both users and affected individuals
Vision Statement: AI use must be transparent and explainable to build trust and understanding: AI systems deployed by the state should be developed and implemented with transparent methodologies, data sources, and design procedures. Those asked to engage with AI or have their data used by AI should do so with informed consent. AI decision-making processes must be clearly explained to both users and affected individuals.

3. **Original: Oregon state government's use of AI must be accountable to Oregonians:** This means that before, during and after utilization of any AI program, success metrics around fairness, accuracy, safety, privacy, reliability and other measures be adopted, measured, monitored and evaluated with user feedback to improve outcomes and determine future use. Positive efficiencies of the system should significantly outweigh any negatives or costs in order for adoption and/or continued use to occur.
Vision Statement: Oregon state government's use of AI must be accountable to Oregonians: This means that before, during and after utilization of any AI program, success metrics around fairness, accuracy, safety, privacy, reliability and other measures be adopted, measured, monitored and evaluated with user feedback to improve outcomes and determine future use. Positive efficiencies of the system should significantly outweigh any negatives or costs for adoption and/or continued use to occur.

4. **Original: Invest in workforce preparedness and understanding:** Current workers incorporating AI systems into their workflow should be a part of the adoption decision and review processes and be adequately informed and trained to appropriately utilize the system. In addition, it's critical that Oregon's next generation of workers have a baseline of education in AI – both in a broader framework of what is possible with AI, ethical considerations and implications, and direct and practical applications.
   Vision Statement: Invest in workforce preparedness and understanding: Current workers incorporating AI systems into their workflow should be a part of the adoption decision and review processes and be adequately informed and trained to appropriately utilize the system. In addition, it's critical that Oregon's next generation of workers have a baseline of education in AI – both in a broader framework of what is possible with AI, ethical considerations and implications, and direct and practical applications.

5. **Original: Define clear structures and governance on how human oversight will be intentionally built into the adoption, review and day-to-day implementation of AI:** Clearly defined roles and responsibilities on this and the overall governance and decision-making of how, where and when AI systems are adopted and utilized is critical.
   Vision Statement: Define clear structures and governance on how human oversight will be intentionally built into the adoption, review and day-to-day implementation of AI: Clearly defined roles and responsibilities on this and the overall governance and decision-making of how, where and when AI systems are adopted and utilized is critical.

Building on principles from previous meetings, the Ethics Subcommittee's proposed the actions below in light of the following questions:
   a) Which actions would be most effective or foundational to implement to support this principle?
   b) How could the state support, oversee, or enforce the outcomes associated with this principle?

1. **AI must enhance user and worker experience and ensure equitable outcomes**
   o **High-level Action:** Policy Alignment & Development
      ▪ **Action:** Develop a checklist of must-haves in evaluating and adopting any system. Items should include proof of ethical sourcing of data, evaluation of potential discrimination bias of the data, and documentation on reasoning of sampling.
      ▪ **Action:** Develop evaluation systems and metrics to ensure that programs promote inclusivity and actively work to not perpetuate negative outcomes or biases for currently or historically marginalized people including Oregonians interfacing with the system and workers across the globe enabling these systems to function and consider any negative environmental systems.

2. **AI use must be transparent and explainable to build trust and understanding**
   o **High-level Action:**
      o **Action:** Adopt performance metrics to build trust; track accuracy. Develop adoption processes where key metrics must be achieved, weighed against any negatives or costs. Develop reevaluation processes where key metrics must be achieved, weighed against any negatives or costs for system use to continue.
      o **Action:** Develop processes, guidelines and procedures for Oregonians interfacing with any AI system to do so with informed consent. Establish and make transparent an opt-out and/or appeals process for decisions made by an AI system.
      o **Action:** Develop and make available an inventory for use cases.
      o **Action:** Produce and make public an annual report on use, metrics, etc.
3. **Oregon state government's use of AI must be accountable to Oregonians**

- o **High-level Action:** Regulatory & Governance
  - **Action:** Establish clear, transparent, decision-making process and roles (key endorser, final stamp of approval).
- o **High-level Action:** Operational Policy & Guidelines
  - **Action:** Develop parameters for the IT department for metrics and criteria for evaluation, mechanism and timelines for review.

4. **Invest in workforce preparedness and understanding**
   - o **High-level Action:** Regulatory & Governance
     - **Action:** Develop and implement a process for including front-line (i.e. those actually using the system) workers in conversations and decisions about the adoption, implementation and ongoing evaluations of AI platforms. Establish and make transparent an opt-out and/or appeals process for decisions made by an AI system.
     - **Action:** Develop process/more specific training for those directly using any AI platforms.
   - o **High-level Action:** Operational Policy & Guidelines
     - **Action:** Provide general training for all workers, and certification process/more specific training for those directly using any AI platforms.
   - o **High-level Action:** Data Management
     - **Action:** Develop and implement informed worker consent on AI use and for how and when their data is being collected and used.
   - o **High-level Action:** Collaboration & Partnerships
     - **Action:** Submit/engage workforce and talent development board on any recommendations.
     - **Action:** Explore partnerships with academia to build training curriculum to help ensure that the future generation of workers have a baseline of AI education – including what is possible with AI, ethical considerations and implications, and direct and practical applications.
     - **Action:** Make available state trainings, materials and resources to the general public.

5. **Define clear structures and governance on how human oversight will be intentionally built into the adoption, review and day-to-day implementation of AI**
   - o **High-level Action:**
     - o **Action:** Ensure human oversight into the adoption and deployment of AI systems.

