

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TECHNOLOGY

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October 28, 2024  
Start: 1:12 p.m.  
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HELD AT: 250 Broadway - Committee Room, 16<sup>th</sup>  
Floor

B E F O R E: Jennifer Gutiérrez,  
Chairperson

COUNCIL MEMBERS:

Erik D. Bottcher  
Robert F. Holden  
Julie Menin  
Vickie Paladino

## A P P E A R A N C E S (CONTINUED)

Alex Foard  
OTI

Bryan Lozano  
Tech NYC

Dario Maestro  
STOP

Theo Chino  
The Social Democrats of America

Liliana De Lucca  
Self

Christopher Leon Johnson  
Self

Daniel Schwartz  
New York Civil Liberties Union  
(NYCLU)

1  
2 SERGEANT AT ARMS: This is a microphone test  
3 for the Committee on Technology. Today's date is  
4 October 28, 2024, located in the 16<sup>th</sup> Floor  
5 Committee Room. Recording is done by Rocco  
6 Mesiti

7 SERGEANT AT ARMS: Good afternoon and welcome to  
8 today's New York City Council hearing for the  
9 Committee on Technology. At this time, we ask that  
10 you silence all electronic devices and at no time is  
11 anyone to approach the dais. If you would like to  
12 sign up for in person testimony or have any other  
13 questions during the hearing, please see the Sergeant  
14 at Arms. Chair, we are ready to begin.

15 CHAIRPERSON GUTIÉRREZ: Thank you. [GAVEL] Good  
16 afternoon everyone. Thank you for your patience.  
17 I'm Council Member Jennifer Gutiérrez, Chair of the  
18 Committee on Technology. Today we examine how  
19 artificial intelligence and automated decision  
20 systems are reshaping our city services.

21 New York City stands at a technology crossroads.  
22 While the Office of Technology and Innovation has  
23 published and updated artificial intelligence,  
24 principles and definitions, AI action plan  
25 principles; but these are principles. The brilliant

1  
2 minds have been assembled in the advisory  
3 network but expertise without implementation is  
4 merely academic exercise.

5 Look across our city, the Department of Education  
6 uses algorithms to match our children to schools,  
7 Administration for Children Services, predictive  
8 analytics to flag potential child welfare cases and  
9 the NYPD utilizes facial recognition to identify  
10 people. Each of these systems makes decisions that  
11 can alter the trajectory of a New Yorkers life.  
12 Yet, when we ask agencies about their AI usage, we  
13 get incomplete answers with some openly  
14 acknowledging gaps in their reporting.

15 This isn't just about technology, it's about  
16 trust. When an algorithm decides which school a  
17 child attends or when automated systems influence  
18 service deliveries, we're not just processing data,  
19 we're processing people's lives. If AI is the  
20 engine driving our city's future, then transparency  
21 must be our headlights. Without we're driving  
22 blind. The surge in AI ledge nationwide with over  
23 300 bills introduced this year alone shows we're not  
24 the only one grappling with these challenges but New  
25 York City

1 has always led by example. We can't afford to  
2 follow; we must chart the course.

3  
4 Today, I expect concrete answers to our questions  
5 about current ADS and AI deployments, measures for  
6 ensuring transparency and fairness, protocols for  
7 addressing bias, plans for building expertise,  
8 current audits and mechanisms for community input and  
9 oversight.

10 The promise of AI is efficiency but the price  
11 cannot be equity or safety. We must ensure both.  
12 Let me clear, this hearing isn't about slowing  
13 innovation, it's about ensuring innovation serves all  
14 New Yorkers. It's about ensuring innovation to all  
15 New Yorkers. While the private sector members of the  
16 Advisory Network bring valuable expertise, we need to  
17 hear from those on the ground. The case workers,  
18 teachers, and community members who live with these  
19 systems decisions daily. In a city of 8.8 million  
20 stories, we cannot let algorithms become anonymous  
21 authors of our residents futures.

22 Today's hearing must bridge the gap between AI's  
23 promise and its practice between Silicone Valley and  
24 innovations in South Queens realities between big  
25 data and basic dignity. We'll also hear Intro. 199,

1 a Local Law in relation to establishing an office of  
2 algorithm data integrity. Intro. 926, a Local Law in  
3 relation to requiring the creation of appropriate and  
4 responsible use practice for artificial intelligence  
5 tools. Intro. 1024, a Local Law in relation to  
6 requiring a centralized list of artificial  
7 intelligence tools approved to be used by city  
8 agencies. And Intro. 1099 in relation to requiring  
9 reporting on the impact of algorithmic tools on city  
10 employees and changes in employment responsibilities  
11 due to algorithmic tools.  
12

13 I'd like to thank the Tech Committee Staff,  
14 Policy Analyst Erik Brown, Leg Counsel Irene  
15 Byhovsky, and my Chief of Staff Anya Lehr for their  
16 work in preparing this crucial hearing. I'd also  
17 like to recognize the Committee Members who are  
18 joining us today. Thank you Council Member Paladino.  
19 Happy Birthday. And I'd also like to acknowledge  
20 Council Member Julie Menin who is going to deliver  
21 her statement about Intro. 926. Council Member.

22 COUNCIL MEMBER MENIN: Thank you so much Chair  
23 Gutiérrez. Today's hearing is critical given how  
24 technology can out pace policy. Artificial  
25 Intelligence in just the past year has as we all know

1  
2 become overwhelmingly popular. Earlier this year,  
3 the Pew Research Center found that nearly one quarter  
4 of all adults have used AI Chatbot, ChatGPT. I'm  
5 one of them, I must say.

6 Governments have also increasingly used AI since  
7 these tools can increase efficiency of task.  
8 Unfortunately, the State Comptroller's Office found  
9 in a report that New York City and I'll read a quote,  
10 "does not have an effective AI governments framework.  
11 The report additionally reviewed four agencies; NYPD,  
12 ACS, DOE, and DOB and found there are incomplete  
13 approaches to AI governance.

14 For example, the Department of Education uses an  
15 AI tool called Teach to One 360 to identify students  
16 problem areas and strengths. Specifically, it's  
17 reported that that tool then creates a personalized  
18 daily lesson for students. This tool, however, was  
19 not reported to the algorithms management and policy  
20 office under the Mayor's Office of Operations, as  
21 established in Executive Order 50 of 2019. That is  
22 one of the many reasons why I introduced Intro. 926,  
23 which would require the creation of appropriate and  
24 responsibly used practices for artificial  
25

1 intelligence tools that are utilized by city  
2 agencies.  
3

4 Specifically, the legislation would allow an  
5 agency such as the Department of Information  
6 Technology and Telecommunications to create rules  
7 that establish minimum practices for agencies to  
8 follow and follow compliance with AI tools. This  
9 could include ensuring fairness, transparency, and  
10 accountability in AI decision making processes, such  
11 as testing against bias or identifying and mitigating  
12 risks such as data protection. These practices will  
13 be reviewed annually and updated along with a report  
14 on compliance every two years. There are many more  
15 cases of AI tools that are creating unintended bias.  
16 If our city is using AI tools, then we absolutely  
17 must have proper standards and clear oversight.

18 I thank all who have joined me on this  
19 legislation, including our Chair Gutiérrez, thank you  
20 so much. As the city needs our best guidelines to  
21 ensure that we are properly monitoring and reviewing  
22 AI tools. I want to thank the Chair for allowing me  
23 to speak and I also want to thank the bill drafter  
24 Conner Mealy and from my team, Johnathan Szott,  
25



1  
2 Brandon Jordan, and Mercedes Anderson. Thank you  
3 so much and I look forward to today's hearing.

4 CHAIRPERSON GUTIÉRREZ: Thank you Council Member.  
5 Today, we'll hear testimonies from the New York City  
6 Office of Technology and Innovation, followed by  
7 testimonies from the public. Now, I want to welcome  
8 Alex Foard, Executive Director of Research and  
9 Collaboration.

10 COMMITTEE COUNSEL: Thank you Chair. Good  
11 afternoon everyone. Before we begin, I kindly ask  
12 you to raise your right hand. Thank you. Do you  
13 affirm to tell the truth and respond honestly to  
14 Council Member questions?

15 ALEX FOARD: I do.

16 COMMITTEE COUNSEL: Thank you. You may begin  
17 your testimony.

18 ALEX FOARD: Thank you. Good afternoon Chair  
19 Gutiérrez and members of the City Council Committee  
20 on Technology. My name is Alex Foard and I'm the  
21 Executive Director of Research and Collaboration for  
22 the Office of Technology and Innovation. Thank you  
23 for calling this timely hearing on the  
24 Administrations use of Artificial Intelligence or AI  
25 tools. At OTI, we consider the City of New York to

1  
2 be a national and global leader in our approach to AI  
3 policy and governance and I'm pleased to provide the  
4 Committee with an update on the progress we've made  
5 on the AI action plan.

6 The rapid advance of AI technologies has sparked  
7 public discourse around the promise and the potential  
8 pitfalls of these tools, particularly in government  
9 use cases. Although city agencies have used AI tools  
10 for several years and publicly reported these tools  
11 in accordance with Local Law, the city lacked a  
12 comprehensive strategy for the responsible use of AI.  
13 Recognizing the urgent need to provide this framework  
14 as more city agencies leverage these tools, the  
15 Administration published the New York City Artificial  
16 Intelligence Action Plan or AI Action Plan, in  
17 October 2023.

18 We crafted this plan, the first of its kind for  
19 any major U.S. city with feedback from 18 agencies  
20 alongside expert insights from industry and academia.  
21 The AI Action Plan is the first major step in  
22 developing a framework for city agencies to carefully  
23 evaluate AI tools and associated risks, help city  
24 government employees build AI knowledge and skills  
25 and support the responsible implementation of these

1 technologies to improve quality of life for New  
2 Yorkers. The plan introduces a set of phased actions  
3 for the city to complete, which would enable agencies  
4 to evaluate risks and determine whether a tool is the  
5 right technology to deliver better positive outcomes  
6 for New Yorkers. We propose 37 actions with the goal  
7 of starting or completing 29 of them within a year.  
8

9 I'm pleased to say that we exceeded that goal,  
10 having initiated or completed 31 of the 37 actions as  
11 described in the AI action plan. Our annual progress  
12 report released earlier this month provides more  
13 details on our success, including the publication of  
14 two foundational policy documents, AI principles and  
15 definitions and generative AI preliminary use  
16 guidance, to create common language around key terms  
17 in the city's values and approaches to using AI  
18 tools.

19 The expansion of publicly available information  
20 about the city's AI tools including through NYC Open  
21 Data to encourage transparency and foster trust.  
22 Convening several public listening sessions with New  
23 Yorkers to hear about AI priorities and planning for  
24 future public engagement. The establishment of an AI  
25 Steering Committee with leaders from 16 agencies who

1 meet quarterly to discuss the unique opportunities  
2 and challenges of AI in government. The  
3 Establishment of an AI Advisory Network of AI experts  
4 in academia, civic society and industry to support  
5 the city and the responsible use of AI technologies  
6 and conducting numerous conversations with local,  
7 state, federal and international government bodies to  
8 share successes and challenges in AI governance.  
9

10 The auctions completed this far will continue to  
11 inform our work going forward. Over the next year we  
12 plan to update current policy documents and we'll  
13 improve access to and utilization of AI resources for  
14 agencies in the public. Realizing the promises and  
15 mitigating the risks of AI tools are at the forefront  
16 of global cross sector policy discussions for cities.  
17 We will continue to engage with intergovernmental  
18 partners at all levels in this rapidly changing  
19 regulatory landscape for emerging technologies.

20 In addition to the AI action plan and the  
21 progress report, we publish an annual report of  
22 algorithmic tools used by city agencies pursuant to  
23 Local Law 35 of 2022. When many algorithmic tools  
24 are derived from or are applications of AI; not all  
25 such tools are AI and similarly not all applications

1 of AI are algorithmic tools per the definition  
2 provided by Local Law 35. However, these reports  
3 provide information about AI and related tools  
4 agencies are using that have material public impact.  
5 Last year, OTI coordinated with 45 agencies across the  
6 city to identify automated decision systems captured  
7 under this local law.

8  
9 We are currently undertaking the 5<sup>th</sup> compliance  
10 cycle and to make that process more robust, we  
11 recently solicited 24 more offices to participate in  
12 the compliance cycle including the New York City  
13 Council and other elected officials offices. We look  
14 forward to the Council's participation in this  
15 important exercise.

16 Now, I will provide feedback on the legislation  
17 before the Committee today. Introduction 199 would  
18 establish a new office of algorithmic data integrity.  
19 The AI Action Plan envisions the development of policy  
20 and guidance intended to address concepts of bias,  
21 discrimination and disproportionate impact in the  
22 city's use of AI. This being addressed in Initiative  
23 1.6 of the AI Action Plan developed an AI risk  
24 assessment and project review process. As written,  
25 this bill may unintentionally dismantle the

1 work we are doing towards this goal in the staff and  
2 processes we have established for Local Law 35  
3 reporting. Further, this proposed office would  
4 assume some of the investigative and enforcement  
5 charter responsibilities of the New York City  
6 Commission on Human Rights, which may not have been  
7 the intention.  
8

9 Next, Introduction 0926 proposes to require OTI  
10 to promulgate rules to address appropriate and  
11 responsible use practices for artificial intelligence  
12 tools used by city agencies. With the lightning  
13 fast pace of AI technologies, we do not believe that  
14 promulgating rules is necessary for us to move  
15 forward with the government structure we plan to  
16 implement through the AI Action Plan. It is  
17 important to remain flexible as new tools become  
18 available and are considered. Rules that may become  
19 outdated very quickly could have unintended outcome  
20 and spend time amending rules - and time spent  
21 amending rules to this process would hamper our  
22 ability to update guidance in an agile manner.

23 Chair Gutiérrez's Introduction 1024 would require  
24 publication of a centralized list of artificial  
25 intelligence tools approved for use by city agencies.

1 We are aligned on the goal of transparency as it  
2 relates to algorithmic tools that use AI. Initiative  
3 6.2 of the AI Action Plan, established a directory  
4 of procured AI tools and guidance on appropriate use  
5 is currently in process, complementing our annual  
6 Local Law 35 compliance cycle.  
7

8 This expanded listing will promote the visibility  
9 of how agencies are using AI citywide and facilitate  
10 information sharing across agencies. The legislation  
11 as written assumes a blanket approval process for a  
12 tool that allows this procurement independent of its  
13 use case, which is not the city's current process not  
14 it's best practice. It would be helpful to hear from  
15 the Committee what gaps this legislation seeks to  
16 address to consider as we continue our compliance  
17 cycle.

18 Finally Intro. 1099 would amend annual  
19 algorithmic tools compliance reporting to include the  
20 impacts of algorithmic tools on city employees and  
21 employment responsibilities. I would like to ensure  
22 the Committee that the work we're doing promotes the  
23 responsible use of AI in the public sector. Thus we  
24 view AI as augmenting rather than replacing any of  
25 the city's workforce. So, specifically we will

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evaluate the business capabilities and fitness of a tool to support our workforce so employees have more time to focus on the things that are most critical.

With respect to the legislation, individual AI tools are unlikely to have one to one impacts on the number of employees and employees of shared duties or an individual salary. While we agree that it is important to examine the impacts of AI in our workforce, the bill as written, will not produce useful insights.

Thank you for the opportunity to testify today. I will now take any questions you have.

CHAIRPERSON GUTIÉRREZ: Thank you. We're going to jump right into questions but I just want to make sure Council Member, do you have any questions? Do you want to jump in? I know you have leg. No, no, Menin.

COUNCIL MEMBER MENIN: Oh, I do but don't you want to go?

CHAIRPERSON GUTIÉRREZ: You can go right now if you want.

COUNCIL MEMBER MENIN: Are you sure?

CHAIRPERSON GUTIÉRREZ: Yeah.



1  
2 COUNCIL MEMBER MENIN: Okay, I actually have  
3 another hearing.

