CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TECHNOLOGY

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November 13, 2020
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HELD AT: REMOTE HEARING

B E F O R E: Robert F. Holden,
Chairperson

COUNCIL MEMBERS:
Costa G. Constantinides
Peter A. Koo
Brad S. Lander
Eric A. Ulrich
Paul A. Vallone
Kalman Yeger

A P P E A R A N C E S

John Paul Farmer
New York City Chief Technology Officer

Jeff Thamkittikasem
Director of the Mayor's Office of Operation

Brittny Saunders
Deputy Commissioner of New York City Commission
on Human Rights

Gale Brewer
Manhattan Borough President

Athena Karp
New York City based and headquartered small
business owner as well as the Certified Women's
Business Enterprise

Dr. Frida Polli
CEO and Cofounder of pymetrics

Dr. Rumman Chowdhury
CEO and Founder of Parity and Enterprise Ethical
AI Audit Company

Professor Julia Stoyanovich
Holds a PhD in Computer Science from Columbia
University

Professor Mark MacCarthy
Senior Fellow at the Institute for Technology,
Law and Policy at Georgetown

Professor Donald Tomaskovic-Devey
Director of the Center for Employment Equity at
the University of Massachusetts

A P P E A R A N C E S (CONT.)

Steven Kuyan
Tandon School of Engineering

Daniel Schwarz
On behalf of the New York Civil Liberties Union

Christopher Boyle
Director of Data Research and Policy at New York
County Defender Services

Albert Fox Cahn
Founder and Executive Director of the
Surveillance Technology Oversight Project

Dr. Sarah Myers West
Post-doctoral Researcher at the AI Now Institute

Alene Rhea
Graduate student at the NYU Center for Data
Science

Kelsey Markey
Master's student at New York University studying
data science in AI

Lauren D'Arinzo
Master's student at New York University where I
study data science and AI

Reverend Kirsten John Foy
President and CEO of the Arc of Justice

Arva Rice
President and CEO of the New York Urban League

Andrew Hamilton
President of the National Black MBA Association
Metro New York Chapter

A P P E A R A N C E S (CONT.)

Ludovic Righetti
Professor in Electrical and Computer Engineering
and of mechanical Aerospace Engineering at New
York University

Manish Raghavan
Researcher at Cornell University

Ron Edwards
Retired from the Federal Government

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2   SERGEANT MARTINEZ: PC recording underway.

3   SERGEANT AT ARMS: Cloud recording started.

4   SERGEANT AT ARMS: Back up is started.

5   SERGEANT AT ARMS: Once the livestream comes up,

6   Martinez, if you can give us the opening.

7   SERGEANT MARTINEZ: Good afternoon and welcome to

8   today's Remote New York City Council Hearing of the

9   Committee on Technology. At this time, would all

10   panelists please turn on their video. To minimize

11   disruption, please place electronic devices on

12   vibrate or to silent mode. If you wish to submit

13   testimony, you may do so at

14   testimony@council.nyc.gov, once again, that's

15   testimony@council.nyc.gov. Thank you for your

16   cooperation. Mr. Chair we are ready to begin.

17   CHAIRPERSON HOLDEN: Thank you. [GAVEL] Good

18   afternoon, I am Council Member Holden, Chair of the

19   Committee on Technology and I want to welcome

20   everyone to our hearing.

21   Today, we will focus on the ethical implications

22   of using Artificial Intelligence or AI and automated

23   Decision Systems or ADS and how to best use such

24   systems to promote fairness, transparency and expand

25   opportunity.

The Committee will also hear Intro. Number 1894

in relation to the sale of automated employment

decision tools. The Committee expects to receive

testimony from Jeff Thamkittikasem, sorry Jeff,

Director of the Mayor's Office of Operations, Brittny

Saunders Deputy Commissioner of the New York City

Human Rights Commission, John Paul Farmer Chief

Technology Officer of the City of New York as well as

advocates, academia industries and other interested

members of the public.

Today, break through is using AI and big data

allow ADS's to make many decisions like, who gets a

loan, who gets a job, who gets a promotions, what

stocks to buy and more and use of ADS; however, is

not limited to the private sector. ADS's are making

their way to many areas from criminal justice and

education to public safety and beyond.

For instance, city agencies use algorism to

assist officials in predicting where crimes may

occur, placing students in public schools and

scheduling building inspections and other operations.

The New York City Administration of Children Services

has been using a software that helps strengthen

investigations of possible child abuse and neglect by

automatically identifying and flagging high risk

cases that need additional review by managerial

staff.