The subcommittee also identified the following **recommendations** to support the principles above and associated policy challenges for education, advocacy, and accountability within Oregon's Artificial Intelligence Framework:

1. **AI use must be transparent and explainable to build trust and understanding:** Clarity on when and how to disclose AI decision-making and use to users and workers. Ability for a user to opt out/appeal any decision made by AI
2. **Invest in workforce preparedness and understanding**: Front-line (i.e. those actually using the system) workers must be a part of the conversation on adoption, incorporation etc. of any platform. Transparency that the goal of AI is to increase the quality of the work not the quantity.

State Government Artificial Intelligence Advisory Council

Meeting Date: **Wednesday, September 4, 2024**

Attachment   **5.1 State Government Artificial Intelligence Advisory Council Recommended Plan and Framework**

State Government Artificial Intelligence Advisory Council Recommended Plan and Framework

SEPTEMBER 4, 2024

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State Government Artificial Intelligence Advisory Council Recommended Plan and Framework

Executive Summary

In response to the growing role of Artificial Intelligence (AI) within society, on November 28, 2023, Governor Tina Kotek established the Oregon State Government Artificial Intelligence Advisory Council (AI Council)[1]. Tasked with guiding the responsible adoption of AI in state government, the Council's primary purpose is to develop an action plan to guide the awareness and thoughtful adoption of AI within Oregon government. This plan will outline concrete executive actions, policies, and investments to ensure that AI is leveraged responsibly, with a strong emphasis on transparency, privacy, and the principles of diversity, equity, and inclusion. Through these efforts, the Council aims to foster a future where AI improves public services, increases trust, and supports economic and environmental sustainability.

The AI Council first convened on March 19, 2024, and has been meeting publicly to discuss and develop the AI Framework. Council meetings are public, and recordings as well as meeting materials are made available on the State Government Artificial Intelligence Advisory Council website.[2] Beginning in June, the AI Council created three subcommittees to address core principles related to AI: Security, Ethics, and Equity, with each subcommittee developing draft principles and recommendations. Subcommittee reports are provided to the full Council for sharing and discussion, with the findings from each subcommittee being combined into this draft framework.

The Council is releasing this *State Government Artificial Intelligence Advisory Council Recommended Plan and Framework* (AI Council Recommended Plan and Framework) to set forth the high-level vision, guiding principles, and recommendations developed by the AI Council to date. These recommendations are intended to build an action plan to promote awareness of AI to support state employees, and to ensure the state has clear structures and policies in place to support the thoughtful use of AI. These draft principles and recommendations represent the last six months of efforts of AI Council meetings and Subcommittee meetings, in addition to benchmarking research and engagement with peer states and government AI communities of practice by both AI Council members and EIS staff to craft a set of guiding principles and preliminary recommendations that will guide Oregon towards building its AI capabilities. The principles and recommendations within this draft are presented as an initial plan framework for how Oregon can effectively leverage the opportunities and benefits of AI while building structures that align AI use with Oregon's values of diversity, equity, and inclusion. The principles and recommendations within this framework focus on safety and security, workforce education, transparency, privacy, equity, and ethics as critical to Oregon's adoption of AI.

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[1] https://www.oregon.gov/gov/eo/eo-23-26.pdf
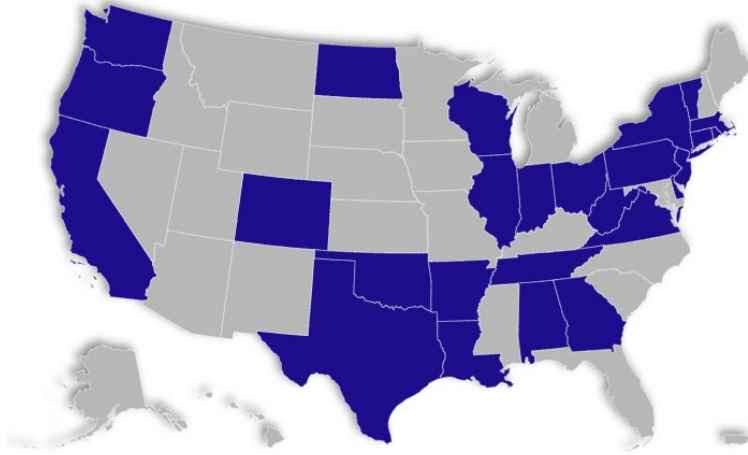[2] https://www.oregon.gov/eis/pages/ai-advisory-council.aspx

Background

Artificial Intelligence (AI), the capability of a computer to reproduce human decision-making and/or human cognition, was first conceptualized in 1956 and has continued to evolve at a rapid pace. With the widespread release of ChatGPT in November 2022 bringing forth an explosion in generative AI development, AI has already changed the way many governments, businesses, and individuals use technology, and operate day-to-day. As AI technology advances and the breadth of its potential uses seems endless, government must ensure that these systems protect the human rights, well-being, and economic opportunities of individuals and communities locally and worldwide, in addition to evaluating the often invisible environmental and labor market impacts of this new technology boom.[3,4]

In creating the State Government Artificial Intelligence Advisory Council (AI Council), Oregon joined many peer states in recognizing AI's capacity to shape society, economy, and culture in unintended and unanticipated ways if its adoption is not carefully stewarded. AI has the potential to improve efficiency, increase accessibility of information and services, enhance the constituent experience, and support improved decision-making. However, AI is only as intelligent as the data, developers and designers that create it, and AI technologies require consistent ingestion of high quality, timely data to maintain accuracy and usability. Absent careful adoption, monitoring, and oversight, AI systems can pose significant risks to individuals' civil and human rights, discriminate towards marginalized populations, produce misleading and harmful information, misguide users, result in harmful targeting and surveillance, and degrade trust in government institutions.