4 CHAIRPERSON GUTIÉRREZ: I know you do. Go for  
5 it.

6 COUNCIL MEMBER MENIN: Thank you. You're so  
7 kind. Thank you so much. Okay, thank you Chair for  
8 doing that. I so appreciate. I will be very quick.  
9 So, I just have to say in all candor in reading your  
10 testimony, I frankly found it shocking that you are  
11 testifying that you don't want to promulgate rules on  
12 fair and responsible use because you worry they would  
13 be outdated. The whole point of fair and responsible  
14 use is to ensure that the AI tools that the various  
15 city government agencies are using are done in a  
16 responsible way. Rulemaking does not need to be  
17 rigid. On the contrary, you could have a rule making  
18 that builds in the flexibility for changing  
19 technology. So, could you talk about why you believe  
20 it is responsible for your agency to not promulgate  
21 such rules?

22 ALEX FOARD: Yeah, thank you for the question.  
23 We very much share the goal of the idea around the  
24 responsible and fair use. Our feeling is that the  
25 commitments that we have in the action plan speak to

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2 the incremental steps that we need to take to build  
3 out that policy further. And where we are in that  
4 process has very much shown that we need as much  
5 flexibility as possibility to be able to keep pace  
6 with the rapid pace of change of the technology  
7 itself.

8 So our focus right now is really understanding  
9 the complicated interplay between existing oversight  
10 frameworks that already govern the agencies use of  
11 technology. The source of goals that we're trying  
12 to accomplish for risk management for AI  
13 particularly and then processes that we need to be  
14 able to put that all in place.

15 COUNCIL MEMBER MENIN: I just find that to be an  
16 advocacy of the agencies duty to make sure that  
17 you are employing fair and responsible use and can  
18 you explain for example, the example I gave in my  
19 opening statement was that the DOE was using an AI  
20 tool called Teach to One 360 but we found that that  
21 tool was not reported to the algorithms management  
22 and policy office under the Mayor's Office of  
23 Operations, as was supposed to be required under  
24 ~~the~~ Executive Order  
25

1                   So, if things like that aren't being reported,  
2  
3                   how can we as a Council have confidence that you're  
4                   doing what you need to be doing to really make sure  
5                   that there's fair and responsible use?

6                   ALEX FOARD:   And I appreciate the question.  
7                   Again, we definitely share the outcomes and the  
8                   perspective goals of that.  I think our feeling is  
9                   that as a function of both Local Law 35, which  
10                  already does mandate a lot of the reporting of the  
11                  type you're describing, as well of our other  
12                  commitments to build out policy through the channels  
13                  that we have at our disposal right now, that that's  
14                  our best option for building out this existing  
15                  governance that we need.

16                  COUNCIL MEMBER MENIN:  Okay, I mean I'm going to  
17                  end my questioning by just saying I'm disappointed.  
18                  I mean, I think as the Chair mentioned in her opening  
19                  statement, we have so many Council Members who have  
20                  put in for AI bills.  We all recognize the importance  
21                  and cutting edge nature of AI.  It's obviously so  
22                  important and we're not - we're certainly not looking  
23                  to stifle innovation but at the same time, our  
24                  obligation is to protect New Yorkers and if we've got  
25                  70 city agencies, various ones are using AI and we

1  
2 need to ensure that it's done in a fair and  
3 responsible way. So, I just don't understand why  
4 you would testify against a very common sense  
5 attempt to do so. But Chair, thank you so much for  
6 letting me speak first -

7 CHAIRPERSON GUTIÉRREZ: Thank you Council Member.

8 COUNCIL MEMBER MENIN: And I look forward to  
9 hearing about the rest of the hearing. Thank you.

10 CHAIRPERSON GUTIÉRREZ: Yeah, thank you Council  
11 Member for joining us and thank you for your  
12 legislation. I think just going off of your  
13 responses to the legislation, obviously I'm  
14 disappointed because it sounds like OTI is in  
15 opposition to every legislation that we wanted to  
16 discuss today. Alleging that a lot of the benefits  
17 would be covered, an Action Plan but we have yet to  
18 see significant action from the Action Plan. I know  
19 the agency has been super excited that the progress  
20 report you know accomplished more than you all set to  
21 accomplish as far as covering specifics. Specific  
22 principals and so forth but the Council has been  
23 working diligently to build trust with this  
24 Administration and we think that these specific bills  
25 create more transparency, more openness with the

1 public. So, just curious, specifically for Intro.  
2 1024, I reread the legislation. I read it again just  
3 now. I'm not certain that I understand where the  
4 assumption of a blanket approval process exists as  
5 you stated in your remarks. I don't know if you want  
6 to expand on that?  
7

8 ALEX FOARD: Sure, so to be clear, we share again  
9 a lot of the common goals from the proposed  
10 legislation. The Action Plan is entirely premised  
11 around building out the framework that we as a city  
12 need to make sure the agencies are responsibly using  
13 AI technologies. We also share the sentiment around  
14 encouraging innovation and making sure that agencies  
15 have the opportunity to innovate but that we're  
16 adhering to the values and principles that we as a  
17 city have when it comes to AI.

18 What we want to stress is that there is a lot of  
19 work that's already underway for a number of these  
20 different areas. Local Law 35 is an excellent  
21 example of where we have really robust public  
22 reporting around algorithmic tools that are in place  
23 and we also have opportunities to continue to augment  
24 that through I mentioned one of our actions in the  
25 Action Plan that relates to building out additional

1  
2 inventorying of tools. I think we want to make sure  
3 that at first that we're taking or responsive to a  
4 really complex network of agency needs or they each  
5 have different missions. We're also talking about a  
6 very wide set of technologies. AI is an umbrella  
7 term that really refers to a complicated set of  
8 technologies and we need to be responsive to that as  
9 well.

10 We are very open and want to continue have a  
11 conversation around where public reporting could be  
12 improved, leveraging existing pathways and keeping  
13 some of the limitations that we have in terms of  
14 agency operations in mind.

15 CHAIRPERSON GUTIÉRREZ: Can I understand for  
16 Intro. 199, the New Office of Algorithmic Data and  
17 Integrity where I think the position in your opening  
18 remarks is saying that it may unintentionally  
19 dismantle the work that you're doing through the  
20 Action Plan, as well as some of the processes  
21 established by Local Law 35. What are those  
22 unintentional actions that you think this is going to  
23 work against? And as I understand it, I saw the  
24 Mayor was in support of the state bill calling for an  
25 Office of Algorithmic Data and Integrity. So, I just

1  
2 want to see how you all are aligned with his  
3 statements.

4 ALEX FOARD: Yeah, so again -

5 CHAIRPERSON GUTIÉRREZ: The conflict is.

6 ALEX FOARD: Sure, again, we very much support  
7 the ultimate goal and the idea through the Action  
8 Plan is to be able to build out the risk assessment  
9 processes that we've committed to. That is the  
10 course - that is the work that's taking over the  
11 course of the second year of the Action Plan, built  
12 on a lot of the work that we've been able to achieve  
13 so far.

14 Again, we want to be able to focus on where the  
15 process is and the policies that we create are  
16 mindful and aware of some of the other processes that  
17 exist. So, when we think about what it means to talk  
18 about AI tools, many of them are governed by the same  
19 processes that govern non-AI tools, cyber security,  
20 information privacy, etc.. So, these are all  
21 frameworks that already manage technology. So, we  
22 want to be responsive to that existing set of  
23 frameworks that sort of help us to better make  
24 decisions around technology and then we also want to  
25 be responsive to thing like mentioned, City

1  
2 Commission on Human Rights and their role in  
3 generally enforcing investigations of discrimination.

4       So, what we want to focus on is working on the  
5 processes and building of these policies that are  
6 reflective of the immediate needs that agencies have  
7 but also being consistent and in line with the values  
8 that we put forth in the Action Plan.

9       CHAIRPERSON GUTIÉRREZ: Okay, I think it's a  
10 little bit of a reach on overstepping on the  
11 enforcement responsibilities of the Commission of  
12 Human Rights. I think it's a reach. That's not what  
13 this bill intends to do. It's very much about  
14 accountability and transparency and setting  
15 benchmarks that are realistic and feasible by the  
16 agency. So, disappointed that that is the response  
17 to every single bill that we wanted to discuss today.

18       But we'll move on. I think you're very confident  
19 that the Action Plan is going to solve all the  
20 problems. It's what it sounds like. I want to jump  
21 into a discussion of the progress report,  
22 specifically I'll start with the principles, which  
23 obviously the report is highlighted around the  
24 multiple principles. Executive Order Number Three,  
25 what role does OTI play in the development,



1  
2 coordination and implementation of the city's  
3 information technology?

4 ALEX FOARD: You're referring to all information  
5 technology or AI specifically?

6 CHAIRPERSON GUTIÉRREZ: I'm referring to  
7 Executive Order Three, as the AI principles in the  
8 report.

9 ALEX FOARD: Sure, so Executive Order Three,  
10 which created OTI in 2022, is certainly the  
11 foundation for what we need to approach from a  
12 governance perspective because it enables us as a  
13 city to have the relevant expertise all together in  
14 one roof. We have our Office of Cyber Command. We  
15 have our Office of Information Privacy, Office of  
16 Data Analytics and then the work that we're leading  
17 on AI policy and strategy all together. And so,  
18 EO3 in the creation of OTI is - I would describe it  
19 as a foundation for being able to do additional  
20 work to even be able to create the Action Plan.

21 CHAIRPERSON GUTIÉRREZ: In paragraph 4.0 of AI  
22 principles, they said OTI encourages agencies to  
23 consider these principles as they develop and use AI  
24 solutions. And I just want to confirm by the wording

1  
2 of it, it is not mandatory. It's a suggestion about  
3 utilizing these principles to develop AI solutions.

4 ALEX FOARD: Yeah, so the principles are there to  
5 be able to put the city's position about our views of  
6 AI on a clear display and to make it clear these are  
7 what we care about when it comes to how the city is  
8 approaching AI.

9 CHAIRPERSON GUTIÉRREZ: But not mandatory?

10 ALEX FOARD: So there producing guidelines and  
11 best practices for agencies to follow and as the  
12 principles say, there's opportunity to integrate  
13 those principles into subsequent work both at the OTI  
14 and agency level.

15 CHAIRPERSON GUTIÉRREZ: Okay and what happens if  
16 an agency does not follow these principles?

17 ALEX FOARD: So, these are not prescriptive  
18 processes so there's no mandate to create a process  
19 from those principles. These are the guidelines that  
20 agencies should be keeping in mind. And for each of  
21 those principles, we provide a number of examples of  
22 what we mean by that, right. This is how you can  
23 start to think about the operationalization of what  
24 those principles look like.

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2 CHAIRPERSON GUTIÉRREZ: So what happens - what is  
3 the response in a future progress report of the  
4 action plan when you learn that agencies are not  
5 utilizing this as a framework because it's not  
6 prescriptive, they're not beholden into any of these  
7 principles.

8 ALEX FOARD: So, again the principles are there  
9 to help lay the land for our subsequent policy  
10 development and as I mentioned, we're building out a  
11 risk assessment and project review process in the  
12 second year of the action plan, that is intended to  
13 have a little bit more of a concrete process for how  
14 agencies are understanding the possible deployment of  
15 AI technologies.

16 Again, the principles are there to help lay out  
17 direction that the city should be considering as we  
18 think about AI technologies. So, to build out those  
19 principals we refer to a lot of other existing  
20 frameworks as a reference point including the White  
21 House, when they publish their blueprint for an AI  
22 bill of rights a few years ago. These are all  
23 intended to be level setting and to be clear and  
24 overt around the city's attentions for how to  
25 approach its AI technology.

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2 CHAIRPERSON GUTIÉRREZ: Okay, I'm just trying to  
3 kind of piece together the like enthusiasm behind  
4 being first of its kind, first of its nation. Across  
5 the nation, excuse me, if there's no - it has - like  
6 there's not significant enough teeth. I get that  
7 it's framework. I get that its language. I get that  
8 it's intended to you know provide kind of guiding  
9 principles but where - what role does OTI play in  
10 ensuring that these agencies are utilizing all this  
11 work that you've been putting together. You've got a  
12 Steering Committee. You've got a committee of  
13 experts on this, so just curious, like what's - what  
14 is the lifespan of this action plan if no agency and  
15 you cannot point to me that no agency is utilizing  
16 this or you know maximizing on what you all put  
17 together and work so diligently on. Like where does  
18 it leave us? Is it just like a PDF that exists or  
19 like what needs to happen? Which is why we're trying  
20 to legislate.

21 ALEX FOARD: Yeah, that's an excellent question.  
22 So, I think there's a couple things to highlight.  
23 One is that overall, we're all working in a policy  
24 space that is still fairly new. There aren't a lot  
25 of examples of governments if any, that are readily

1  
2 comparable to us with wholesale governance  
3 frameworks that have all of the policy details  
4 worked out. This is something that's still being  
5 worked out at the federal level, state level and  
6 really across the globe. So, it is a complicated  
7 and growing policy space. We are also still  
8 building out our policy, so as you discussed, you  
9 know there is opportunity to build on what we've  
10 done so far. In drafting the action plan we were  
11 very intentional to make sure that the steps are  
12 subsequential and build off of one another.

13 We do very strongly believe, for example, that we  
14 don't want you rushing to sort of creating new  
15 programs or policies if we haven't better understood  
16 the current landscape and the current gaps. So, we  
17 need to be focused on first you and foremost what do  
18 we need to know about our current state and time?  
19 What are our values that we want to put forward?  
20 What are our principals that we want to make sure  
21 are out there and then as we go into the second  
22 year, continuing to build out the policy and the  
23 additional steps that we need for added governance.

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CHAIRPERSON GUTIÉRREZ: So, of the agencies that are involved with not the Steering Committee, what's the proper name?

ALEX FOARD: Steering Committee, the agency one is this.

CHAIRPERSON GUTIÉRREZ: Oh the Steering Committee excuse me. Of the agencies that are participating in the Steering Committee, do you know of any that have started to integrate some of these principles or practices?

ALEX FOARD: Yeah, so again, you know the principles that we've defined are in line with what you would see in other frameworks.

CHAIRPERSON GUTIÉRREZ: And I think they're good principles by the way.

ALEX FOARD: Exactly.

CHAIRPERSON GUTIÉRREZ: I'm just trying to figure out how it becomes a document, a healthy document that lives on line and like what OTI's plan is to ensure that agencies are integrating these principles.

ALEX FOARD: Sure. Yeah, so I think those principles get integrated in different ways, depending on the context and what those principles

1  
2 are. You know super straight forward examples are  
3 information, privacy, and cyber security. These  
4 are major principles for us but they are also  
5 currently premised on existing policy, law and  
6 process. So we have a lot of confidence that  
7 agencies are building those principles into their  
8 work because there's an existing framework that  
9 supports it.

CHAIRPERSON GUTIÉRREZ: Okay.

10 ALEX FOARD: As we think about things like risk  
11 assessment, appropriateness of use, validity, these  
12 are things that we expect to build a bit more into  
13 policies that are forth coming but I would also say  
14 some of the things that we need to build off to the  
15 Action Plan won't necessarily translate to a written  
16 policy but other activities that the city may be  
17 doing. So, as we think about training our workforce  
18 for example, which are a number of commitments in the  
19 Action Plan around that, those values also apply,  
20 right and it's not a written policy that says you  
21 know here is the principle but we have activities  
22 that are supportive of those principles as well.

23 CHAIRPERSON GUTIÉRREZ: Do you think that having  
24 that written like formal agreement with every agency,  
25

1  
2 do you think that that is necessary to accomplishing  
3 the goals of the Action Plan?

4 ALEX FOARD: I mean, I think that's why we wrote  
5 the principles down. We wanted to not just hold  
6 those in the back of our heads to say yeah, this is  
7 how we want to approach the AI work in the city. We  
8 put them down on paper for that very reason. So,  
9 that there is that reference point as OTI builds out  
10 policy, as agencies do their work. That is uh -

11 CHAIRPERSON GUTIÉRREZ: OTI builds it but there's  
12 no intention for like policy of enforcement.

13 ALEX FOARD: So, again the policies that derive  
14 from the action plan will be specific to a specific  
15 business need. The principals are there to set that  
16 foundation for what we as a city support from an AI  
17 perspective.