The New York City Department of Education has

been using a school assignment algorithm to assign

students to schools. The New York City Fire

Department has been using the risk based inspection

system, an oracle based program with data mining

capabilities to better anticipate where fires may

occur by organizing data from five city agencies and

the New York City Department of Housing Preservation

and Development has an initiative to use specific

predictive analytics to identify at risk buildings

that endanger the health and safety of residents.

So, you know, terms such as machine learning,

algorithms and big data are often associated with

fair calculated and unbiased decision making.

However, we are continuing learning from research and

lawsuits that this notion often does not hold and

that algorithm decisions can at times produce bias

and discriminatory outcomes.

This is especially worrisome when considering how

AI and ADS's are rapidly expanding in our society.

For instance, in 2017, Korea built a survey, found

that 55 percent of U.S. human resources managers

said, artificial intelligence would be a regular part

of their work within the next five years.

Now, just three years later, with more employees

working remotely during this COVID-19 pandemic, the

use of automated decision hiring tools is more

pronounced than ever. Platforms like Zoom and

Microsoft teams are used for conducting virtual job

interviews as we know. Employers are using these AI

technologies to scan resume's for key words, access

candidates, public profiles for indicators of certain

personality traits and scan video interviews to

evaluate the candidates behavior and mannerisms.

There are many examples on how artificial

intelligent systems, even when well intentioned, may

adversely affect individuals. For instance, in

February 2020, a study by Google AI researchers,

tried to give disadvantaged groups easier access to

loans. However, it ended up reducing their credit

scores which is you know, hard to believe but this is

the dangers here.

Amazon created an automated hiring tool that they

had to discard because it learned to discriminate

against female candidates in favor of male

candidates. So, you see, there is a problem. Data

scientists are also facing problems in quantifying

fairness in these systems because of how complex it

is. So, automated decision systems should not

disproportionately impact people based on age, race,

religion, gender, disability and more.

     Therefore, without transparency and a close

examination of such systems, the benefits could be

negated by certain risks, discrimination and unfair

practices. So, to ensure transparency and

accountability in ADS hiring tools, the following

bill will be considered Introduction 1894 by Majority

Leader Laurie Cumbo in relation to the sale of

automated employment decisions tools.

     I would like to recognize my colleagues. In

addition to Laurie Cumbo, we have Council Member

Yeger and Council Member Vallone. I would also like

to thank our Technology Committee Staff Irene

Byhovsky, the Policy Analyst Charles Kim, the Finance

Analyst Florentine Kabore for all their hard work in

preparing for this hearing. Also, I would like to

thank my Chief of Staff Daniel Kurzyna and

Communications and Legislative Director Kevin Ryan.

I would like to now turn over to my colleague Majority Leader Laurie Cumbo to deliver an opening statement on her bill Intro. 1894. Sergeant, can we unmute her?

COUNCIL MEMBER CUMBO: Alright, thank you so much. Thank you Chair Holden so much for holding this hearing today and for all of the interested parties who have come forth to testify and to our legislative division for their continued collaboration with my entire team.

According to research conducted by the Oracle Corporation in coordination with the HR Research Institute, 10 percent of all organizations have already integrated some form of artificial intelligence into their human resources department, with another 36 percent planning to incorporate within the next couple of years.

This is a trend that is happening that we need to be aware of and we need to understand how it is impacting our workforce. Furthermore, Black and Brown people continue to suffer at the hands of systemic racism within a job market that continues to discriminate, most especially based on race and gender.

A study conducted by the Harvard Business Review between 1990 and 2017, found that on average, White applicants receive 36 percent more call backs than Black applicants and 24 percent more call backs than Latino applicants with identical resumes. Something must change to address the disparities which exist in current hiring processes.

As legislatures in a city home to some of the world's largest corporations, we must intervene and prevent unjust hiring practices that have left talented professionals at the mercy of the system that has been designed to perpetuate systems of inequality.

My bill, Intro. 1894 provides the legal framework to regulate our hiring systems in some of our countries top companies and organizations. We are talking about the Google's the Amazon's and the Apples of the world. Not only would this require tech companies that produce and sell such instruments to conduct annual bias audits, but it would also require organizations who utilize these tools to notify each candidate within 30 days of screening of the specific tools used to evaluate them, in addition to the qualifications or characteristics considered

by the algorithm. Artificial intelligence is a

technology that is still being developed and

understood. However, as technology continues to

evolve, the government must rise to the occasion and

produce legislation that protects our constituents

right to employment based on qualifications, not

identity.

This legislation is merely another opportunity

for the Council to explore how artificial intelligent

will affect our lives. And again, I want to thank

Council Member and Chair Holden for hosting this very

important hearing today. It is really important that

we address how artificial intelligence is going to be

utilized to help and support and assist all people,

so that we can ensure that we have equality in all

forms of our hiring practices. Thank you.