[3] https://hbr.org/2024/07/the-uneven-distribution-of-ais-environmental-impacts
[4] https://www.latimes.com/opinion/story/2024-07-12/artificial-intelligence-workers-labor-feeding-the-machine

Government Technology State AI Tracker[5]

Oregon has joined several states in creating a State Government Artificial Intelligence Advisory Council

Development and maintenance of AI models and tools frequently have additional labor and climate impacts outside of deployment. AI requires immense computing and infrastructure resources, with the International Energy Agency estimating that electricity consumption from data centers and the AI sector to double by 2026[6]. AI is dependent upon human labor to support data cleaning, coding, labeling, and classification. This commonly labeled "ghost work"[7], human work that is often made invisible in the development of AI, presents a currently unregulated global marketplace where workers perform tasks such as flagging violent or explicit images, moderate social media content, or review training data, for wages as low as $1.46/hour. These societal impacts across labor, workforce, and environment further underline the need for Oregon to set forth a vision to incorporate ethics and impact into how it leverages AI to ensure Oregon maintains its values of environmental stewardship and economic sustainability.

Scope

The AI Council Recommended Plan and Framework represent the initial findings of the AI Council and their preliminary recommendations for how Oregon should approach policy, investments, and programs to support AI governance and adoption.

Within the scope of this Recommended Plan and Framework are:

1. An initial vision for how Oregon wishes to use, adopt, and advance AI technologies in alignment with Oregon's values of diversity, equity, and inclusion.

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[5] https://www.govtech.com/biz/data/is-your-government-ai-ready-an-interactive-tracker-of-ai-action. Data is current as of August 13, 2024

[6] https://www.iea.org/reports/electricity-2024/executive-summary

[7] https://www.noemamag.com/the-exploited-labor-behind-artificial-intelligence/

2. Draft guiding principles for how Oregon will use, adopt, and advance AI technologies. These draft guiding principles serve as commitments that the AI Council considers foundational in developing a strong AI strategy for state government.

3. Draft recommendations to support Oregon's implementation of AI in alignment with its draft guiding principles. These draft recommendations, while currently broad, represent a list of policies, actions, and activities the AI Council recommends Oregon evaluate for implementation and further explore in subsequent development of the AI action plan.

These current draft guiding principles and draft recommendations are released to provide transparency into the AI Council's current progress, collect feedback from partners, and benchmark against peer organizations to develop an action plan that supports the recommendations. The principles, recommendations, and work within this document should all be considered preliminary and for review purposes only and not as instructions or guidance. The AI Council will further update these recommendations, develop an action plan with concrete steps, recommended policies, and suggested investments, and make key recommendations for implementation.

Oregon's Artificial Intelligence Vision and Principles

The vision statement and draft guiding principles within this framework represent the strategic vision and goals of Oregon's approach to AI, as well as commitments for how Oregon's policies, programs, and guidance will be developed and implemented. In creating AI Principles, Oregon hopes to guide the effective design, use, and implementation of AI systems, similar to the White House's AI Bill of Rights as released by the Office of Science and Technology Policy in October 2022. Oregon's principles are drawn from internal benchmark efforts[8] and analysis across multiple government and public interest organizations, such as the White House AI Bill of Rights, the Organization for Economic and Cooperative Development's AI Principles, and the European Union.

Principles from the White House AI Bill of Rights[9]

Safe and Effective Systems	Algorithmic Discrimination Protections	Data Privacy	Notice and Explanation	Human Alternatives, Consideration, and Fallback

To guide development of Oregon's principles, Enterprise Information Services conducted a review of peer states, local governments, federal resources, and public interest
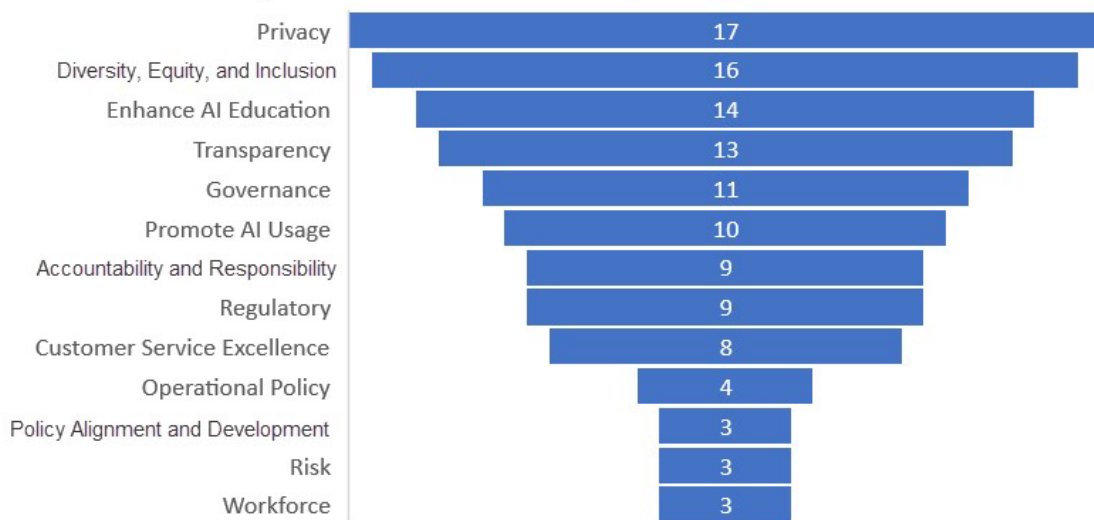
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[8] https://www.oregon.gov/eis/Documents/SG%20AI%20Advisory%20Council%20Meeting%20Materials%2020240611.pdf

[9] https://www.whitehouse.gov/ostp/ai-bill-of-rights/

organizations nationally and internationally to examine commonly used principles and topics within extant AI frameworks and best practices. These findings were presented to the AI Council in the June 11, 2024, Council meeting, and data collected from the benchmarking efforts have been incorporated into a resource repository for AI Council reference and review. The below figure shows the most identified principles and topic areas identified in EIS's survey results, with key areas such as privacy, diversity, equity, and inclusion, security, education, and risk management being incorporated into core principles, and activities such as regulation and policy development being used to guide recommendations as developed by the AI Council and its subcommittees.