18 CHAIRPERSON GUTIÉRREZ: But if the goal is for  
19 city agencies to utilize this but there's no specific  
20 ask on how you all will work with them to make sure  
21 that it is specific to them and their needs I guess.  
22 Have you all talked to the Mayor's Office of  
23 Operations? Like, again, great plan. Just trying to  
24 understand like our function at the Council is to  
25 make sure that stuff works and stuff runs in the city



1 right. And so, I believe in the work that you all  
2 did. I know it's been a long time coming. It is a  
3 healthy plan you all if you have not read it but if  
4 it's not legislation if you're putting all your  
5 confidence in the continued progress of this Action  
6 Plan. If you're saying none of these bills are  
7 necessary because our Action Plan is going to cover  
8 it but you're not giving me any confidence that there  
9 is going to be an enforcement mechanism to ensure all  
10 the things that we're trying to accomplish in the  
11 legislation. So, is there a conversation with the  
12 Mayor's Office of Operations? How else have you  
13 thought about this outside of the Action Plan or the  
14 principles?  
15

16 ALEX FOARD: Sure, so if I can give another  
17 example, Local Law 35 is a really good one. So,  
18 Local Law 35 requires all agencies to report. What  
19 we do at OTI is we oversee that compliance process.  
20 We do a kickoff every year. We just did that a  
21 couple weeks ago. The Local Law has mandated  
22 timelines for submission so we're the ones who keep  
23 on top of the deadlines and get all of the agencies  
24 to complete their compliance reporting. And through  
25 the Action Plan, we actually already committed to an

1  
2 expansion on Local Law 35 reporting more information  
3 than just what is required by law. And that's  
4 because transparency is one of those key principles.  
5 And so, again what we want to be able to do take  
6 those principals and not say this is a checklist.  
7 This is instead a guide for how we think about a  
8 range of other processes and activities.

9       So, as we do Local Law 35, we'll enhance you know  
10 the transparency and the accountability of what  
11 agencies are doing by what they report.

12       CHAIRPERSON GUTIÉRREZ: Thank you and I'm sorry,  
13 I want to apologize. I want to acknowledge my good  
14 friend Council Member Erik Bottcher, on the  
15 Committee, my apologies. So, I, like I said before,  
16 so I know I'm repeating myself but I'm just like - it  
17 just seems like there's a lot of - there's no real  
18 pathway for - like enforcement is not on the agenda  
19 at this point for the agency, correct on AI? It's  
20 like we've put out this report. We've got  
21 principles. We really want you to follow them.  
22 We've done a lot of work for it but as far as  
23 ensuring that agencies are complying, you're not  
24 there yet.

1  
2 ALEX FOARD: So, I would say that there isn't a  
3 singular enforcement mechanism because there isn't a  
4 singular thing that we're trying to enforce, right?  
5 The AI Action Plan is intended to be broader.

6 CHAIRPERSON GUTIÉRREZ: You're not trying to  
7 enforce like risk assessment or?

8 ALEX FOARD: That is an example of one of the  
9 things that we're enforcing. When we do build that  
10 out, Local Law 35 is something that's enforced but  
11 the Action Plan has a lot of other activities built  
12 into it. I mentioned skill building for staff,  
13 right? That's a series of activities that we want to  
14 do to make sure that the city's workforce is equipped  
15 to work with AI. I've also been looking into what  
16 agencies needs are with respect to procurement.  
17 We've been doing public engagement and listening  
18 sessions.

19 So, each of these activities takes a little bit  
20 of a different form. When we talk about policy and  
21 process to the extent that we build out enforceable  
22 policy, of course that would be enforced. But again,  
23 some of these activities don't take that form. They  
24 take the form of say a resource or another activity.

1  
2 And so, I just want to be clear that there isn't a  
3 singular -

4 CHAIRPERSON GUTIÉRREZ: Yeah, it's on a laundry  
5 list of things that need to be -

6 ALEX FOARD: Exactly it's on a checklist.

7 CHAIRPERSON GUTIÉRREZ: But there are  
8 opportunities, certainly opportunities there and I  
9 think in certain agencies, like according to the  
10 Local Law 35, like the reporting, there are some  
11 agencies utilizing AI, you know more AI tools than  
12 some that are using none. I think it's also an  
13 opportunity for agencies that are using none to  
14 really like start working with you all to think of  
15 like how can we improve services right. Is utilizing  
16 an AI tool something that we can do? So I think, I'm  
17 just saying there's opportunity there. I get it's on  
18 a laundry list. Some of them are suggestions. Some  
19 of them are just like resources, this might be  
20 helpful. But like I just think the Action Plan to me  
21 means action. It means like we're doing something  
22 and this is how we're going to like check that it's  
23 happening responsibly. And so, that's why I'm  
24 pressing you on it because I don't - I just feel like  
25 outside of legislation, the agency has not laid out a

1 pathway to do that, is my opinion. You can respond  
2 to that.

3  
4 ALEX FOARD: Yeah, again I think that there is a  
5 large number of activities that we've completed this  
6 year. We're up to 31 out of the 37 that we've  
7 completed. I certainly acknowledge that there are  
8 some of the bigger ticket items that are for year  
9 two. I mentioned the risk assessment process,  
10 procurement terms and standards will be another one  
11 but we have done a huge amount in terms of public  
12 engagement. We ran three public listening sessions  
13 this summer and have intention to do more. We  
14 provided some of our preliminary guidance, not just  
15 on principles and definitions but also some  
16 preliminary guidance on how agencies can think about  
17 best practices for generative AI. So, there really  
18 is a lot of activity that we've been doing over the  
19 past year and the progress report is intended to  
20 capture as much of that as we can, acknowledging  
21 that you know it is a lot of work and it takes a  
22 diverse form for summarization.

23 CHAIRPERSON GUTIÉRREZ: Okay and I have - I'll  
24 ask a couple more questions and then I'm going to  
25 pass it off to Council Member Paladino. So, like I

1  
2 said, I agree with so many of the principles and  
3 again, want to acknowledge that it took a lot of  
4 work. There is no shade being thrown at all. I  
5 think it's a robust document. Obviously I'm  
6 anticipating more progress reports but I think it's a  
7 big undertaking. So, I just want to acknowledge that  
8 and one of the principles that we agree with or that  
9 I agree with validity and reliability. And that  
10 piece states, the city should therefore assess  
11 whether AI solutions are valid for their tasks and I  
12 just want to confirm in that sense, is the city -  
13 the city is referring to OTI?

14 ALEX FOARD: So, the principles are intended to  
15 be used by any city agency. They're intended to set  
16 the best practices that the city should consider as  
17 they move forward with AI technology.

18 CHAIRPERSON GUTIÉRREZ: So, agencies on their own  
19 can assess whether AI solutions are valid for - OTI  
20 again, providing this guidance is not necessarily  
21 comparing notes if not assessing.

22 ALEX FOARD: Right, so agencies are the holders  
23 of their business needs, right. They're the ones who  
24 know best what they need to do and what problems they  
25 have and what solutions they're looking to fill. So,

1  
2 agencies are best equipped to be able to understand  
3 the validity of any technology solution as part of  
4 problem solving.

5 CHAIRPERSON GUTIÉRREZ: In Executive Order three,  
6 which we both referenced, doesn't OTI have the  
7 authority to play that role and therefore assess  
8 whether AI solutions are valid?

9 ALEX FOARD: So OTI's role with agency technology  
10 generally covers a sort of a wide array of  
11 activities. In some cases it's more advisory and  
12 then obviously on the other end of the spectrum  
13 there are formalized processes, particularly in the  
14 world of cyber security and information privacy. So,  
15 there isn't a universal single pathway for agency  
16 technology to go to OTI. From the AI perspective,  
17 our focus is on providing advisory work wherever we  
18 can to the extent that agencies have questions and  
19 want to be able to understand the opportunities to  
20 leverage AI technology. And then of course to make  
21 sure that that - uh those proposed plans are  
22 consistent with the principles that we published and  
23 uhm are meeting any other requirements that they may  
24 have.

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CHAIRPERSON GUTIÉRREZ: And so, in the same sentence, the city refers, when the city is referenced as also carefully monitoring AI tools from ideation to deployment to ensure that those tools are performing reliably. Again, that's not OTI when you're referring to the city.

ALEX FOARD: So, again the principles are expected to be used by any and all city agencies. We do have a commitment in the action plan for year two to build out what's called an ongoing monitoring process. That's policy that's still under developed.

CHAIRPERSON GUTIÉRREZ: Okay. Who is responsible?

ALEX FOARD: Responsible for which piece?

CHAIRPERSON GUTIÉRREZ: Validity and reliability. Specifically, agency to agency. You're telling me it's up to the agency.

ALEX FOARD: So, agencies again are responsible for -

CHAIRPERSON GUTIÉRREZ: For AI but I'm talking about just AI solutions.

ALEX FOARD: So, in many cases AI solutions follow the same pathway as non-AI solutions. When you talk about a lot of the tech that may be brought



1  
2 into bear for an agency to use, again there are  
3 existing processes. Many different sort of  
4 oversight or review processes that come into play  
5 that apply to all technology including AI. In terms  
6 of understanding the gap, right, what is needed for  
7 AI specifically, that's what our commitment in the  
8 action plan is to build out those processes. And  
9 so, any AI solution that's you know under review for  
10 an agency to review or to consider I should say,  
11 they will still need to do all of the things that  
12 they would normally need to do for technology.

13 CHAIRPERSON GUTIÉRREZ: Is there any monitoring  
14 of AI tools, agency that OTI does besides like, kind  
15 of what's in the report. Like, are you monitoring?  
16 Is there an active role that OTI plays in once an  
17 agency divulges, we're using such and such AI  
18 technology for this purpose. They have met all the  
19 guidelines of the report that you need. Do you all  
20 monitor that or what happens?

21 ALEX FOARD: Sure, so that's the monitoring piece  
22 that I was referring to as a commitment for year two  
23 for the action plan.

24 CHAIRPERSON GUTIÉRREZ: What is monitoring?  
25

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2 ALEX FOARD: Well, that's something that we need  
3 to be working on getting more specific about. So,  
4 the premise is that we need to better understand the  
5 potential risks, put in place the mitigation for  
6 those risks and then monitor to make sure that that  
7 mitigation is working. That's not a process that  
8 exists for us to pull off the shelf. There isn't a  
9 lot of examples for us to just take a play book and  
10 apply here, so we really need to be reflecting on  
11 what the agencies current problems are. What  
12 policies we care about and then how we actually  
13 operationalize those. So, that's what we're building  
14 from scratch.

15 CHAIRPERSON GUTIÉRREZ: And monitoring, so it's  
16 something that you're building out as I understand.  
17 Would monitoring in the future at some point lead to  
18 some kind of level of enforcement or monitoring is  
19 just we've assessed?

20 ALEX FOARD: I would hesitate to speak to you  
21 specifically about what our future policy that we  
22 haven't drafted yet. I will exactly say but the goal  
23 of monitoring is reflective that of that fuller  
24 picture of governance right. So, the full - for a  
25 section of the Action Plan is committed to building

1  
2 out governance and that is sort of across that life  
3 cycle, right?

4 So, you start at the foundation with principles,  
5 definitions. You move into how we can provide the  
6 agencies with preliminary guidance on some of the  
7 major technologies that they'll care about and then  
8 we move into how we understand and account for  
9 potential for risk and then talk about how we monitor  
10 that over time.

11 So, you can see there's a sort of a sequence that  
12 needs to be constructed from this and we need to work  
13 through the earlier pieces before we sort of commit  
14 to some of those later pieces.

15 CHAIRPERSON GUTIÉRREZ: Are there - thank you.  
16 Uhm, are there instances that you are - that you can  
17 speak to now? I know it's in - you're in the  
18 process where you are all thinking about kind of the  
19 conclusion of monitoring for a tool of an agency and  
20 there's an instance where like the recommendation is  
21 like this agency. Is OTI equipped or planning to  
22 like make recommendations about seizing using  
23 particular tools or recommending to agencies the  
24 advocacy of a particular tool?

1  
2 ALEX FOARD: I think it's too early for us to  
3 know exactly what the processes will be.

4 CHAIRPERSON GUTIÉRREZ: Is that part of the risk  
5 assessment that you all are thinking about?

6 ALEX FOARD: The goal of risk assessment  
7 generally is to be able to identify where possible  
8 risks could emerge. That's you know the goal for  
9 risk assessment in other policy areas as well by  
10 being able to understand what the potentials are.  
11 So, certainly raising where risk could be likely and  
12 what categories of risk is absolutely something  
13 that's intended.

14 CHAIRPERSON GUTIÉRREZ: Okay. I'm just a little  
15 uhm apprehensive about - I get what you are saying.  
16 It's a work in progress. We'll be patient but I'm  
17 just a little apprehensive about kind of theirs the  
18 Executive Order Three, which my understanding in many  
19 of our hearings with Commissioner Frasier is this  
20 understanding of OTI's role in coordination and  
21 implementation of the city's IT for example. And  
22 then kind of this response of like agencies you know  
23 like agencies are going to kind of do what they need  
24 to do and so and I know that you can't tell us too  
25 far into the future but I'm just trying to like put

1  
2 us at ease about kind of what is transcribed in the  
3 action plan. This current administration, everything  
4 we're hearing about this administration and how this  
5 agency stands apart and can put us at ease about  
6 accountability. How much does live actually with the  
7 agency? With OTI for example.

8       ALEX FOARD: Yeah, I mean I think the reference  
9 that you made to what Frasier has said is still at  
10 the globe. Why we're advising on implementation  
11 involved in the coordination. That I think is  
12 consistent with how we're seeing these processes.  
13 Again, it is too early to know exactly what the  
14 specific steps of a process would look like. That's  
15 our commitment for this second year but I think our  
16 overall goal is to always be supportive of agencies  
17 at the end of the day because they are the ones who  
18 have to build the technology, procure the technology  
19 and use the technology on a day to day. So, we do  
20 have to be aware of where there are business needs.

21       CHAIRPERSON GUTIÉRREZ: OTI has an ended in their  
22 contracts in their specific technology contracts.

23       ALEX FOARD: I mean I can't speak to the minutiae  
24 of procurement. OTI doesn't support every single  
25 contract for technology across the city.

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2           CHAIRPERSON GUTIÉRREZ: I think - I thought the  
3 Commissioner had said that before but I'll double  
4 check.

5           ALEX FOARD: Sure, I certainly am not a part of  
6 OTI's procurement team so I take specific questions  
7 back to them but the premise here of course is that  
8 OTI is there to support and enable agencies to deploy  
9 technology. We do have commitments to build out  
10 policy and that is what's in development right now.  
11 And then some of the other work that we do to support  
12 agencies isn't in the form of a policy perse but  
13 again some of these other activities. You know how  
14 can we encourage agencies to think about skill  
15 building? How we understanding what skills they need  
16 in their workforce. How can we provide them with  
17 that resource right? This is a different sort of  
18 category of activity that we're also looking to  
19 support.

20           CHAIRPERSON GUTIÉRREZ: Thank you. I'd like to  
21 acknowledge Committee Member Bob Holden and then I'm  
22 going to pass it to Council Member Paladino for  
23 questions. Thank you.

24           COUNCIL MEMBER PALADINO: Good afternoon  
25 everybody and thank you very much Chairwoman. I'm as

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baffled as you are about a lot of things. When it comes to AI, it's above my pay grade I've often said but I'm going to do my best. I keep hearing words risk management, risk assessment and monitoring. Those two words really kind of scare me a little bit, as does the whole format of AI.

I got to get be familiar with it but however, I want to talk about something that really falls more in my wheelhouse, which is social responsibility. Also, one of the principles that states in order to promote confidence in the city's adoption of AI and its lawful and responsible data or stewardship and protect New Yorkers from potential and unlawful and unethical uses of their data. The city must commit to extending and existing privacy protections in the agency AI development and use. And modify those protections as necessary to keep pace with the technological advances. However, the city privacy protection policies and protocols based on February the 6th, 2023, does neither address AI nor extend privacy protections.