CHAIRPERSON HOLDEN: Thank you Majority Leader

Cumbo. I will now turn it over to our moderator,

Committee Counsel Irene Byhovsky to go over some

procedural items.

COMMITTEE COUNSEL: Thank you Chair Holden and

thank you Council Member Cumbo. I am Irene Byhovsky,

the Counsel to the Committee on Technology and I will

be moderating this hearing.

Before we begin, I would like to remind everyone that you will be on mute until you are called on to testify. At which point, you will be unmuted by the host. During the hearing, I will be calling on panelists to testify. Please listen for your name to be called.

We will first be hearing testimony from the Administration followed by testimonies from members of the public. During the hearing, if Council Members would like to ask questions of the Administration or specific panelists, please use the Zoom raise hand function and I will call on you.

We will be limiting Council Member questions to five minutes. Also, please note that all panelists aside from those from the Administration will be limited to a three minute timer, so that we may easily accommodate all who have registered to testify.

When you are called to testify, please state your name and organization you represent. We will next call representatives of the Administration to testify. We will be hearing testimonies from New York City Chief Technology Officer John Paul Farmer, Director of the Mayor's Office of Operation Jeff

Thamkittikasem and Deputy Commissioner of New York

City Commission on Human Rights Brittny Saunders will

also be present to answer questions.

At this time, I will administer the affirmation

to each representative of the Administration. I will

call on you individually for a response. Please

raise your right hand. Do you affirm to tell the

truth, the whole truth and nothing but the truth

before this Committee and to respond honestly to

Council Member questions? John Farmer?

JOHN PAUL FARMER: I do.

COMMITTEE COUNSEL: Thank you. Jeff T.

JEFF THAMKITTIKASEM: I do.

COMMITTEE COUNSEL: Ms. Saunders?

BRITTNY SAUNDERS: I do.

COMMITTEE COUNSEL: Thank you. I will now invite

New York City Chief Technology Officer John Paul

Farmer to present his testimony.

Before we begin, please state your name and

affiliation for the record. Mr. Farmer, you may

begin when ready.

JOHN PAUL FARMER: Thank you. I am John Paul

Farmer, New York City Chief Technology Officer. Good

afternoon Chair Holden and Committee Members. I am

pleased to join you today as the Council explores the

role of artificial intelligence or AI and the

automated decision tools that continue to gain

prevalence and influence decision making processes

and practices that impact New Yorkers.

As you realizes employing these systems can offer

benefits to New Yorkers bringing about efficiencies

and improving outcomes for our residents. As with

other technology tools, without careful application

and guidance, these tools may also cause unintended

harms. The City shares the Council's interest in

preventing any harms that may result from application

of these technology tools and sees this as part of a

multifaceted effort to advance the concept of digital

rights for New Yorkers, building on existing human

rights and privacy rights.

Today, I will share with you the technology

context or the AI tools under discussion. Update you

on the status of the ethics conversations on these

technologies. Illustrate the city's efforts to

prevent harms including advancing the concept of

digital rights and creating a framework or managing

government use of algorithms. And I will discuss

future protections needed to balance the risks.

There are a number of overlapping terms that can sometimes create confusion. So, permit me to clarify a few points. An algorithm is simply a step by step recipe or carrying out a task, like rotating a photograph 90 degrees or sorting a column in Excel and the vast majority of algorithms are innocuous. An Automated Decision System or an ADS, currently has no standard definition but can be thought of as a computer program that takes input about a situation and then produces either a result, a recommendation, or a prediction to assist a human decision maker.

These can be fully automated or they can remain partially automated. An ADS uses algorithms, both simple and potentially complex to make or assist decisions about potentially sensitive topics, which is one of the reasons why the city's taskforce focused on ADS in particular. The term the city uses to refer to it, "ADS" is an algorithmic tool and the city considers the term ADS and algorithmic tool to be interchangeable.

Artificial intelligence and ADS are distinct but related topics. An ADS may or may not use AI based algorithms and there are uses of AI that are

unrelated to ADS. I will now very briefly explain

what AI is and some considerations to keep in mind.

Artificial Intelligence is a different way of

writing computer programs and it is often used in

programs involving prediction. In traditional

programs, traditional computer programming, the

author has to provide an explicit recipe for how to

carry out the task. AI on the other hand, is example

driven instead of writing an explicit set of rules,

data is collected, sorted manually and then

mathematical methods are used to train the computer

so that it can figure out rules by itself.