Artificial Intelligence Principles Referenced by Peers and Organizations[10]

AI Topics Referenced by Organizations

Topic	Count
Privacy	17
Diversity, Equity, and Inclusion	16
Enhance AI Education	14
Transparency	13
Governance	11
Promote AI Usage	10
Accountability and Responsibility	9
Regulatory	9
Customer Service Excellence	8
Operational Policy	4
Policy Alignment and Development	3
Risk	3
Workforce	3

EIS benchmarking results as reported in the June 11, 2024, AI Council meeting

Vision Statement:

To create an informed and empowered workforce where state employees are well-equipped and trained with the knowledge and understanding of AI to make informed decisions. We envision a future where AI is governed by transparent, well-defined policies that ensure its ethical use, promote diversity, equity, and inclusion, and safeguard personal and sensitive information. Oregon aims to foster a responsible AI ecosystem that enhances government efficiency, accountability, and public trust, while upholding the highest standards of privacy and ethical integrity.

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[10]https://www.oregon.gov/eis/Documents/Attachment%202.1%20AI_Benchmark_Overview_Presenta_anonymous.pdf

Oregon's Artificial Intelligence Draft Guiding Principles

- **Accountability:** Oregon state government's use of AI must be accountable to Oregonians. This means that before, during, and after utilization of any AI program, success metrics around fairness, accuracy, safety, privacy, reliability, and other measures be adopted, measured, monitored, and evaluated with user feedback to improve outcomes and determine future use. Positive efficiencies of the system should significantly outweigh any negatives or costs for adoption and/or continued use to occur.
- **Equity and Representation**: Ensure AI design and use protect the human rights of affected persons and groups, address bias, incorporate fairness, and promote diversity, equity, and inclusion. Embed ongoing evaluation, inspection, and accountability of AI systems in the system lifecycle. Engage and collaborate with impacted individuals in AI lifecycle teams and collaboration activities. Demonstrate how AI design and use protect human rights (civil, legal, economic, cultural) and inclusion of all groups.
- **Explainability and Trust**: AI systems deployed by the state should be developed and implemented with transparent methodologies, data sources, and design procedures. Those asked to engage with AI or have their data used by AI should do so with informed consent. AI decision-making processes must be clearly explained to both users and affected individuals.
- **Governance**: Ensure policies, processes, procedures, and practices across the Executive Branch related to the mapping, measuring, and managing of AI benefits and risks are in place, transparent, and implemented with accountability and full inspection; a culture of risk management is cultivated and present.
- **Human Oversight in AI Governance**: Define clear structures and governance on how human oversight will be intentionally built into the adoption, review, and day-to-day implementation of AI. Clearly defined roles and responsibilities on this and the overall governance and decision-making of how, where, and when AI systems are adopted and utilized is critical.
- **Privacy and Confidentiality:** Protect personal data and privacy rights in AI systems. To the greatest extent possible, AI design and use shall protect sensitive data and personal information from unauthorized access, disclosure, use, alteration, or destruction. Ensure individuals are informed about how their sensitive data and personal information will be used and disclosed and that consent is obtained prior to use when possible and appropriate.
- **Risk and Risk Management:** Identifying, assessing, measuring, and managing AI risks, focusing on compliance for AI systems and projected impact. Fully assessing risk types, potential harms, and management options.
- **Safety and Impact:** Ensure AI design and use do not decrease overall safety. Specifies impact and safety requirements with quantifiable terms and measurement methods.
- **Security and Securing**: Ensure the AI system's design, use, and lifecycle management protect it and its data from unauthorized access, alteration, or destruction.
- **Stakeholder Experience and Equity:** State government use of AI should be used as a tool to make work more efficient and enhance the experience for the user or client.

Programs should prioritize inclusivity and actively work to not perpetuate negative outcomes or biases for currently or historically marginalized people including Oregonians interfacing with the system and workers across the globe enabling these systems to function. AI should improve quality of work, not increase the quantity and should not direct outreach and engagement with impacted communities. Oregon should actively consider any negative environmental and climate impacts before adopting an AI system.

- **Transparency and Trustworthiness:** Ensure clarity, openness, comprehensibility of AI processes, outcomes, impact, and decision background. Document and share all lifecycle steps of AI system development with the public and impacted persons. Ensure AI design and use justify public trust through accountability and timely communication.
- **Workforce Preparedness and Understanding**: Current workers incorporating AI systems into their workflow should be a part of the adoption decision and review processes and be adequately informed and trained to appropriately utilize the system. In addition, it's critical that Oregon's next generation of workers have a baseline of education in AI – both in a broader framework of what is possible with AI, ethical considerations and implications, and direct and practical applications.

The Artificial Intelligence Framework Recommendations

The Artificial Intelligence Framework identifies recommendations[11] to support Oregon in upholding its AI draft guiding principles. These draft recommendations are organized according to the AI guiding principles (e.g. accountability, equity and representation, explainability and trust) they are intended to support, and the type of action (e.g. operational policy and guidelines, regulatory and governance, collaboration and partnership) the recommendation references.

Accountability
Operational Policy and Guidelines
1. Develop parameters for the IT department for metrics and criteria for evaluation, mechanism, and timelines for review.

Regulatory and Governance
2. Establish clear, transparent, decision-making process and roles (key endorser, final stamp of approval).

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[11] Recommendations are organized by principle and action and are not currently prioritized but represent the full list of considerations and actions the AI Council is exploring.