When do you plan to extend privacy protection in the agency AI development and use? That's question one. Question two is, I want to point out another

1 principle listed that states in order to encourage  
2 greater public trust in the city's use of AI,  
3 agencies should carefully consider public engagement,  
4 disclosure or explanation of AI use. As it is  
5 critical to understand how a given system may impact  
6 residents, safety, rights or excess to services. How  
7 have you or are you planning to conduct public  
8 engagement? What steps have you taken to ensure  
9 public trust? And I know I heard you say that you've  
10 had some hearings thus far about this but this is  
11 still very new and I often worry that our privacy  
12 issues are very much at risk here.

14 How do we determine that the human factor in any  
15 of this stuff that we're putting forward? You know I  
16 really worry a great deal about that. You know AI  
17 troubles me. It troubles me when we come to judge  
18 our kids in school. It troubles me when it comes to  
19 our privacy. There's a lot of different things we  
20 could be overstepping. So, if you wouldn't mind, I  
21 know I dished it out a little bit if you could please  
22 answer me. Thank you.

23 ALEX FOARD: Sure, yeah happy to. So, certainly  
24 I can go back to some of our colleagues at the Office  
25 of Information and Privacy for some more specifics



1  
2 for you but certainly the role of AI and sort of the  
3 impact on the identify information law and the  
4 implementation of that law I know is something  
5 that's top of mind for them. I'm happy to again go  
6 back and get some more specifics on timelines for  
7 things like policy updates etc. I don't want to  
8 give an incorrect timeline for that but certainly  
9 that's something top of mind. Privacy is very  
10 intentionally woven throughout not only the action  
11 plan but the things that we followed up from the  
12 action plan. That's why it's one of our principles  
13 is because it does matter so much.

14 So, you know that's one thing in terms of privacy  
15 and just to say that cyber security is another,  
16 another layer to that. Making sure it's secure from  
17 bad actors etc.. And so, the Office of Information  
18 and Privacy and Cyber Command who implement the  
19 collection of laws and policies and processes are  
20 responsible for making sure that agencies comply with  
21 those laws and the policies. Again, I don't want to  
22 sort of provide specifics that are incorrect so I can  
23 take back more specific questions on how those  
24 processes work but those are governed by those two  
25 teams.

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In terms of public engagement education, we agree strongly. I had a whole commitment in the action plan to do public engagement. As you said, we did three public listening sessions this past summer that were really well attended. We got amazing feedback from New Yorkers who spoke to us about what their concerns. Sorry?

COUNCIL MEMBER PALADINO: How and where did you conduct these hearings?

ALEX FOARD: So, this first step we did virtual and we'd like to begin expanding into a further set that are in person and that are more partnered with community organizations. We did get great feedback from the virtual ones that we did.

COUNCIL MEMBER PALADINO: What areas did you go to that you got positive feedback?

ALEX FOARD: Well, so they were virtual. So, the feedback came from all over. I would say that the feedback was helpful and productive. We are interested in continuing to learn more and partner with other organizations for additional opportunities to engage. I think a part of that is also education. So, it's not just saying hey, we want to come and talk to the community about AI. We have to make sure

1  
2 that the community is prepared to talk about AI and  
3 understands what it is that we're trying to talk  
4 about. So, we want to be able to have a -

5 COUNCIL MEMBER PALADINO: But for those areas  
6 that are not shall I use the word, they're slightly  
7 more mature as far as the age goes. AI is not  
8 something that rolls off anybody's tongue and they're  
9 a little bit afraid of. I'm talking about the older  
10 you know people and everybody is really concerned  
11 about - because it is a little age appropriate that  
12 we don't fully get it and when you come and you speak  
13 you have to speak to us in a different sort of way.  
14 It's like, it's speaking to another age group. So,  
15 my biggest concern is when my constituents ask, "are  
16 they here about AI?" AI to them is scary. It's  
17 artificial. It's not real. So, the next time you do  
18 a hearing, I'd like to know about it so that I could  
19 get some people onboard and put it forward because  
20 everybody is really very concerned. Like you said,  
21 risk assessment and that word monitoring, that's like  
22 big brother watching you. We have a real problem, my  
23 generation with big brother watching us all the time.  
24 We don't like it. So, you could take it from there.

1  
2 ALEX FOARD: Sure, no, thank you for sort of  
3 highlighting what we think is a really important  
4 issue, which is that we can't speak in one voice all  
5 the time. We have to be adaptive to different  
6 groups. Our first listening sessions were a way to  
7 get started, right to say, "let's get out there and  
8 let's sort of see what we can find." Again, we were  
9 really happy with the way that they went. We were  
10 able to get you know people who cared about the topic  
11 but we'd be more than happy to continue targeting  
12 specific audiences, you know making sure that we're  
13 speaking to constituents in groups who matter. You  
14 know for your perspective or others, so be happy to.

15 COUNCIL MEMBER PALADINO: Because it's hard  
16 enough now when people call about a phone bill or a  
17 Con Ed bill. Let's just use Con Ed as an example.  
18 If you ask a question and they ask many. I ask many  
19 and it's taken out of their box that they're used to  
20 reading, there's a script that they're used to  
21 reading from. Now, when we hear - I'm just giving  
22 you the social type of thing as far as age goes.  
23 They are finding it very difficult to get their  
24 questions answered and everything is automated. It's  
25 press one, press two, press three. They're not

1                   COMMITTEE ON TECHNOLOGY                   53  
2   talking to a real person anymore. So, if their  
3   question goes outside that box, how does that help  
4   them? How does that help people?

5           ALEX FOARD: Yeah, so continuing to highlight  
6   some of the sort of more pressing questions that  
7   people have today, particularly about those public  
8   facing tools. Part of the reason to do public  
9   engagement of course is to better understand where  
10   peoples priorities are. You know whether it's about  
11   what you described, how they're sort of accessing  
12   customer service etc..

13           COUNCIL MEMBER PALADINO: Yeah.

14           ALEX FOARD: And I think you know the reality is  
15   that the complexity or I should say the diversity of  
16   AI tools means that there isn't a simple single  
17   answer to that question.

18           COUNCIL MEMBER PALADINO: No, I'm sure.

19           ALEX FOARD: But certainly you know we do want to  
20   care about what agency, excuse me, what constituents  
21   need to know right. What do they need us to know?  
22   So that as we think about responsible deployment of  
23   AI, that we're keeping that in mind. That's a key  
24   factor.

25           COUNCIL MEMBER PALADINO: Okay thank you.

1                   CHAIRPERSON GUTIÉRREZ: Thank you Council Member.  
2  
3 I'd like to pass it to Council Member Erik Bottcher  
4 for questions.

5                   COUNCIL MEMBER BOTTCHEER: Hi. Last fall, the  
6 city announced that you were releasing the first  
7 Chatbot in the city's history that would assist small  
8 businesses around the city and in the spring, it was  
9 announced, it was reported that the Chatbot was  
10 giving incorrect information to users. The Chatbot  
11 told some users that it was allowable to take a  
12 portion of their employees tips. The Chatbot  
13 answered that it was allowable to discriminate on  
14 source of legal income. Can you give us an update on  
15 the Chatbot since all those stories came out in  
16 April? Is the Chatbot now giving accurate  
17 information or are those issues persisting and what  
18 efforts are underway to address it?

19                   ALEX FOARD: Sure, thanks for the question. I  
20 will speak at a high level. I'm not the business  
21 owner of that particular tool, so happy to take back  
22 more specific questions for the team there. There  
23 were enhancements that were made earlier this year,  
24 upgrading the models etc., that reduced the number of  
25 errors and the instances of information given when it

1 should not have been given, which is one of the key  
2 issues. Again, I don't have the specific  
3 quantification of that. I can go back to the OTI  
4 team for more specifics there but what we have found  
5 is a reduced set of errors and overall positive  
6 interaction between users in the Chatbot.  
7

8 COUNCIL MEMBER BOTTCHEER: What kind of testing  
9 was done prior to the launch of the Chatbot to ensure  
10 its accuracy?

11 ALEX FOARD: That's the sort of detail that I'll  
12 need to go back to the team at OTI for.

13 COUNCIL MEMBER BOTTCHEER: And do you based on the  
14 certain knowledge of the technology; do you know what  
15 would cause a Chatbot to give inaccurate answers?

16 ALEX FOARD: So, I mean I think the use of the  
17 term and accurate answers is sort of an umbrella  
18 term, right that actually covers a couple different  
19 categories of output. You know there's - whether or  
20 not it's responding to a question that it's not  
21 supposed to respond to. Whether or not it's coming  
22 up with the right sequence of words. So, there's a  
23 dynamic of factors that could lead to that kind of  
24 inaccurate output. So, you know these are our  
25 components of the technology that need to be

1 understood and addressed and mitigated, which is why  
2 efforts were made to improve the performance of the  
3 tool earlier this year.

4  
5 COUNCIL MEMBER BOTTCHER: With Chat GPT and other  
6 tools, it often only contains information up to a  
7 certain point and time. Sometimes even a couple  
8 years in the past. Does the Chatbot that the city is  
9 using, does that have access to like real time  
10 developments and changes in city policy?

11 ALEX FOARD: I can't speak to the specific set of  
12 data on which the Chatbot is either trained or  
13 currently pulling information. The information that  
14 it upholds with respect to small business services,  
15 which its intended output of course is confined to  
16 the set of data that it's supposed to report on.

17 COUNCIL MEMBER BOTTCHER: Based on what you do  
18 know about the Chatbot, you feel comfortable saying  
19 that this is a tool that's effective for small  
20 business operators in New York City and when they use  
21 it, they will be getting accurate answers to their  
22 questions?

23 ALEX FOARD: Yeah, that's a great question. I  
24 think one thing that we always want to be sort of  
25 clear up on front, that it's the direct business



1 owners of the tool. The ones who are using it who  
2 really need to make that sort of definitive call on  
3 how effective this is. Is it doing the thing that  
4 we need it to do? So, happy to take some more  
5 specific questions back for colleagues at OTI.

6  
7 In general, the Chatbot was developed and is  
8 presented to the public in a way that's consistent  
9 with our AI principles. Transparent has language  
10 around its use and how it is intended to be used.  
11 What sorts of limitations it may have etc., and my  
12 understanding is that again, user experience is  
13 generally quite positive.

14 COUNCIL MEMBER BOTTCHEER: Thank you.

15 CHAIRPERSON GUTIÉRREZ: Thank you Council Member.  
16 I'll pass it to Council Member Bob Holden who has got  
17 questions.

18 COUNCIL MEMBER HOLDEN: Thank you Chair and sorry  
19 I was a little late with Environmental and with their  
20 hearing my bill today, so I got to run back there but  
21 if I do ask a question that was answered, forgive me.

22 So, is there a place where people can file a  
23 complaint about ADS or AI used by a city agency? And  
24 you know there is currently no public facing platform  
25 that provides a mechanism for receiving public

1  
2 comments and questions about specific ADS used by  
3 city agencies. Do you agree that such a platform is  
4 necessary to ensure transparency and public trust?

5 ALEX FOARD: We very much support whatever we can  
6 do to make sure that public trust and transparency is  
7 paramount. That's why we have Local Law 35. That's  
8 why we report above and beyond what's prescribed in  
9 the bill. In terms of thinking through you know  
10 opportunities for redress etc.. What we sort of need  
11 to be aware of is where those processes exist that  
12 are not unique to AI. Where our agencies may have  
13 processes for how members of the public are intended  
14 to get in touch with them to talk about decisions  
15 that have been made. Whether or not that decision  
16 involved automated decision making or not.

17 So, as we think about our landscape of policy,  
18 what we want to make sure is that as we think about  
19 what is particular to AI, that we're also accounting  
20 for what already exists that addresses some of those  
21 needs but maybe without the AI leave on it.

22 COUNCIL MEMBER HOLDEN: So, your office will  
23 establish protocols for investigating complaints or  
24 inquiries? I mean that has to be - you're working on  
25 that?

1  
2 ALEX FOARD: So again, when we think about what a  
3 complaint could be, it could take a lot of different  
4 forms, right? It could be somebody who doesn't like  
5 an output that has happened or obviously of course in  
6 a worse case, somebody could feel that they were  
7 discriminated against, for example, right? Each of  
8 those is not the same as one another. And so, when  
9 we talk about what it means to think through policies  
10 that address the risks of AI, again we have to be  
11 mindful of what else is there to account for those  
12 risks that isn't unique to AI, right?

13 So again, if somebody feels that they've been  
14 discriminated against, the city's human rights laws,  
15 they are to protect them against discrimination and  
16 there's an avenue for complaining for that. But when  
17 it comes to say disagreement with a business decision  
18 etc., that's where we want to make sure that the  
19 agencies have their processes and that whatever  
20 processes they have are accounted for before we try  
21 and do something duplicative.

22 COUNCIL MEMBER HOLDEN: Yeah, so how would the  
23 public know if a decision was made with the  
24 assistance of AI? I mean is there going to be -

1  
2 ALEX FOARD: So, most of that will be through  
3 Local Law 35, which does require the reporting of  
4 those tools that have a material impact. So, you  
5 know the presumption is that if there's something  
6 that's involving an individual directly, that's  
7 likely to be a material impact. In which that case  
8 that tool would be reported under Local Law 35.

9 COUNCIL MEMBER HOLDEN: Alright, thank you.  
10 Thank you Chair.

11 CHAIRPERSON GUTIÉRREZ: Thank you Council Member.  
12 Give me one second, putting my notes together. Okay,  
13 okay I wanted to ask a little bit more about the  
14 action plan now just some of the like the specifics  
15 because specifically I know some of them are in  
16 progress, some are complete right? And so, I just  
17 want to get a little bit more, as much as you can  
18 share about some of the ones that are in progress. I  
19 know that in 1.6 in AI risk assessment and 1.8  
20 monitoring tools are the most important and obviously  
21 its still in progress. Is there anything more that  
22 you can tell us about risk assessment and monitoring  
23 not in the Action Plan right now?

24 ALEX FOARD: So, yeah, I mean I can certainly  
25 speak to some of the high level steps that I think we

1 think are really important here. So, one of those of  
2 course is sort of creating that landscape of what we  
3 think the possible risks could be. We think what is  
4 really important is to really do as exhaustive  
5 analysis as possible to say, here's the different  
6 ways that risk could arise. And then subsequent to  
7 that to say, okay now that we know what these  
8 categories of risk are, are there any existing  
9 frameworks that already address these?  
10

11 So, we talked about privacy and cyber security,  
12 that's a place where we want to say, okay, we've got  
13 the Office of Information Privacy. We have the  
14 identifying information law. We have our Office of  
15 Cyber Command. Before we sort of approach addressing  
16 AI risk for information privacy or cyber security in  
17 a vacuum, let's see how it interfaces with some of  
18 these other processes and frameworks and then from  
19 there, we can say okay, what is not being counted  
20 for? What are the gaps that we're trying to fill?  
21 And how do we see this as a process that helps us  
22 turn something that can sometimes do a bit of an  
23 abstract concept into something that makes sense for  
24 us in an agency.  
25

1  
2 CHAIRPERSON GUTIÉRREZ: And I'm sorry, what's the  
3 last step?

4 ALEX FOARD: Being able to sort of like  
5 operationalize that as a process. Raise how we say  
6 you know this is a complex abstract idea. You know  
7 things like bias and AI, we want to be able to sort  
8 of say how can we actually make that a real thing  
9 that we can address versus just talking about it in  
10 the abstract.

11 CHAIRPERSON GUTIÉRREZ: And are there specific  
12 agencies that you either are apart of the Steering  
13 Committee or not, that you are looking to be able to  
14 like kind of prioritize or spend more time on  
15 assessing gaps that need to be filled, opportunity  
16 for operationalizing?

17 ALEX FOARD: Well, certainly the Steering  
18 Committee will be a valuable resource for us. That's  
19 why this Steering Committee exists, to be able to  
20 help inform that policy development.

21 CHAIRPERSON GUTIÉRREZ: And I'm sorry to  
22 interrupt and can I also ask, the agencies that are  
23 in the Steering Committee, did they - they opted in  
24 to be? Like, did they want to - like did you all do  
25 the like the outreach?

1 ALEX FOARD: We did the outreach.

2 CHAIRPERSON GUTIÉRREZ: You did the outreach,  
3 okay, okay. So, the assumption is that they're like  
4 - they're a part of it. They're also looking to  
5 maybe it kind of integrate- or like activate their  
6 agencies along the Action Plan a little bit.

7 ALEX FOARD: So, the goal with the composition of  
8 the Steering Committee was to get as much diversity  
9 in terms of the sort of mission that different  
10 agencies have. We have agencies of different sizes  
11 to reflect different sort of magnitude of technology,  
12 different perspectives on the components of AI that  
13 they care about most. Some of them are operational  
14 agencies, some of them are policy agencies. We  
15 wanted to have a very diverse collection there and  
16 the general goal of the Steering Committee is to help  
17 inform that policy development right, so they can  
18 better inform us this is what this would look like on  
19 the ground as an operational agency. These are some  
20 of the other community groups that we care about  
21 etc.. So, they're there to inform that work.

22 CHAIRPERSON GUTIÉRREZ: And do you all have a  
23 sense of who's like responsible for the risk  
24

1  
2 assessment? Is it OTI? Is it the agency? Using  
3 the system, where are you all I guess in that piece?

4 ALEX FOARD: Sure, so it's probably again too  
5 early for the specifics but I think OTI's commitment  
6 is to build out what that risk assessment process is  
7 and to be able to understand what we as the central  
8 technology agency for the city under UF3, you know  
9 what we need to do to be able to make sure that you  
10 know tools are being developed and deployed  
11 responsibly. Agencies as they do in other process,  
12 other oversight processes and review processes are a  
13 key player in that. It's never just OTI or just the  
14 agency. There is - the agency is the business owner  
15 who is driving the need, driving the problem solving  
16 and the solution development and then OTI providing  
17 support wherever it can in a variety of different  
18 ways.

19 CHAIRPERSON GUTIÉRREZ: So, agency to agency in  
20 risk management, or risk assessment excuse me, it  
21 will be up to that agency and OTI to figure that out?

22 ALEX FOARD: It's a little too early to know  
23 exactly what the process right the step by step again  
24 is because we're still in some of those earlier



1 stages like I described, better understanding that  
2 risk landscape etc..

3  
4 CHAIRPERSON GUTIÉRREZ: Uhm, do you think that  
5 the results of these assessments will be made public  
6 in the progress reports or just public by the agency  
7 or OTI?

8 ALEX FOARD: Again, I think it's too early to  
9 know exactly what will be in that -

10 CHAIRPERSON GUTIÉRREZ: Well, transparency is one  
11 of your principles so.

12 ALEX FOARD: Transparency absolutely is where we  
13 can.

14 CHAIRPERSON GUTIÉRREZ: So, it should be.

15 ALEX FOARD: Wherever we can, we'd like to make  
16 sure that information is available so that New  
17 Yorkers better understand the role that these  
18 technologies play. I am not - I don't have the  
19 insight into exactly what we're asking in those  
20 questions right now to know exactly what would be  
21 available.

22 CHAIRPERSON GUTIÉRREZ: But and so, just for you  
23 in your unit or department, do you think that that is  
24 a direction the city - not just OTI should move in?  
25 Where if these guidelines are to understand how to do

1 risk assessment for your own agency. It can be with  
2 OTI or without OTI, it's too early to tell. But that  
3 New Yorker should have access to this information.  
4

5 ALEX FOARD: Yeah, I think that's why we're so  
6 supportive of Local Law 35, which gives New Yorkers  
7 insight into the tools that are currently being used.

8 CHAIRPERSON GUTIÉRREZ: But there's no - I mean,  
9 I read it. It's not - yes, it does do that but it's  
10 not like - I don't think it's explicit in like risk  
11 assessment. It's not explicit yet on - not all  
12 agencies respond equally, so there is I think a  
13 different level of detailed agency tool to agency  
14 tool. So, that's why I think it - I'm just asking if  
15 you think it should live separate and apart?

16 ALEX FOARD: Sure, so just to -

17 CHAIRPERSON GUTIÉRREZ: Local Law plays an  
18 important role, yes.

19 ALEX FOARD: Yeah, just to respond to that.  
20 Certainly one of things back to OTI's role in  
21 something like Local Law 35 is in fact to make sure  
22 that over time agency responses to Local Law 35 are  
23 all sort of meeting the standard that we think it  
24 needs to have. So, we are working with agencies  
25 actively.

1  
2 CHAIRPERSON GUTIÉRREZ: Do you have a good  
3 timeline for that?

4 ALEX FOARD: We've been doing it. So we already  
5 do work with agencies to make sure that they're  
6 responses are meeting the need of Local Law 35.

7 CHAIRPERSON GUTIÉRREZ: Okay.

8 ALEX FOARD: But back to the question on risk  
9 assessments, we again want to make sure that what  
10 we're putting on paper is responsive to the  
11 particular moment and time. Some agencies come and  
12 talk to OTI for advisory work early in the process  
13 and it doesn't mean that uhm, you know something is  
14 actually going to fully pan out and so we don't want  
15 to be jumping the gun and suggesting that there's  
16 written assessments that are publishable at this  
17 time.

18 CHAIRPERSON GUTIÉRREZ: Thank you. I think just  
19 on and I have some questions about Local Law 35 and  
20 just correct me if I'm wrong with the most recent  
21 reporting, the one in 2023?

22 ALEX FOARD: Yes, 2024 is underway now.

23 CHAIRPERSON GUTIÉRREZ: Okay. I don't know. I  
24 don't think every agency responses, has like a  
25 standard - I mean some, like DOI. I think it's DOI

1 or maybe PD, one of them, the vendor is no answer.  
2 It's NA, I don't even know what that means right as  
3 opposed to some of the other agencies that have -  
4 some of the other agencies also will tell you in  
5 the document that you published, until when their  
6 contract is good until. It's just a sentence. I  
7 don't know if it's like a standard. I don't know,  
8 that's why I'm asking if there's more of a role OTI  
9 is going to play to ensure that it is the same  
10 information for every single agency that you  
11 published.  
12

13 ALEX FOARD: Yeah, well, we are working on that  
14 and certainly do work with agencies. There are  
15 obviously from agency to agency particular instances  
16 where they may have a contract or some other  
17 obligation that may prevent them from answering in a  
18 specific way or in the same way that another agency  
19 does. So, some of that could be the result of agency  
20 to agency distinctions or differences. But in  
21 general, we do work with agencies to make sure that  
22 what Local Law 35 requires is being reported.

23 CHAIRPERSON GUTIÉRREZ: Okay, thank you. For  
24 Initiative Number Two, building external  
25 relationships. In progress?

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COMMITTEE ON TECHNOLOGY

ALEX FOARD: A number of things that we've been able to do but obviously continuing to do more.

CHAIRPERSON GUTIÉRREZ: Okay but so not done?

ALEX FOARD: Uh yes, correct, there are still some things that we still want to do there.

CHAIRPERSON GUTIÉRREZ: How do you all define external relationship?

ALEX FOARD: So, we wanted to - when we were drafting the Action Plan, we really wanted to not miss the opportunity to tap into the academic institutions that New York has, the civic society organizations that the city has, our own tech industry. We want it to be very clear that there is external views that really could sort of help us come up with better strategy, policy, etc.. So, really you know anywhere where we can find opportunities to partner with an academic execution -

CHAIRPERSON GUTIÉRREZ: You've got Vickie Paladino.

ALEX FOARD: Yeah, exactly. That would be - yeah, exactly. That sort of thing is very much what we want to be able to do so that we can tap into expertise outside of our own halls.

1                   CHAIRPERSON GUTIÉRREZ: And are you all thinking  
2  
3 about the external relationship development as like -  
4 that you are kind of touching on this as often as you  
5 are looking to release your progress reports? Is  
6 this like -

7                   ALEX FOARD: Ongoing for sure. Yeah both  
8 external engagement and the public engagement are  
9 intended to have sort of these ongoing activities.  
10 So, our advisory network which exists to help provide  
11 - to structure some of that support. It's not a one  
12 and done. We engage the periodically to be able to  
13 inform on a number of different levels.

14                  CHAIRPERSON GUTIÉRREZ: And I guess I know you  
15 said its ongoing and is there a particular phase that  
16 we are in now for building external relationships?  
17 Is there anything that you can highlight kind of that  
18 you are working on right now in this piece?

19                  ALEX FOARD: Sure, so our biggest achievement for  
20 the past year was standing up the advisory network.  
21 So, that collection of individuals, they represent a  
22 diverse set of sectors and industries and they're  
23 intended to be able to help us tap into individual  
24 expertise when we need it. We perceive more of the  
25 kind of like partnership opportunities to be really

1  
2 ongoing. So, we're not going to sort of say, oh, we  
3 did one partnership we're done. We want to think  
4 about where overtime it continues to make sense to  
5 think about partnerships.

6 CHAIRPERSON GUTIÉRREZ: And what was the process  
7 for selecting those members as part of the Advisory?

8 ALEX FOARD: For the Advisory Network, uhm, we  
9 had some nominations that came to us and in other  
10 cases we knew where some valuable resources could be.

11 CHAIRPERSON GUTIÉRREZ: And I guess what is the  
12 agenda or how often is the network meeting?

13 ALEX FOARD: Sure, we have convened. We've  
14 convened the larger group for the first time this  
15 past summer and we have intentions to regroup with  
16 them before the end of this year. And then in some  
17 cases, it's more of an individual level engagement,  
18 right? A particular member who may have particular  
19 expertise, we want to engage with that person, so  
20 it's not always a standing function.

21 CHAIRPERSON GUTIÉRREZ: And then for the future,  
22 for just ongoing, are nominations the best way for  
23 someone that wants to get involved or participate in  
24 the network?

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ALEX FOARD: We're always happy to receive those. We don't have a formal cap on the number of advisors and so, if there's a really valuable person with valuable expertise from an organization that it makes sense to account for, we'd be happy to do that. When we talk more organizationally, that's where we sort of think about it more as a partnership versus advisory network membership but we're always happy to receive nominations or recommendations for groups or individuals who we should be engaging with.

CHAIRPERSON GUTIÉRREZ: And how do you all receive those nominations?

ALEX FOARD: Uh, the best way is through a web form on OTI's website. You can select artificial intelligence as your topic and it's a dedicated inbox for all of this.

CHAIRPERSON GUTIÉRREZ: Excellent and then because the Steering Committee meets a little bit more regularly, right more structured.

ALEX FOARD: Correct.

CHAIRPERSON GUTIÉRREZ: Do they - have they met with the Advisory Network or are there plans for them to?



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ALEX FOARD: There are opportunities that we envision where those expertise could be sort of mixed together. We haven't done that formally yet.

CHAIRPERSON GUTIÉRREZ: Okay, can you share how many people are on the Advisory Network?

ALEX FOARD: The Advisory Network is up to I want to say it's about a little over a dozen.

CHAIRPERSON GUTIÉRREZ: Okay and is there any concern or any issue with like private agency information with respect to the Advisory Network since I know these are folks that are nominated. I'm assuming there's some kind of level of vetting to make sure but is there any concern, any privacy concerns or any like issue with agency information crossing over?

ALEX FOARD: So, to be clear, neither the Advisory Network nor the internal Steering Committee deals directly with specific agency tools. There are no data sharing activities as part of either of those groups.

CHAIRPERSON GUTIÉRREZ: Thank you and then can you just confirm the Steering Committee meets how many - you already said it right?

ALEX FOARD: Quarterly.

1                   CHAIRPERSON GUTIÉRREZ: Quarterly, okay. Okay so  
2 agencies uhm have not worked directly - have not  
3 shared any like direct agency information.  
4

5           ALEX FOARD: With the Advisory Network members?

6           CHAIRPERSON GUTIÉRREZ: Or just within the  
7 Steering Committee.

8           ALEX FOARD: Well, certainly agencies could  
9 volunteer information about you know their AI  
10 priorities. That's what we want them to do to talk  
11 about where they you know see their vision etc., but  
12 again one of the activities at the Steering Committee  
13 is not to review individual tools or to share data  
14 derived from or you know utilize within a specific -

15           CHAIRPERSON GUTIÉRREZ: Okay, okay thank you.  
16 Okay can I ask about the public engagement? I know  
17 you touched on it a little bit. There was a number  
18 of public engagement sessions and then OTI took over  
19 that responsibility, correct?

20           ALEX FOARD: So, we did our own in the summer of  
21 2024 derived from the Action Plan. So, the Action  
22 Plan committed us to building out a number of public  
23 listening sessions so that we could again better  
24 understand the priorities and interests of New  
25 Yorkers. So, we did our first set of those in the

1  
2 summer. These were the virtual ones that we  
3 summarize. Actually there's on our website, there's  
4 a summary of what we learned from those sessions.  
5 And then are expecting to do more sessions in the  
6 coming year.

7 CHAIRPERSON GUTIÉRREZ: How many were done  
8 virtually in the summer?

9 ALEX FOARD: It was all three.

10 CHAIRPERSON GUTIÉRREZ: All three and those were  
11 now OTI facilitated?

12 ALEX FOARD: Those are all OTI facilitated.

13 CHAIRPERSON GUTIÉRREZ: Okay and all virtual?

14 ALES FOARD: Correct.

15 CHAIRPERSON GUTIÉRREZ: Okay and was there any  
16 issue with language?

17 ALEX FOARD: Uh no. If I recall we had for the  
18 sign up on our site, an option to identify any you  
19 know language or access needs and I don't recall us  
20 needing to -

21 CHAIRPERSON GUTIÉRREZ: And they were just during  
22 the summer July and August?

23 ALEX FOARD: Uh, I will double check on the  
24 specific dates of them and get them back to you but  
25 yes, it was summer of 2024.

1  
2 CHAIRPERSON GUTIÉRREZ: Okay and what uhm, can  
3 you share how many people attended in total?

4 ALEX FOARD: Oh, I'll send those.

5 CHAIRPERSON GUTIÉRREZ: Okay uhm and then can you  
6 share kind of like what the outreach was for these  
7 sessions?

8 ALEX FOARD: Sure. Most of the outreach we did  
9 through social media, so working with existing social  
10 media channels that OTI has. Also, working with city  
11 agency partners and their social media channels. One  
12 of our key findings I think from our sessions is that  
13 we'd love to think about how could do different sorts  
14 of outreach to continue to engage further with New  
15 Yorkers and to make sure we're - you know per Council  
16 Member Paladino's point, speaking to specific groups.

17 CHAIRPERSON GUTIÉRREZ: And it was - and I'm  
18 sorry, it was social media agency to agency or like  
19 network partners how -

20 ALEX FOARD: So, us as OTI putting out  
21 information on our social media and then likewise  
22 working with agency partners for them to do the same.

23 CHAIRPERSON GUTIÉRREZ: Agency partners okay.  
24 Okay, well moving forward for you know the continued  
25 public engagement, is there an ask of the Steering

1  
2 Committee members or of the Advisory Network Members  
3 to help with outreach?

4 ALEX FOARD: Yeah, absolutely. We can do all  
5 sorts of different mechanisms to make sure that we  
6 are reaching the audiences that we want to reach.

7 CHAIRPERSON GUTIÉRREZ: Your not advertised on  
8 Link NYC?

9 ALEX FOARD: I do not recall if we did. I will  
10 double check.

11 CHAIRPERSON GUTIÉRREZ: Come on. That's so easy.  
12 That's supposed to be your agency's thing.

13 ALEX FOARD: Yes, I will double check but what I  
14 will say is that we are more than happy to make sure  
15 that we are engaging the groups that people want us  
16 to consider. We've already had agency partners who  
17 have said, "oh what if we work together on something  
18 right so we can talk to our specific group. You know  
19 if there is something with the Council, we'd be happy  
20 to do that. We want to make sure we're talking to  
21 New Yorkers. That matters.