Equity and Representation

Collaboration and Partnerships

3. Identify opportunities for public-private partnerships, public-academic partnerships, or similar collaboratives with organizations and private companies committed to equitable AI development and technology for the public good.

Data Governance and Management

4. Ensuring that data development and AI development are in alignment with Oregon's Data Strategy principles.
5. Oversight measures and expectations for agencies will include expectations for documenting data representation, visibility, and quality and avoid discrimination and replication of systemic harm(s).

Methodology and Testing

6. Establish methods and requirements in the AI development lifecycle that ensure equity, representation, and inclusion are considered crucial components of development, rather than "checklist" items.
7. Set standards and guidelines for agencies to evaluate and embed awareness of biases and inaccuracies into AI development.

Policy Alignment and Development

8. AI accountability, governance, and oversight structures should embody the state's values of diversity, equity, inclusion, and belonging in how they are developed, implemented, and overseen. Measurement of agency compliance should be balanced with investment in developing agency capacity to mature their AI governance structures.
9. Develop and implement an AI governance framework that incorporates principles of diversity, equity, and inclusion as foundational elements in partnership and consultation with communities and community partners. This framework should guide AI system development and deployment to ensure that AI solutions reflect the diverse needs and values of our constituents.
10. Establish requirements and expectations for agencies that include direct community engagement to gather input from affected populations in AI system development, procurement, and deployment. Requirements should include acknowledgement that community engagement be an ongoing process, not just a one-time consultation.

Regulatory and Governance

11. Define expectations of how agencies uphold demonstration of protecting human rights and inclusion.
12. Establish a responsible body/authority to oversee, govern, ensure adherence to principles and to craft appropriate governance structures to support.
13. Establish and resource an appropriate position and authority to set the state's AI governance and oversight structure and model, that includes requirements and expectations for how state agencies will engage with the AI oversight office/role.
14. Identify resource and capacity gaps affecting agency compliance with AI oversight and governance.

15. Include a community advisory body or other community-engaged oversight into statewide AI Governance. Community advisory body should have a role in reviewing agency equity impact assessments or other tools for evaluating equity within AI solutions.

Explainability and Trust
Operational Policy and Guidelines
16. Develop processes, guidelines, and procedures for Oregonians interfacing with any AI system to do so with informed consent. Establish and make transparent an opt-out and/or appeals process for decisions made by an AI system.

Regulatory and Governance
17. Adopt performance metrics to build trust and track accuracy. Develop adoption processes where key metrics must be achieved and weighed against any negatives or costs. Develop reevaluation processes where key metrics must be achieved, weighed against any negatives or costs for system use to continue.
18. Develop and make publicly available a statewide AI use case inventory, with an expectation that further documentation on deployment will be provided.
19. Produce and make public an annual report on use, metrics, etc.

Governance
Methodology and Testing
20. Develop metrics for measuring AI performance, including accuracy, robustness, and unintended biases. Regularly assess the effectiveness of risk controls and adjust as needed.
21. Develop policy and standards to ensure adherence to laws, regulations, and guidelines specific to AI and data management, including specific documentation, mapping, reporting, auditing, and information disclosure.

Operational Policy and Guidelines
22. Build workforce expertise by investing in AI-specific training and development programs that establish and maintain skilled, vetted, and diverse service verticals in the AI workforce.
23. Develop a comprehensive AI security training and certification program, including clear training plans, requirements, and a certification process for AI users.

Regulatory and Governance
24. Create and maintain a chartered governance body or council to oversee AI practices.
25. Establish clear, transparent, decision-making process and roles (key endorser, final stamp of approval).
26. Perform periodic reviews and refinement of governance activities.

Human Oversight in AI Governance

Regulatory and Governance

27. Ensure human-in-the-loop (HITL) oversight in the adoption and deployment of AI and decision-making systems.

Privacy and Confidentiality

Data Governance and Management

28. Policies, guidelines, and expectations for AI implementation should promote data minimization and other privacy protection strategies in AI system design to limit the amount of data collected and processed, reducing potential privacy risks.

Methodology and Testing

29. Guidance and support for incorporating privacy considerations into AI development and deployment, including data documentation and privacy impact assessments, should describe the nature of data in use, identify personal or sensitive fields, and address restricted or sensitive data.

Operational Policy and Guidelines

30. Develop and implement incident response procedures specifically for AI systems. These procedures should address the disclosure or breach of confidential data, notification requirements, and remediation approaches consistent with existing state privacy and breach notification laws and procedures.
31. Offer implementation guidance around "high risk", "low risk" or "prohibited" uses of AI tools as they apply within Oregon (sample language from organizations like the European Union might be possible) to assist agencies in evaluating use cases associated with AI.
32. Policies, guidelines, and expectations for state agencies and employees shall prohibit the use of confidential data in public AI models.

Procurement

33. Agency contracts shall prohibit the use of confidential data in public AI models.
34. Agency contracts shall prohibit vendors from using Oregon materials or data in generative AI queries, or for training proprietary models unless explicitly approved by the state.
35. Agency contracts shall require vendors to adhere to strict data use standards, ensuring that government-provided data is used exclusively for government purposes and serves as a non-negotiable clause in contracts.
36. Examine existing state contracting language to ensure vendors are compliant with all necessary state and federal privacy laws and regulations and to incorporate privacy compliance into assessments during the procurement process.
37. Require change management processes for vendors be documented so that state agencies are informed of any changes to AI systems, especially large language models, regardless of perceived impact, to ensure state agencies can proactively manage impacts on service delivery or implementation.

38. Wherever possible, vendors should be required to disclose datasets used to train AI models during the procurement process. Disclosures should be made public where applicable and incorporated into state procurement processes and expectations for AI systems.