22 CHAIRPERSON GUTIÉRREZ: Thank you, yeah, yeah I  
23 think there's a lot of - I mean I know this summer;  
24 it is the intention to meet again in a year for the  
25 public engagement, sorry.

1  
2 ALEX FOARD: So, plans are still underway for the  
3 specific and the logistics but we expect to do more  
4 in the new year.

5 CHAIRPERSON GUTIÉRREZ: Summers are tough.

6 ALEX FOARD: They are.

7 CHAIRPERSON GUTIÉRREZ: So, uhm but yeah, please  
8 let us know. Uhm, okay I want to ask about Local Law  
9 35.

10 ALEX FOARD: Sure.

11 CHAIRPERSON GUTIÉRREZ: Sorry, a lot of  
12 highlighting. Okay, so with Local Law 35, when can  
13 we expect the 2024 report?

14 ALEX FOARD: It's required by law to be published  
15 by March 31<sup>st</sup> of next year.

16 CHAIRPERSON GUTIÉRREZ: By this spring, okay.

17 ALEX FOARD: So, yeah that would be the very  
18 latest.

19 CHAIRPERSON GUTIÉRREZ: And it's just one report  
20 a year correct?

21 ALEX FOARD: Correct.

22 CHAIRPERSON GUTIÉRREZ: Okay, with updates?

23 ALEX FOARD: So each report requires agencies to  
24 report any tool that was used within the cal- used at  
25 least once within the calendar year of reporting.

1 So, any tool that was used even once in 2024 will  
2 be reported for that report.  
3

4 CHAIRPERSON GUTIÉRREZ: Okay and they have to  
5 share that information even if they use that tool  
6 just one time?

7 ALEX FOARD: Yes.

8 CHAIRPERSON GUTIÉRREZ: Okay and I just want to  
9 make sure I have it correctly. The disclosure  
10 includes the commercial name, a brief description of  
11 the algorithmic tool, the purpose of the tool and the  
12 type of data collected and analyzed by the tool.

13 ALEX FOARD: Correct.

14 CHAIRPERSON GUTIÉRREZ: They're not required to  
15 share how long they're in a contract with that tool  
16 for?

17 ALEX FOARD: There isn't an explicit question  
18 that asks about contract terms. There is a question  
19 around vendor engagement. I think our experience has  
20 been that of course some agencies do use a vendor but  
21 that form of engagement looks different. In some  
22 cases, there's more sort of a consulting. In some  
23 other cases, there's a technology purchase. So,  
24 there isn't a one size fits all to what it means to  
25 engage with a vendor or an outside group to support

1  
2 that. So, I think the question is reflecting getting  
3 at the heart of whether or not there is another  
4 party involved versus the specifics of contracting  
5 terms.

6 CHAIRPERSON GUTIÉRREZ: Okay and they don't have  
7 to specify if there's a subcontractor?

8 ALEX FOARD: So, the language of the law does not  
9 require reporting of subcontractors. If an agency  
10 is engaging with a vendor and that vendor has a  
11 subcontractor, it could be possible that they would  
12 report it in that way. But the way that the question  
13 is prescribed by adult law, they're asked for vendor  
14 involvement.

15 CHAIRPERSON GUTIÉRREZ: And just to confirm,  
16 they're also not required to disclose the amount of  
17 the contract or what their you know the amount that  
18 they're paying?

19 ALEX FOARD: Right, there's no questions in there  
20 around contract terms.

21 CHAIRPERSON GUTIÉRREZ: Okay. In this last  
22 report, in this 2023 report, in looking into 2024,  
23 have there been any obstacles to ensure compliance of  
24 Local Law 35 at the agencies?

25 ALEX FOARD: No, we've had 100 percent compliance  
for all four years.



1  
2 CHAIRPERSON GUTIÉRREZ: All reports prior to 2023  
3 listed the number of tools reported and the number of  
4 tools identified. Did the methodology of compliance  
5 with the law change and why is there no longer  
6 reporting on the number of tools identified?

7 ALEX FOARD: Sure, that reflects the shift from  
8 Executive Order 50, what was formerly executive order  
9 50 of 2019, which was when OTI was created through  
10 Executive Order Three, those responsibilities for  
11 algorithmic management shifted to OTI. And that's  
12 also when Local Law 35 took effect. And so, the  
13 previous reports just reflect the process from  
14 previous years. The reports going forward include  
15 the process for Local Law 35.

16 CHAIRPERSON GUTIÉRREZ: Okay uhm I wanted to ask  
17 about an audit that the State Comptroller conducted.  
18 As I understand it, it was in some kind of  
19 cooperation with OTI.

20 ALEX FOARD: Yes.

21 CHAIRPERSON GUTIÉRREZ: Yeah. The report shows  
22 that there; I think maybe Council Member Menin  
23 referenced this or no? I think she referenced it,  
24 yeah. The report shows that Teach to One 360,  
25 Feedback Studio, Tech and Teach FX are also used by

1                   the DOE. However, they're not reported in either  
2                   2022 or 2023 reports. Do you have a sense of why  
3                   they were excluded?  
4

5           ALEX FOARD: Yeah, so generally we from our end,  
6           we don't try to diagnose from a distance without  
7           knowing exactly what the specific decision making  
8           was for the agency. Agencies are responsible for  
9           identifying their tools and reporting them under  
10          Local Law 35. We provide guidance to agencies when  
11          they have questions about whether or not something  
12          meets the threshold for being reported yes or no.  
13          So, I don't have the specifics behind the decision  
14          making for DOE there. In general, in order to be  
15          reported for Local Law 35, a tool has to meet three  
16          criteria of the definition. It has to be a drive  
17          from sophisticated data analytics including AI. It  
18          has to be involved in a decision making process for  
19          the agency and that decision making process has to  
20          have a material public impact. So, we do advise  
21          agencies that if a tool does not meet all three  
22          criteria, it is not obliged to be reported under  
23          Local Law 35.

24                 Again, I'm not speaking to the specifics of that  
25                 tool. I don't have the insight into the decision

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making there but we do always advise agencies how to understand the requirements of the law.

CHAIRPERSON GUTIÉRREZ: Okay but so in this particular instance, I guess how do you all ensure that what is being disclosed to you agency to agency is all of it?

ALEX FOARD: Hmm, hmm. So, there's really two things to consider. One is that as part of the reporting process, we do ask agencies to certify their compliance. So, when they submit their documents and their reporting, we do ask them to say this is what we have to report. The second component is that throughout the process over the multi-month period when we do kick off to agency submissions being due, we provide guidance and technical assistance to agencies. We meet with them and help them understand, how to understand the requirements of the law and to answer any questions that we can.

CHAIRPERSON GUTIÉRREZ: Okay but there's - and so there's no mechanism for you all to I guess after reporting or I guess does every agency have a different deadline for when they have to submit so that you all make that March deadline?

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COMMITTEE ON TECHNOLOGY

ALEX FOARD: Uh no. Well, all agencies are required to report to us by December 31<sup>st</sup> of the calendar year. That gives us until March 31<sup>st</sup> of the following year to collate, review, etc..

CHAIRPERSON GUTIÉRREZ: Okay but and in those three months, there's no - you're not double checking?

ALEX FOARD: We do often work with agencies to better understand the materials that they've submitted. It's again up to the agency to identify the tools that they have to report. That is their obligation under the law and we do ask them to certify the results to us.

CHAIRPERSON GUTIÉRREZ: Okay. Okay, well I will ask the DOE about these particular programs separately, sorry. Okay, okay, can I ask on okay are you - if I utilize another tool referenced in the Comptrollers Report, it's the qualified exterior wall inspector by DOB. Are you familiar with that particular tool? It was in the State Comptrollers Report. It's used to identify façade defects.

ALEX FOARD: I am familiar with the report but can't speak to the specifics of it.

1  
2 CHAIRPERSON GUTIÉRREZ: Okay, uhm, can you share  
3 why that one was not included in the report? My  
4 understanding is that your office did review and  
5 respond to that particular tool, but it was not  
6 published in the Local Law 35 report.

7 ALEX FOARD: So, I can't speak to the specifics  
8 for DOB's decision making about excluding or  
9 excluding, including or excluding any tool. Again,  
10 that's the agencies obligation is to make that  
11 determination. We in general will always advise  
12 agencies again to take a look at the criteria for  
13 Local Law 35. What needs to be included to meet  
14 those three criteria and we provide them with that  
15 guidance.

16 CHAIRPERSON GUTIÉRREZ: Okay, I guess just  
17 because you were in collaboration with the State  
18 Comptroller on the report, we pulled these two  
19 examples from there where they were deemed that they  
20 are in fact using AI tools. Just curious I guess  
21 what is the next steps for you all after this  
22 hearing? I'm saying, I would love to understand why  
23 wasn't the report not in the Comptrollers report and  
24 not in OTI's report. Is there something that happens  
25 now at OTI to go back to DOB and DOE to dig in a

1  
2 little bit more on whether or not these are  
3 actually meeting the criteria? If there was an  
4 issue, like what happens now?

5 ALEX FOARD: Sure we do sometimes have  
6 conversations with agencies where we sort of talk  
7 about what tools they may have. Again, provide  
8 guidance with them on whether or not something seems  
9 to meet the definition of Local Law 35. But  
10 ultimately at the end of the day it is always the  
11 agencies who are required by law to report the  
12 algorithmic tools that they've identified. So,  
13 that's their responsibility.

14 CHAIRPERSON GUTIÉRREZ: Okay but there's nothing  
15 that you all do after that disclosure is made? After  
16 they've said we've provided everything, there's  
17 nothing else that OTI can do to determine if that is  
18 actually 100 percent accurate?

19 ALEX FOARD: So, like I said, sometimes we do  
20 have backs and forths with agencies to better  
21 understand the submissions that they've done. But  
22 again, we ask agencies to certify that they are in  
23 compliance with the law. And so, we accept that  
24 certification.

1  
2 CHAIRPERSON GUTIÉRREZ: Okay, if I come to you  
3 and tell you, I strongly believe you all should kind  
4 of reengage on interaction with the agency because of  
5 some of these tools, is that something that you all  
6 can do?

7 ALEX FOARD: We are always happy to provide  
8 agencies with guidance on Local Law 35. We do that  
9 before. We do that after. So, any opportunity to  
10 work with them we will always take but ultimately at  
11 the end of the day, they need to be the ones who are  
12 identifying the tools that they have that meet that  
13 threshold and that need to be reported.

14 CHAIRPERSON GUTIÉRREZ: Okay, I mean DOE I'm less  
15 concerned about because they actively submit for  
16 Local Law 35. DOB as I see from the 2023 report has  
17 zero and this is something that the State Comptroller  
18 highlighted is why. I'm probably more concerned  
19 about ensuring that they are complying with Local Law  
20 35. So, I'm making that request.

21 ALEX FOARD: Happy to sort of go back to anything  
22 that we have and to take any additional conversations  
23 from there.

24 CHAIRPERSON GUTIÉRREZ: Thank you. Local Law 35  
25 requires listing a list of vendors that developed ADS

1 tools used by city agencies. In the reports,  
2 including in the 2022 report, a vendor in at least  
3 one or two occasion is identified as NA. Is that no  
4 answer?  
5

6 ALEX FOARD: So, NA could either mean that there  
7 was no response to that question or that it was not  
8 applicable. That's an example of where we're trying  
9 to include better standardization of response type  
10 so that we can make sure that there's no ambiguity  
11 about that. But as I mentioned earlier, there are  
12 instances where agencies may not be legally able to  
13 disclose a piece of information. I'm not saying  
14 it's just the vendor one, it could be a different  
15 piece of information about a tool that's governed by  
16 a different framework that governs the disclosure of  
17 that information and Local Law 35 does not ask  
18 agencies to violate any other legal obligations that  
19 they may have.

20 CHAIRPERSON GUTIÉRREZ: Okay, I can understand  
21 that. Are there instances where if it's created in  
22 house, that would read as NA or is it specifically -

23 ALEX FOARD: Right, that would possible. So,  
24 again we're building out I think you would call it  
25 more like a style guide to make sure that there's no



1  
2 ambiguity in that reporting. In previous years, it  
3 could have meant that there is either no vendor or  
4 maybe they didn't have information.

5 CHAIRPERSON GUTIÉRREZ: I think - so I think the  
6 reporting for DOI if I'm not mistaking where it said  
7 NA, I think it had that caveat but I think in other  
8 instances -

9 ALEX FOARD: Yeah, we're happy to take a look to  
10 make sure yeah that the information that's being  
11 reported is of as much value as it can be.

12 CHAIRPERSON GUTIÉRREZ: Thank you and my next  
13 question is related to PD reporting. According to  
14 reports, PD has been using facial recognition since  
15 2011. The report indicates that PD uses Data Works  
16 as a vendor for their facial recognition tool.  
17 However, there are many materials that show that NYPD  
18 also used open AI tools as well. Can you share why  
19 the report only identifies Data Works?

20 ALEX FOARD: I don't have any insight into the  
21 particulars of the tool or its vendors.

22 CHAIRPERSON GUTIÉRREZ: That's my second request.

23 ALEX FOARD: Happy to -

24 CHAIRPERSON GUTIÉRREZ: Please. It's just pretty  
25 public is all and so that's why I was very curious

1 about kind of what mechanisms you all have. I know  
2 it's not quality assurance but it's like that level  
3 of like we need to make sure that what we're  
4 publishing on our letter head is 100 percent accurate  
5 and then using open AI tools is very public.

6 I wanted to ask about the - it's another NYPD  
7 reporting of Shot Spotter. I don't know if you're  
8 familiar?

9 ALEX FOARD: I'm familiar.

10 CHAIRPERSON GUTIÉRREZ: And so it's a tool that  
11 they use to capture audio to identify gun shots and  
12 there are many reports including that of New York  
13 City Comptroller indicating that the tool is not  
14 working properly and nevertheless PD is up to renew  
15 their contract I think next month or this month. I  
16 think it's next month with Sound Thinking, whose the  
17 name of the vendor. Curious if you all - I guess  
18 when a particular tool has kind of this level of  
19 public attention about its efficacy. PD very  
20 recently put out a statement about - excuse me, they  
21 share the numbers of like whether or not it's  
22 actually doing its job. If you all examine that  
23 tool. Does OTI play a role in saying like, you  
24 submitted your data for the report for Local Law 35.  
25

1 Uhm, we would love for you to like look at your  
2 contract. I guess like does OTI play a role or is it  
3 just give me the information and we'll publish it?  
4 Kind of where is the communication? This is a tech,  
5 it's with PD but it is a tech related contract. So,  
6 what role does OTI play upon like learning of that  
7 information and the agencies future with that  
8 particular vendor with that tool?  
9

10 ALEX FOARD: Sure, that's a great question. I  
11 would say from the perspective of Local Law 35, Local  
12 Law 35's goal at the end of the day is transparency  
13 and essentially a sort of inventorying of how these  
14 tools are in use in city government. And so, what we  
15 do with that information is make that publicly  
16 available. We recently started publishing this on  
17 Open Data, so that's even more available but it is  
18 there to sort of represent what currently exists and  
19 what was used within that calendar year.

20 I don't have the specifics on the two tools that  
21 you mentioned but will say that in general, we're  
22 available to support agencies in a number of  
23 different ways. Again, sometimes that takes the form  
24 of more advisory work. In other cases, that's a  
25 little bit more prescriptive if it comes to things

1  
2 like some of the cyber security reviews etc., but in  
3 general we want to be able to be supportive of  
4 agencies where they need our assistance.

5 CHAIRPERSON GUTIÉRREZ: Okay thank you. I may  
6 have some more just related to that down the line.  
7 Okay and then on - so this is Council Member Powers's  
8 bill, yeah, oh yeah, okay no I apologize, sorry. I  
9 just wanted to ask on Intro. 199. Can you share how  
10 many employees from your office are working on Local  
11 Law 35 on the report?

12 ALEX FOARD: Sure, so we actually have a  
13 dedicated staff member whose focus is Local Law 35,  
14 our algorithms reporting manager.

15 CHAIRPERSON GUTIÉRREZ: She's a brave sole.

16 ALEX FOARD: Renata Gerecke, sitting here in the  
17 front row.

18 CHAIRPERSON GUTIÉRREZ: Thank you for your  
19 service.

20 ALEX FOARD: And then in addition, myself and  
21 Jiahao Chen who is our Director of AI and Machine  
22 Learning, oversee all of our AI work.

23 CHAIRPERSON GUTIÉRREZ: Okay and can you share  
24 how many of your uhm the OTI staff is working on AI  
25 principles and Action Plan?

2 ALEX FOARD: That's the same set of individuals.  
3 We do bring in additional expertise from within the  
4 agency to support in specific ways.

5 CHAIRPERSON GUTIÉRREZ: Okay. Okay uhm and then  
6 I know Council Member Holden had raised questions  
7 about just finally a complaint about ADS or AI use.  
8 Do you all have a mechanism to share with the public  
9 about how if a decision was made with AI or ADS?  
10 Like is there a mechanism to inform the public of  
11 like a decision was made using these tools for a  
12 decision making process?

13 ALEX FOARD: Yes so -

14 CHAIRPERSON GUTIÉRREZ: Some are more explicit.  
15 Some are more public than others.

16 ALEX FOARD: Hmm, hmm. Yeah, so there's two  
17 levels to think about that. At the higher level,  
18 that's again what Local Law 35 accomplishes by  
19 putting out there what the multitude of tools are  
20 that are involved in a decision making process. So,  
21 that's a sort of like aggregate level right?

22 CHAIRPERSON GUTIÉRREZ: Yes but we have to wait  
23 till the spring.

24 ALEX FOARD: Yes, it does take a while to put  
25 together the report for agencies.

1  
2 CHAIRPERSON GUTIÉRREZ: You're thinking real  
3 time?

4 ALEX FOARD: So then on the more individual  
5 level, again that's going to be something that is  
6 also tied into what existing agency policies or  
7 processes are there. So, some of these tools are  
8 used and you know have been used for a long time and  
9 maybe built into existing agency business processes.  
10 And so, you know there isn't a unified portal for  
11 these things because they may not be the right tact  
12 to be able to enable New Yorkers to better engage  
13 with their outcomes.

14 CHAIRPERSON GUTIÉRREZ: Is there and I'm sorry if  
15 I missed this in the Action Plan but is there  
16 something covered in the Action Plan where as part of  
17 guidance, agencies are required, encouraged, uhm but  
18 to notify New Yorkers specifically public facing? I  
19 know that there are some - there are some decision  
20 making based on the reports that is not necessarily  
21 public facing or you know creating decisions or  
22 matching right away but is there something in the  
23 Action Plan already that exists in those instances  
24 where a New Yorker can understand what I submitted  
25

1  
2 and the decision that I have now in my email is  
3 based off of a tool is based off of ADS.

4 ALEX FOARD: Right, so there's definitely not a  
5 one size fits all approach to what we would recommend  
6 for that. I think what we've done is built that idea  
7 of transparency, notification. That's built into our  
8 principles document under the transparency section.  
9 So, giving agencies an idea of what it means to be  
10 transparent about those tools. Also part of our  
11 generative AI preliminary use guidance, where we also  
12 talk about you know notification, public notice etc..  
13 So, it's less around building a singular process and  
14 more about making sure that we are instilling the  
15 values of transparency and accountability within city  
16 use, citywide.

17 CHAIRPERSON GUTIÉRREZ: No and I understand that.  
18 I totally understand that. I think the DOE is one of  
19 those examples where the high school process right.  
20 You understand. I think most New Yorkers understand  
21 that there is a process. There is you know the  
22 specific lottery system. I forget the name of the  
23 process, the selection process but there's You Tube  
24 videos on it. Like we understand if you're a high  
25 school student and you're trying to get into one of

1  
2 these like select high schools, that this is the  
3 exact decision making process that was utilized.  
4 But then I think there are other instances again  
5 reflected in the report uhm where agencies like PD  
6 for example are utilizing a tool as like to prevent  
7 crime or detect crime and I think those are  
8 instances where if you are on some kind of a  
9 database, I believe that you should be informed  
10 right? Like, here's an example of DOE, your  
11 applying so I'm aware that there's a process. I am  
12 voluntarily giving you that information to be a part  
13 of this bigger process, the decision making process  
14 but with PD, it sounds like or it is the fact that  
15 there's no - you're not volunteering information,  
16 photographs may be being used of you with our  
17 without your cognizance for the purpose of like  
18 crime prevention. And so, I get it's not one size  
19 fits all but I think that there should be an effort  
20 to say, if you are a New Yorker and your face, your  
21 image, your name, your likeness, your personal  
22 information is being utilized for a tool that we're  
23 reporting that you know that. That is my belief and  
24 what I'm asking is if that is something that you all  
25 are looking at in the Action Plan with



1                   some of these agencies that I think are not as - who  
2  
3 do not necessarily share those principles.

4           ALEX FOARD: Yeah, I think that does get down to  
5 what I said, what we've built out so far. Thinking  
6 about that and vetting that in the principles to make  
7 it clear that these sorts of activities where they're  
8 possible and in the right format can go a long way to  
9 and generating trust that residents have with city  
10 agencies using AI.

11           Like you said, it isn't going to be one size fits  
12 all because it has to be dynamically responsive to  
13 the individual technology. What it's being used for.  
14 Whether or not it can even provide that sort of like  
15 individual level notification. So, it's going to be  
16 a complicated picture but our goal with the  
17 principles is to make sure that agencies are  
18 understanding the value of transparency. And over  
19 time to help them come up with ways of doing that  
20 that are responsive to both the demand and the need,  
21 as well as the structural limitations that they may  
22 have.

23           CHAIRPERSON GUTIÉRREZ: Okay, thank you. I think  
24 that's all wrapped up. Thank you so much. I'm all  
25 wrapped up for questions. Let me just make sure I

1 read this correctly. Okay, I now open the hearing  
2 for public testimony. I remind members of the public  
3 that this is a formal government proceeding and that  
4 decorum shall be observed at all times. As such,  
5 members of the public shall remain silent at all  
6 times. The witness table is reserved for people who  
7 wish to testify. No video recording or photography  
8 is allowed from the witness table. Further, members  
9 of the public may not present audio or video  
10 recordings as testimony but may submit transcripts of  
11 such recordings to the Sergeant at Arms for inclusion  
12 in the hearing record.  
13

14 If you wish to speak at today's hearing, please  
15 fill out an appearance card with the Sergeant at Arms  
16 and wait to be recognized. When recognized, you will  
17 have three minutes to speak on today's hearing topics  
18 on the use of ADS and AI by New York City agencies  
19 Intro.'s 199, 926, 1024 and 1099. If you have a  
20 written statement or additional written testimony you  
21 wish to submit for the record, please provide a copy  
22 of that testimony to the Sergeant at Arms. You may  
23 also email written testimony to  
24 [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov) within 72 hours of this  
25

1 hearing. Audio and video recordings will not be  
2 accepted.  
3

4 Now, I would like to welcome our first panel. We  
5 have Dario Maestro from STOP and Bryan Lozano of  
6 Tech NYC. You can start when you're ready and  
7 whoever can start.

8 BRYAN LOZANO: Good afternoon Chair Gutiérrez. I  
9 am Bryan Lozano, the Director of the Tech NYC  
10 Foundation. We recently launched a project called  
11 Decoded Futures, which helps nonprofits to adopt AI  
12 technologies and better serve their communities. We  
13 provide AI training sessions, hands on learning and  
14 office hours to help nonprofits develop AI literacy  
15 and integrate AI solutions into their operations.  
16 AI is being invested in unprecedented levels by both  
17 start ups and Fortune 500 companies in New York. We  
18 encourage city agencies looking for new technology  
19 solutions to partner with companies developing AI  
20 tools and support a local tech workforce.

21 New York City's regulations on AI began with  
22 Local Law 49 of 2018, which established a taskforce  
23 to make recommendations on automated decision making  
24 systems. The taskforce informed protocols that were  
25 incorporated in Local Law 35 in 2022, which requires

1  
2 the Mayor's Office to report on algorithmic tools  
3 used by the city.

4 As reviewed by this taskforce and written into  
5 law, the definition of algorithmic or automation  
6 decision making tools is crucial in ensuring that  
7 unsophisticated tools that do not result in decision  
8 making are left out of these regulations. Training  
9 city employees on using AI and the transparency of  
10 AI tools is crucial to their success. New York City  
11 released its AI Action Plan in 2023, which resulted  
12 in the city's guidance on AI usage and principles  
13 for responsible use of AI. This guidance should be  
14 regularly updated as the city learns from its use of  
15 AI as the technology progresses.

16 We also do not recommend banning any specific AI  
17 use cases. We recommend instead that the city  
18 regulates and monitor AI based on its risk level.  
19 It is important for New York City residents to have  
20 insight as to when AI tools are being used by  
21 agencies and for that reason, Tech NYC supports  
22 Introduction 1024. At the same time, we do not  
23 recommend overregulating the city's use of AI tools  
24 to the point at which companies providing the  
25 technology will no longer want to work with the city.

1 Thank you for your consideration.

2 DARIO MAESTRO: Good afternoon Chair Gutiérrez  
3 and members of the Committee on Technology. Thank  
4 you for the opportunity to testify before you today  
5 on this critical legislative package.  
6

7 My name is Dario Maestro. I am the Senior Legal  
8 Fellow at the Surveillance Technology Oversight  
9 Project or STOP. We are a New York-based civil  
10 rights group, committed to fighting privacy  
11 violations and the discrimination biases, sometimes  
12 embedded in new technologies, especially artificial  
13 intelligence and automated decision systems.

14 In our work, we have witnessed firsthand how  
15 these technologies can harm already marginalized  
16 communities by reinforcing existing patterns of  
17 discrimination, whether by race, gender, or socio-  
18 economic status.

19 That is why we welcome the Introduction of a trio  
20 of the bills included in today's agenda.  
21 Specifically Intro.'s 199, 926, and 1024. These  
22 bills represent a much-needed legislative push toward  
23 oversight and accountability in the city's use of AI,  
24 as it has been already much discussed during today's  
25 hearing.

1  
2           However, despite their strong foundation, they  
3 would benefit from targeted amendments to become  
4 genuinely effective. Today, I am going to discuss  
5 each bill offering a specific recommendation on each  
6 one. First, Intro. 926, calls for defining best  
7 practices in the use of AI tools by city agencies.  
8 However, we think it falls short by failing to  
9 specify what standards and minimum standards for what  
10 these tools should need or what uhm AI audits and  
11 regularized reviews should be testing for. Without  
12 standardized audit criteria, we cannot determine how  
13 and to what extent these system perpetrate bias.

14           At STOP we have conducted extensive research on  
15 AI audits and we'd be happy to collaborate with the  
16 Council in your offices to help develop these  
17 necessary rules. Further, until these standards are  
18 met and set by either legislation or city agencies,  
19 we recommend establishing a temporary moratorium on  
20 AI use in sensitive areas like housing, employment,  
21 law enforcement and social services.

22           Now turning to Intro. 199, this bill seeks to  
23 establish an Office of Algorithmic Data Integrity.  
24 But as it stands, it only gives this office an  
25 advisory role. We believe real enforcement authority

1 should also be needed for this office to be  
2 effective. Specifically, it should have the ability  
3 to investigate, penalize and enforce corrective  
4 measures to act both against a tool that is found to  
5 be biased or harmful or when agencies fail to comply.  
6 The ability to subpoena, the ability to test a code  
7 for biases would also be welcomed.  
8

9 Finally, Intro. 1024 mandates a centralized list  
10 of AI tools approved for city use, This adds  
11 transparency - thank you, I appreciate that.

12 Uhm, this adds transparency as I was saying but  
13 without a clear public approval process to ensure  
14 that only the safe and biased tools make it onto that  
15 list, we would have a situation where the Mayoral  
16 Administration could simply rubber stamp any tool it  
17 desires and make into a list. Just to wrap up, we  
18 believe that it's properly amended and when combined,  
19 this package of legislation could form a powerful and  
20 meaningful tool in combating AI biases.

21 Intro. 926 can set the rigorous standards that  
22 city agencies can follow in their AI use. 1024 would  
23 then function as a guardian, only allowing those  
24 tools that meet these standards to be used and 199  
25 would create the enforcement body that would make

1  
2 sure that AI systems comply with the standards of  
3 926 and the approval process of 1024.

4 CHAIRPERSON GUTIÉRREZ: Thank you.

5 DARIO MAESTRO: We at STOP are ready to work with  
6 your offices and the Council to develop these  
7 important amendments and secure the strongest  
8 possible safeguards for all New Yorkers.

9 CHAIRPERSON GUTIÉRREZ: Thank you.

10 DARIO MAESTRO: Thank you for the opportunity to  
11 testify.

12 CHAIRPERSON GUTIÉRREZ: Thank you. I have a  
13 couple questions. Bryan, thank you for testifying.  
14 Just a question over what kind of tools or what kind  
15 of reporting do you think certain tech companies -  
16 like where is it exhaustive? I know you kind of  
17 concluded like uhm where too much regulation right  
18 would discourage and I think that certainly is like  
19 the spirit of so many of these bills is more on  
20 government transparency and just openness. And so,  
21 just curious kind of what can you share and what are  
22 some of these tech companies thresholds. I mean,  
23 it's very public, if they become a vendor with the  
24 city, we've got Local Law 35. I'm here asking for  
25 more information. I want to understand the value of



1  
2 these contracts. I want these contracts. I want  
3 these tools to be assessed and so, where do you  
4 believe the threshold is for some of these tech  
5 companies? Is it on reporting or where is it  
6 specifically?

7 BRYAN LOZANO: Thank you for the question Council  
8 Member. I think we don't have a formal framework  
9 that I can really give you immediately but I think  
10 this is something that we can probably get back with  
11 our members and get some feedback on and get back to  
12 you. I know that with Local Law 35, I think one of  
13 our biggest things is you know not over regulating  
14 and I think we can probably provide you with a  
15 little bit more definition around that but currently  
16 we don't have - I don't have it right off but I can  
17 work with our team and get you that information.

18 CHAIRPERSON GUTIÉRREZ: Thank you and I look  
19 forward to that but is there a sentiment that Local  
20 Law 35 is doing some sort of over regulating?

21 BRYAN LOZANO: No, no, sorry I didn't mean that.  
22 It was more of a -

23 CHAIRPERSON GUTIÉRREZ: It's very minimal  
24 reporting.

1  
2 BRYAN LOZANO: I was going to really just say  
3 that I think with Local Law 35, there are principles  
4 and frameworks that have already been created by the  
5 city and I think for us it's just making sure that  
6 moving forward, anything doesn't really over regulate  
7 beyond - like from there if that makes sense.

8 CHAIRPERSON GUTIÉRREZ: Yeah and I think there's  
9 uhm and thank you. I think there's also a benefit to  
10 demanding more, requiring more information. There's  
11 an obvious benefit to me and having an agency like  
12 OTI serve as the agency that's assessing the use of  
13 these tools. That their role be more than just  
14 retrieving and printing and I think we cannot - we  
15 cannot feel safe in assuming that every agency will  
16 do that on their own accord or that they will read  
17 the Action Plan, follow the guidance and do that on  
18 their own accord. I really do think that there needs  
19 to be an enforcement mechanism, which as we heard  
20 today doesn't exist. It's likely not in the plans  
21 under this administration. So, but there is a  
22 benefit especially in this climate when you're  
23 ensuring to New Yorkers that we're keeping up with  
24 the Jone's here. We just want agencies to do it  
25 responsibly and we're going to communicate to every

1  
2 New Yorker how we're doing that and the benefit that  
3 they're getting if any or the impact.

4 BRYAN LOZANO: Yeah, I mean I agree with you.

5 CHAIRPERSON GUTIÉRREZ: So we need tech companies  
6 to be down.

7 BRYAN LOZANO: I will get back to you in terms of  
8 you know what our members say and give you a little  
9 more detail on that.