Regulatory and Governance

39. Engage public privacy programs to ensure alignment in protecting privacy within Oregon AI systems.
40. Establish a centralized privacy program with leadership and resources to conduct privacy impact assessments and human rights impact assessments for AI systems. This program should ensure that AI initiatives comply with federal, state, and other relevant privacy laws.

Risk and Risk Management

Methodology and Testing

41. Assess and track the performance of risk controls and mitigations in addressing the specific AI risks identified in the mapped data types.
42. Develop and promote behaviors of AI risk management by aligning AI safety and security with organizational principles.
43. Establish and deploy a risk management framework and methods.
44. Establish risk mitigation methodologies that reduce risk.
45. Implement continuous testing and auditing of AI systems to detect errors, vulnerabilities, and other risks. Use dedicated environments for testing to prevent exposure of sensitive information.

Regulatory and Governance

46. Conduct thorough AI impact assessments as part of the deployment or acquisition process, documenting the intended purposes, and expected benefits.
47. Prioritize AI risks using an evidence-based approach, applying appropriate security controls.

Safety and Impact

Collaboration and Partnerships

48. Establish feedback loops with stakeholders to report and receive input on AI safety and security, ensuring that all concerns are addressed promptly.

Methodology and Testing

49. AI design must be tested against AI safety standards.

Operational Policy and Guidelines

50. Impact assessment is completed prior to deployment in production.

Security and Securing

Methodology and Testing

51. Continuously monitor and document AI risks, including those specific to attacks using AI, attacks on AI, and AI design failures. Regularly update risk controls or mitigations as new threats emerge.
52. Establish capability and enforce data loss prevention and provide for continuous monitoring.
53. Establish reference architecture for approved AI models and deployments.
54. Establish 'secure by design' practices throughout the AI lifecycle.
55. Monitor AI system behavior continuously for signs of anomalies or malicious activities.

Operational Policy and Guidelines

56. Maintain an incident response plan that includes AI based service implementations, ensuring recovery from disruptions and clear protocols for addressing AI-related incidents.

Procurement

57. Establish processes to review AI vendor supply chains for security risks, ensuring that all hardware, software, and infrastructure meet security and safety standards.

Regulatory and Governance

58. Conduct thorough AI impact assessments as part of the deployment for potential safety and security risks.

Stakeholder Experience and Equity

Policy Alignment and Development

59. Develop a checklist of must-haves in evaluating and adopting any system. Items should include proof of ethical sourcing of data, evaluation of potential discrimination bias of the data, and documentation on reasoning of sampling.
60. Develop evaluation systems and metrics to ensure that programs promote inclusivity and actively work to not perpetuate negative outcomes or biases for currently or historically marginalized people, including Oregonians interfacing with the system and workers across the globe enabling these systems to function and consider any negative environmental systems.

Transparency and Trustworthiness

Collaboration and Partnerships

61. Develop or invest in third party audit/oversight capabilities for external partners to conduct AI system reviews.
62. Foster collaboration and build partnerships with various stakeholders, including industry, academia, government agencies, local jurisdictions, and other public body partners. Encourage sharing of knowledge, resources, and best practices to enhance AI development and deployment.

Methodology and Testing

63. Implement standardized continuous testing and auditing processes for deployed AI solutions to protect against bias, monitor system performance, and ensure systems are meeting intended outcomes. These processes should be developed in partnership with state agencies and standardized to maintain consistency.

Procurement

64. Develop policies requiring AI systems to be compliant with public records laws, even if AI-generated content is not initially subject to such laws, to create further transparency around how to respond to and navigate public records requests related to AI systems. Set expectations for vendor transparency in system development and design to be compliant with state public records laws and data transparency and interoperability requirements.
65. Set forth expectations for vendors in support of complying with transparency and trustworthiness when bidding for AI contracts. Explore requirements around transparency and trustworthiness for vendors.

Regulatory and Governance

66. Ensure that AI systems incorporate human oversight, especially in areas impacting equity and ethics. This approach ensures that AI systems are accountable and aligned with the state's values, and support development of AI systems as a tool to support worker efficiency, not to replace human decision-making.
67. People should know when and how they are engaging with AI.
68. Set expectations of mandatory public disclosure when GenAI or similar AI capabilities are used in processes to produce a decision.

Workforce Preparedness and Understanding

Collaboration and Partnerships

69. Explore partnerships with academia to build training curriculum to help ensure that the future generation of workers have a baseline of AI education – including what is possible with AI, ethical considerations and implications, and direct and practical applications.
70. Make available state trainings, materials, and resources to the general public.
71. Submit/engage Oregon's Workforce and Talent Development Board on any recommendations.

Data Governance and Management

72. Develop and implement informed worker consent on AI use and for how and when their data is being collected and used.

Operational Policy and Guidelines

73. Provide general training for all workers, and certification process/more specific training for those directly using any AI platforms.

Regulatory and Governance

74. Develop and implement a process for including front-line (i.e. those actually using the system) workers in conversations and decisions about the adoption, implementation,

and ongoing evaluations of AI platforms. Establish and make transparent an opt-out and/or appeals process for decisions made by an AI system.
75. Develop process/more specific training for those directly using any AI platforms.

Conclusion

The AI Council Recommended Plan and Framework are crucial as they lay the foundation for how Oregon plans to govern and adopt AI technologies. This framework is aligned with Oregon's values of diversity, equity, and inclusion and aims to foster a responsible AI ecosystem that enhances government efficiency, accountability, and public trust. The draft guiding principles within the framework emphasize governance, safety, security, risk management, workforce education, ethical adoption, equity, transparency, and privacy. By adhering to these principles and developing recommendations to uphold them, Oregon intends to ensure the ethical and effective use of AI, ultimately benefiting both state government and the people it serves.