10 CHAIRPERSON GUTIÉRREZ: Thank you. Give my best  
11 to everyone at Tech NYC. Thank you. Dario, I have a  
12 question for you. Thank you so much for your  
13 testimony and I know you didn't get to read it word  
14 for word but I have it here and we'll certainly be  
15 engaging with you with STOP on some of these  
16 recommendations.

17 I agree with you on the recommendation for the  
18 Office of Algorithmic Data serving more than just an  
19 advisory role. I don't know you were here the whole  
20 time. I don't know what you gather from testimony  
21 from OTI of kind of like where they feel their role  
22 is. What was said today versus like what I read in  
23 Executive Order Three. So, just curious kind of  
24 where you think or what that pathway looks like  
25 because we do need something with way more teeth.

1  
2 The Office of Data in other cities and other states  
3 have more of a role. And so, just curious kind of  
4 what you think with this versus their Action Plan.

5 DARIO MAESTRO: Thank you for the question and  
6 that's very pertinent to the testimony that we heard  
7 earlier from OTI. In fact, one of our concerns of  
8 926 was that the bill relies too much on OTI given  
9 the somewhat erratic record the office has  
10 implementing Local Laws and regulations specifically  
11 on AI systems, as we have heard today.

12 So, we generally support the creation of the  
13 Office of Algorithmic Data Integrity. We recognize  
14 that there might be an overlap of functions that  
15 might need to be sorted out between the offices and  
16 that establishing a new office within New York City  
17 government might take time. However, we think it's a  
18 great opportunity to rethink what enforcement looks  
19 in regulating these new technologies and that's why  
20 the introduction of this bill and perhaps a target to  
21 the amendment that would give it the enforcement  
22 teeth that we were talking about earlier with the  
23 ability to examine the code and take corrective  
24 action against tools that have been developed by  
25 vendors and are not driving the desired results used

1  
2 by city agencies. Or like we heard earlier, there  
3 was a tool that was implemented and was giving false  
4 information, completely invested, yeah information  
5 to the residents of New York. What we want to avoid  
6 is that and this office would be the perfect  
7 opportunity to start giving the New York City  
8 government the tools it needs to check with the  
9 vendors and make sure that we're delivering the  
10 results that we need.

11 CHAIRPERSON GUTIÉRREZ: Thank you. Thank you  
12 both so much for your testimony and for sticking it  
13 out. I'll call the next panel up. We have  
14 ~~Christopher Leon Johnson and Lila De Lucca.~~ De Lucca. Sure,

15 CHRISTOPHER LEON JOHNSON: Take your time. Take  
16 your time. Please, take your time. Ready?

17 CHAIRPERSON GUTIÉRREZ: Yeah.

18 CHRISTOPHER LEON JOHNSON: Hey, hello, good  
19 afternoon. My name is Christopher Leon Johnson and  
20 by the way, Jennifer happy, congratulations on your  
21 pregnancy. Congratulations, I mean paternal health  
22 month right, we're still in it? I think so, right?  
23 But congratulations on your pregnancy by the way.

24 Alright, so I'm going to speak on behalf of  
25 artificial intelligence in city agencies. I'm really

1  
2 - look I know this is going to go through, all these  
3 bills but we need to do more testing about artificial  
4 technology because look, AI is flawed. If you ever  
5 use Rock, anybody on Twitter or X use Rock. There's  
6 a lot of discrepancies with Rock. There's a lot of  
7 discrepancies with Meta AI. If you've ever used Meta  
8 AI, there's a lot of discrepancies and I mean, like  
9 we need to do more tests about this. Do more tests  
10 guys. We need more tests about AI in city agencies  
11 because this can help people but at the same time it  
12 could hurt a lot of people too if you don't use it  
13 correctly. Because remember we're all human beings  
14 here and we can never have, we can never let  
15 technology decide our lives and decide who gets what  
16 and who doesn't get what because it could always mess  
17 up and I think very soon that it's going to bite  
18 everybody in the butt and there's going to be  
19 lawsuits. The city is going to be in a big lawsuit  
20 because of uhm artificial intelligence. Uhm, like I  
21 said, we need to do more tests about this before we  
22 hit them with this stuff. The public input is really  
23 needed. We need more public input in all five  
24 boroughs, especially the inner districts because they  
25 need to be more educated about artificial

1 intelligence because they don't know. I mean, I  
2 know all the rest of the communities know about AI  
3 but the in poverty communities don't know about  
4 artificial intelligence and like automated systems  
5 and Chat GPT and Chatbot and Meta AI and what is it  
6 Rock. If you want Twitter X, pay \$8 a month you can  
7 go on Rock okay. They don't know anything about  
8 this and what's going on is they if you try to apply  
9 for a job, they use this stuff to know about people  
10 instead of Google search. So, and one more thing  
11 is look, we have to start pushing for more AI  
12 candidates for office. We need to have uh, I know  
13 it's kind of a dystopian but we need to add two  
14 positions in the City Council for Artificial  
15 Intelligence candidates. We need AI elected  
16 officials too. We need AI elected officials like to  
17 represent people, represent the whole city. That's  
18 all I got to say and uhm, yeah, that's all I got to  
19 say in here and congratulations on your pregnancy  
20 alright.

22 CHAIRPERSON GUTIÉRREZ: Thank you. Thank you. I  
23 just want to say that some of these bills aim to  
24 create more transparency and more reporting and OTI  
25 was in opposition to all the bills today.

1  
2 CHRISTOPHER LEON JOHNSON: Yeah, alright no  
3 problem but we need more transparency.

4 CHAIRPERSON GUTIÉRREZ: No absolutely. Agreed,  
5 agreed, that's the purpose of the bills.

6 CHAIRPERSON LEON JOHNSON: Yeah, I got to go to  
7 the Labor Hearing. Alright, thank you. Thank you.

8 CHAIRPERSON GUTIÉRREZ: Thank you and then I have  
9 Ms. De Lucca right, Liliana?

10 LILIANA DE LUCCA: Yes.

11 CHAIRPERSON GUTIÉRREZ: And you could just turn  
12 the mic on. If the light is red, it's on.

13 LILIANA DE LUCCA: Okay thank you. Yes, I'm a  
14 member of a group of victims of high level technology  
15 in New York City, New York State and New Jersey.  
16 These technologies have caused in many of us to be  
17 diagnosed with brain lesions. As the Havana  
18 Syndrome, brain lesions against the neurological  
19 system and the brain. And we're getting together to  
20 inform the State of New York and the City of New York  
21 about these advance that are very tragic. Uh we have  
22 victims groups throughout the United States of these  
23 technologies and there are about 400,000 victims of  
24 brain lesions from these technologies in the United  
25 States.



1                   In the State of California, for instance, they  
2  
3                   passed the neuro rights laws to protect the  
4                   neurological system and brain of people and the State  
5                   of Colorado as well. And questionnaires in our  
6                   victims groups throughout the years have shown that  
7                   the guinea pigs used for these experiments are women  
8                   over 60 and 70 years old who live alone as widows,  
9                   separated, divorced, or single. And they're using us  
10                  for experimentation with the brain and neurological  
11                  system by sending these technologies around the clock  
12                  to our bodies and brains. And among the people  
13                  experimenting with these technologies are military  
14                  organizations and also law enforcement. And that  
15                  United Nations where I worked for 25 years has  
16                  protected the victims with the reports of cyber  
17                  torture that are committed against victims with  
18                  technology and recently, the special [INAUDIBLE  
19                  02:04:56] last year of the United Nations issued an  
20                  annual report to the General Assembly about the  
21                  production trade and use of weapons by uhm law  
22                  enforcement to torture people. So, the UN is very  
23                  well aware of that and I have been slandered by my  
24                  persecutors who are covering up these crimes against  
25                  humanity with a fabrication that they created about

1  
2 my employment in the United Nations that ended  
3 properly in 2007. This is 16 years ago.

4 CHAIRPERSON GUTIÉRREZ: Ms. De Lucca, I'm sorry  
5 to interrupt. Do you have any position on any of the  
6 legislation that we heard today?

7 LILIANA DE LUCCA: Yes, that I support what  
8 Member Paladino said. I support what Dario said.

9 CHAIRPERSON GUTIÉRREZ: Okay.

10 LILIANA DE LUCCA: I think that this is very  
11 harmful because people are getting brain lesions.

12 CHAIRPERSON GUTIÉRREZ: Thank you.

13 LILIANA DE LUCCA: And we have a package of  
14 information to bring to the Council Members. We  
15 would like to get your mailing address, phone and  
16 email address.

17 CHAIRPERSON GUTIÉRREZ: We can share it with you.  
18 I shared it at the beginning of the hearing. It  
19 could be shared to [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov). We can  
20 write it down for you.

21 LILIANA DE LUCCA: Excellent.

22 CHAIRPERSON GUTIÉRREZ: Thank you.

23 LILIANA DE LUCCA: Because -

24 CHAIRPERSON GUTIÉRREZ: I have to move on to the  
25 next panel Ms. De Lucca, I'm so sorry.

1  
2 LILIANA DE LUCCA: I finish. We have a letter to  
3 all the authorities that want to know about these,  
4 the consequences of these experiments, human  
5 trafficking people especially older women. We have a  
6 press release.

7 CHAIRPERSON GUTIÉRREZ: Okay.

8 LILIANA DE LUCCA: And we have links supporting  
9 from the government. Information from the government  
10 about this.

11 CHAIRPERSON GUTIÉRREZ: Got it, okay. Thank you.  
12 I will give you the - we'll write it for you so you  
13 can email it. Thank you so much for testifying Ms.  
14 De Lucca. Oh, he's got it for you. Thank you.

15 And now, I want to turn to our witnesses joining  
16 us via Zoom. The next panel we have is Daniel  
17 Schwartz and Theo Chino, and if we could start with  
18 Daniel if they're here.

19 SERGEANT AT ARMS: You may begin.

20 CHAIRPERSON GUTIÉRREZ: Daniel?

21 SERGEANT AT ARMS: We see you. You may begin.

22 DANIEL SCHWARTZ: I'm sorry, my laptop just  
23 exited out. Thank you very much. My name is Daniel  
24 Schwartz and I'm testifying on behalf of the New York  
25 Civil Liberties Union. The legislative items in

1 front of the Committee Intro.'s 199, 926, 1024 and  
2 1099 laudably attempt to tackle the issues and harms  
3 arising from government use of AI. Unfortunately,  
4 these bills would not create the necessary  
5 protections and fail to deliver on their stated  
6 goals. There is entrenching ineffective regulation  
7 by lacking peer requirements and sufficient  
8 coverage. The NYCLU therefore opposes Intro.'s 199,  
9 926, and 1024 in the current form and we offer  
10 detailed recommendations in our written testimony  
11 and we'll be happy to work with the offices involved  
12 in the legislation.  
13

14 The New York City Council must act to provide  
15 transparency and accountability to ADS and ensure  
16 they do not digitally circumvent New York loss  
17 against discrimination. Any regulation must cover  
18 ADS broadly, mandate comprehensive and impartial  
19 impact assessments that assess the ability of the  
20 tools, the potential for this impact on any  
21 protective class, the impact on accessibility for  
22 people with disabilities and potential remedies to  
23 address those impacts.

24 It must require transparency and clear notice to  
25 effected people. Provide opportunities to contest

1  
2 the result of such tools as well as viable paths to  
3 request reasonable accommodations and mandates clear  
4 prohibitions of tools that violate loss, threaten  
5 welfare or have discriminatory impact.

6 New Yorkers should be fully informed about when  
7 and how algorithms are making decisions impacting  
8 their lives. They should be able to trust the  
9 systems are accurate and they should have proof that  
10 the demographics don't lead to disparate outcomes.  
11 To achieve these goals, we provide the Fairness Act,  
12 the [02:09:24] Technology Act and the New York  
13 Department of Financial Services AI circular letter  
14 as exemplary frameworks for consideration by the  
15 Council, as it engages further on issues related to  
16 AI and ADS.

17 The NYCLU thanks the Committee for the  
18 opportunity to provide testimony and for recognizing  
19 the need for oversight for the use of AI and ADS by  
20 government agencies. Thank you very much.

21 CHAIRPERSON GUTIÉRREZ: Thank you Daniel. Theo  
22 Chino.

23 SERGEANT AT ARMS: Begin.

24 THEO CHINO: Yes, thank you. Thank you for  
25 inviting in this late hour. My name is Theo Chino,

1  
2 and I serve as the First Secretary of the Social  
3 Democrats of America, also known internationally as  
4 the Committee of the Second Socialist International.  
5 We are the socialist faction within the Democratic  
6 Party.

7 The Automated Decision Systems and Artificial  
8 Intelligence laws need to include the Commission on  
9 Public Information and Communication, which is led  
10 by the Office of the Public Advocate. The  
11 Commission on Public Information and Communication  
12 has not met in 3,141 days, which is approximately 8  
13 years.

14 I am testifying today to emphasize that Automated  
15 Decision Systems and Artificial Intelligence rules  
16 must always include oversight by a human with an  
17 adequately high threshold of intelligence quotient.  
18 The oversight of Artificial Intelligence will  
19 inevitably become a repetitive task. Model language  
20 can be dangerous if it is not developed with  
21 comprehensive community input. We hope the law will  
22 mandate that city agencies disclose the specific  
23 model languages they use. And if the Model Language  
24 can't be disclosed by the vendor, their tool should  
25 not be used in New York City.

1  
2 As mentioned by Councilwoman Gutiérrez earlier,  
3 the law needs to include hard retention deadlines,  
4 citizen notification on being in a database, and  
5 other action that put the citizen at the center of  
6 the discussion.

7 We believe that the Public Advocate's Commission  
8 on Public Information and Communication is a very  
9 good, elected body if only it would meet. Outreach  
10 for public engagement, particularly to Community  
11 Boards, has been lacking. For example, there is a  
12 longstanding hacker group called 2600 that has been  
13 meeting since the 1980 at the Citigroup Center on  
14 every first Friday of each month. The government of  
15 Germany includes their local computer hacker groups  
16 in decision making. Why isn't New York City engaging  
17 with these types of activists?

18 In term of Politics, SDA meets once a month in a  
19 local atrium and our event can be found on  
20 <https://socialists.us/events>. Anyone is welcome to  
21 join. The Social Democrats of America have launched  
22 the "Rep My Block" program to educate citizens about  
23 partisan politics, where we can discuss and  
24 brainstorm on this idea with the local community.

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2           So anyway, to educate we've sponsored the  
3 documentary county which is available on PBS. I am  
4 available to answer any questions you may have.  
5 Thank you very much for the time.

6           CHAIRPERSON GUTIÉRREZ: Thank you both. Can I  
7 just ask uhm if your testimonies were submitted  
8 online? I know Daniel - both Daniel and Theo had  
9 some recommendations, we just want to make sure we  
10 capture it.

11          THEO CHINO: Yes, I have done it online. I have  
12 submitted online.

13          CHAIRPERSON GUTIÉRREZ: Excellent.

14          THEO CHINO: And we will - once we meet with our  
15 group, we'll submit more details on each of the  
16 different Introductions but we haven't yet met since  
17 we read them.

18          CHAIRPERSON GUTIÉRREZ: Okay, okay excellent and  
19 then Daniel, I know you had some recommendations as  
20 well. Did you submit it yet or can you within the  
21 next couple days?

22          DANIEL SCHWARTZ: Yes, I will do so. We will  
23 probably submit and send your team an email with the  
24 attached written testimony. Thank you.



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COMMITTEE ON TECHNOLOGY

121

CHAIRPERSON GUTIÉRREZ: Excellent, looking forward to both and thank you so much for sticking around and testifying. That concludes our last, our final panel. If we have inadvertently missed anyone who is registered to testify today and has yet to be called, please use the Zoom hand function or raise your hand here and you'll be called in the order that your hand was raised. Okay, well thank you once again everyone for your testimony today. The hearing is now adjourned. [GAVEL]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date November 9, 2024