What's Next?

Upon release of the AI Council Recommended Plan and Framework, the AI Council and Enterprise Information Services' AI Council staff will collect feedback from internal partners and identified peer states and conduct comparative analysis against other leading examples for state government to identify areas where principles and recommendations may need to be reviewed, modified, updated, or added to. Upon completion of a gap analysis and receipt of partner feedback, the AI Council will continue to meet October 2024 through March 2025, refining recommendations, identifying concrete action steps needed to implement the recommendations, and produce a final recommended action plan for review as directed in [Executive Order 23-26](https://www.oregon.gov/gov/eo/eo-23-26.pdf).[12]

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[12] https://www.oregon.gov/gov/eo/eo-23-26.pdf

Appendices

State Government Artificial Intelligence Advisory Council Charter and Membership

Charter Authority	*The State Government Artificial Intelligence Advisory Council ("Council") is established by Governor Kotek's [Executive Order 23-26, Establishing a State Government Artificial Intelligence Advisory Council](#).*
Purpose	The purpose of the Council is to recommend an action plan to guide awareness education, and usage of artificial intelligence in state government that aligns with the State's policies, goals, and values and supports public servants to deliver customer service more efficiently and effectively. The recommended action plan shall include concrete executive actions, policies, and investments needed to leverage artificial intelligence responsibly and accurately while honoring transparency, privacy, and diversity, equity, and inclusion.
Membership	The Council shall consist of no more than fifteen members. All members of the Council must have a commitment to data ethics and data equity. Appointed Chair: • Terrence Woods, State Chief Information Officer Appointees: • Kathryn Darnall Helms, State Chief Data Officer • Melinda Gross, Department of Administrative Services Cultural Change Officer • Vacant, Governor's Racial Justice Council • Daniel Bonham, Member of the Oregon State Senate • Daniel Nguyen, Member of the House of Representatives • Jesse Hyatt, Executive Branch Agency Representative • Andres Lopez, Member • Catie Theisen, Member • Hector Dominguez Aguirre, Member • Janice Lee, Member • Justus Eaglesmith, Member • Kimberly McCullough, Member • K S Venkatraman, Member • Saby Waraich, Member
Quorum and Decision Making	A quorum for the Council meetings shall consist of a majority of the appointed members. The Council shall strive to operate by consensus; however, the Council may approve measures and recommendations based on an affirmative vote of a majority of the quorum. Unapproved measures and recommendations that hold potential though exceed the

	current scope or capabilities may be documented in a section of the plan titled "Additional Considerations".
Meeting Schedule	The Council will meet regularly and as needed to accomplish its purpose, from March 19, 2024, through March 2025. Meetings will be conducted virtually.
Council Responsibilities	Council success is measured based on the completion of the two deliverables prescribed in Executive Order 23-26: • Within six months of convening, the Council shall provide a recommended framework to the Governor's Office. • Within 12 months of convening, the Council shall provide a final recommended action plan. The recommended action plan shall include concrete executive actions, policies, and investments needed to leverage artificial intelligence responsibly and accurately while honoring transparency, privacy, and diversity, equity, and inclusion. Recommendations for policy changes and investments should be made in order that awareness of artificial intelligence is promoted to support state employees with information needed for their decision making; and the State has clear usage policies that outline the acceptable use of artificial intelligence tools, providing transparency, uplifting diversity, equity, and inclusion, and protecting personally identifiable information and other sensitive information.
Council Approval Date	April 24, 2024

Council Activities to Date

Timeframe	Activities	Milestone
March 19, 2024	Council meeting #1	Council convenes
April 24, 2024	Council meeting #2	Council convenes
Weeks of April 24– June 3, 2024	EIS benchmarking and development of recommended framework approach	Framework Approach Developed for recommendation to Council
Week of June 10, 2024	Council meeting #3 Draft Framework categories (Equity, Ethics, Security) and principles	Council convenes, develops subcommittees around Ethics, Equity, Security
Weeks of June 17– July 15, 2024	AI Framework Outline developed, subcommittees produce reports on principles and initial recommendations	Subcommittees meet to confirm principles
July 24, 2024	Council meeting #4 Review Draft Principles, preliminary recommendations Discuss development of recommendations within subcommittees	Council convenes
Weeks of July 29 – August 25, 2024	Core elements of the framework are developed, and details are being incorporated. Subcommittees meet to refine recommendations and principles for draft framework.	1st Draft Framework Completed
Week of September 2, 2024	Council meeting #5 Draft Framework content reviewed by Council	Council convenes
September 19, 2024	State Government Artificial Intelligence Advisory Council Recommended Plan and Framework released.	

State Government Artificial Intelligence Advisory Council

Meeting Date: **Wednesday, September 4, 2024**

Attachment **6.1 SGAI Advisory Council Updated Timeline**

State Government Artificial Intelligence Advisory Council
Updated Timeline

Timeframe	Activities	Milestone
March 19, 2024	Council meeting #1	Council convenes
April 24, 2024	Council meeting #2	Council convenes
Weeks of April 24 – June 3, 2024	Determine how the work will be approached and organized.	Framework Approach Determined
Week of June 10, 2024	Council meeting #3 Draft Framework categories	Council convenes
Weeks of June 17– July 15, 2024	Develop an outline of document and begin developing elements.	Sub-committees meet to confirm principles
July 24, 2024	Council meeting #4 Subcommittees report on draft principles and recommendations	Council convenes
Weeks of July 29 – August 26, 2024	Core elements of the framework are developed, and details are being incorporated.	1st Draft Framework Completed
September 4, 2024	Council meeting #5 Subcommittees report on draft principles and recommendations; council provides directional feedback on draft framework.	Council convenes
September 12, 2024	All desired elements of the framework are incorporated, reviewed, and approved for submission.	Framework Final Review and Finalized
September 19, 2024		Provide a recommended framework to the Governor's Office
Weeks of September 19 – October 4, 2024	Distribute draft framework to peer states, partners and consultants. Collate feedback; prepare gap analysis.	
Week of October 28, 2024	Council meeting #6 Agenda TBD including guest speaker and results of gap analysis	Council convenes
Weeks of November 4-15, 2024	Subcommittee work sessions (1-2 meetings)	Finalized principles and recommendations received from Subcommittees
Week of December 2, 2024	Council meeting #7 Agenda TBD including guest speaker, review of finalized principles and recommendations Discuss Action Planning activities for Subcommittees	Council convenes
Weeks of December 2 – January 10, 2024	Subcommittees meet to develop recommended action plan elements.	Draft Action Plan elements received from Subcommittees EIS Updates AI Framework with Action Plan
Week of January 21, 2025	Council meeting #8 Agenda TBD including guest speaker, draft action plan review	Council convenes
Weeks of January 27, – February 14, 2025	Subcommittees meet to refine action plans based on feedback and discussion	Action Plan elements received from Subcommittees AI Framework updated
Week of February 24, 2025	Council meeting #9	Council convenes

	Agenda TBD, includes Final Draft AI Framework for Council review and feedback	
Week of March 3, 2025	All desired elements of the recommendations are incorporated, reviewed, and approved for submission.	Framework Final Review Completed
Week of March 10, 2025	Council meeting #10 Final review and recommendation of AI Framework	AI Framework Completed
March 19, 2025		State Government Artificial Intelligence Advisory Council Framework and Action Plan released

State Government Artificial Intelligence Advisory Council

Meeting Date: **Wednesday, September 4, 2024**
Attachment   **6.2 SGAI Advisory Council Potential Guest Speakers**

To support development of the State Government Artificial Intelligence Framework, EIS Staff are exploring invited Guest Speakers for the October, December, and January Council meetings. These Guest Speakers may be from peer states, Government AI working groups, or other public sector AI partners. Speakers will be invited to discuss lessons learned, recommendations, and their experiences in emerging and promising practices for governing and using artificial intelligence in the public sector.

Below is a draft list of topics and presenters, based upon peer connections and EIS involvement in governmental AI working groups. Suggestions and feedback from AI Council members on additional speakers, organizations, or topics for discussion are welcome.

Draft Topics and Presenters:

- AI Governance and Program Implementation
    - Possible Presenters
        - Georgia
        - Vermont
        - New York
        - Washington
- Employee Training/Workforce Development:
    - Possible Presenters
        - Pennsylvania
        - Virginia
        - California/InnovateUS
- Procurement:
    - Possible Presenters:
        - San Jose AI Working Group
        - California (CALPro)
        - Washington (WaTech)
- Readiness and Risk
    - Possible Presenters:
        - Indiana
        - Utah
        - New York

Date: July 18, 2024
Name: Saja Jawara

Written Comments:

My excellence all US government Federal locations and specifically I presented My excellence resources covered to attorney Lexington law enforcement property military jurisdiction strategies completely excellent service and my last step I presented My benediction resources totally agree with all US education scholarship college University academy associated legal strategy members?

Date: July 31, 2024
Name: Scott Lewis

Written Comments:

A new White House report embraces open-source AI

https://www.zdnet.com/article/a-new-white-house-report-embraces-open-source-ai/

This report recognizes the critical role for 'open development' of AI.   Open...notnecessarily in the licensing/biz sense...but rather in the 'community involvement' (decentralized) sense...so that the goals around security, transparency, privacy, explainability, public risk assessment and tolerance, *can* be achieved. Open development and deployment does not exclude commercial interests, it just imposes a *process* that involves relevant communities.

Date: August 5, 2024
Name: Scott Lewis

Written Comments:

A recent paper on AI misuse:

https://deepmind.google/discover/blog/mapping-the-misuse-of-generative-ai/

Note the misuses of public services and data...e.g. misinformation about public services and/or officials could be very hard to stop unless testing (e.g. red-teaming) keeps up with observed misuses

https://arxiv.org/abs/2406.11757v1

Date: August 19, 2024
Name: Scott Lewis

Written Comments:

This analysis is correct:

https://www.vox.com/future-perfect/367435/artificial-intelligence-openai-chatgpt-boom-bust-safety-superintelligence-google

My view is that governments (e.g. states) should put in place the changes in development, testing, and deployment *processes* for AI technologies.   This will take a long time, but should be undertaken immediately so that new processes can be tried, re-tried, and adjusted as needed.   Think of it as process innovation (again, for AI in gov dev, testing, and deployment).

Date: August 26, 2024
Name: Scott Lewis

Written Comments:

I have the following suggestion for the council: In the report for the governor, make some tangible suggestions for AI governance that are based upon changing the government *processes* for a

a) AI risk assessment
b) AI system evaluation and testing
c) AI system deployment

There is good research and practical/experiential evidence that one of the best ways to provide AI govenance is to require opening up (adding transparency, accountability, and trust via public participation) to the 3 processes above.

For example, with respect to risk assessment and public policy choices/decision making, here is a research paper based upon 40 years of attempts to add public participation in risk analysis and risky choice in public policy:

Four Decades of Public Participation in Risk Decision Making [1]

My point: One recommendation of this council could be to modify the state processes a-c above by adding public participation, using online collaboration (and AI) tools effectively, and learning from the experiences described in [1] and other experiences in process re-engineering (e.g. open source training, development, testing, and deployment).

Scott

[1] https://onlinelibrary.wiley.com/doi/abs/10.1111/risa.13250