For example, emails fan filters are a good

example of what could be considered AI, due to the

way they function even though they have no general

"intelligence". It can be difficult to understand

what an AI system ultimately is doing even when it

works well. This is not unlike how some cooks, some

chefs, might struggle to write down a precise recipe,

so that others can follow because these chefs have

learned how to create their dish by trial and error

and experience. AI systems have been in use in

virtually every field and aspect of society for a

while. From consumer financial services to

healthcare to housing to transportation and more.

Regardless of type, all systems have some error

rate, any system, whether machine or human. As they

are approximate methods. This is not unlike the

errors and assumptions that people might make. So,

whether it is a machine or a person, there are errors

in systems. With technology however, we need to

apply different methods to identify and address these

errors.

In addressing problematic results for decisions

where technology is used, it is extremely important

to take into account the specific application of a

technology. Technology itself is not inherently

biased. However, the ways in which systems are used

or how results are interrupted can produce biased

outcomes. AI Ethics is an emerging interdisciplinary

field led by academics, practitioners, technologists

and other stakeholders. They come active in the last

five years or so.

The term AI Ethics refers to the study of

features in technology systems the affect societal

values. Principles considered in the field of AI

2   Ethics, are fairness and nondiscrimination,

3   accountability, transparency, privacy and accuracy.

4   In real world systems, these principles are often

5   intentioned with each other and the importance of the

6   human input into technology becomes critical. For

7   instance, it may be necessary to use sensitive

8   demographic attributes which makes the system, could

9   make the system, less privacy preserving. But that

10   might be necessary in order to make a system fairer

11   depending upon the human input of the amount and type

12   of information used in the system, results may be

13   more or less fair.

14   The city is actively engaging with the AI Ethics

15   community to learn and gain feedback on how cities

16   can benefit from this important area of work. The

17   city recognizes that as technology tools are more

18   widely used, there is growing role for local

19   governments in working to ensure that city residents

20   are able to safely access technology and continue to

21   engage in education, employment, community and other

22   activities utilizing technology systems to produce

23   equitable results. The federal government has begun

24   to grapple with this issue. Some states have made

25   progress but cities are also recognizing the unique

role they can play in addressing the impacts of

emerging technologies.

In 2018, the Mayor, along with the Mayors of

Barcelona and Amsterdam, U.N. Human Rights, U.N.

habitat and others formed to the city's coalition for

digital rights. This is a first ever alliance of

local municipalities to advance the concept of

digital rights, to protect and empower Urban

residents in their use of and exposure to digital

technologies. The foundation of the approach is the

development and concept of these digital rights

principles. Which has served protections related to

cyber security and privacy, equity, choice,

affordability, quality, accountability and ethics of

non-discrimination. The Mayor's Office of the CTO

currently uses these principles to guide the city's

policy, research, programming and engagement on both

core and emerging technologies. These principles are

critical to supporting not only individuals but also

entrepreneurs and small businesses in navigating our

increasingly digital society. The City's Coalition

for Digital Rights is working with interested local

governments, academics and other experts on an

initiative to apply an operationalized digital rights

related to specific city systems and programs.

Thus far, the Coalition is working with a dozen

cities in North America and Europe to identify

technology informed practices in relation to

observing digital rights. This is one of the first

multicity efforts to operationalize digital rights at

the local level. New York City is serving as an

advisor, facilitator for the initiative will be

engaging with leading practitioners, academics and

others on structuring this initiative in the coming

months and working to make sure the outcomes of it

benefit New York City.

Additionally, in November 2019, Mayor de Blasio

signed Executive Order 50 recognizing that government

agencies should leverage current technologies that

rely on employing algorithms to support agency

decision making while ensuring fairness and

responsible impacts for New Yorkers. This EO created

a new position of algorithms, management and policy

officer, which is a role currently filled by the

Director of the Mayor's Office of Operations Jeff

Thamkittikasem. This officer is responsible for

developing citywide policies to guide agencies in the

fair, responsible and transparent use of algorithmic

tools, including those using AI.

The city has moved forward with this work

publishing introductory policies in September of 2020

that are publicly available and launching the city's

first ever agency compliance reporting process.

Agencies are currently reviewing their systems to

identify those meeting the definition of an algorithm

tool and will report back on their findings.

In January 2021, the Officer will publish a

public report including information from these agency

reports. Through this exercise, the city will have

its first ever look at the scope and scale of

algorithmic tools being used by city agencies. This

baseline understanding will further aid the officer

in developing additional assessment and complaint

resolution and policies in 2021 and beyond, as

required by EO 50.

The role of local governments in balancing the

benefits of technology use while protecting residents

from unintended harms, is only at its beginning

stages. While the city has already demonstrated

leadership among its U.S. peers, this work will need

to evolve along with the development of new

technologies and new applications.

The city looks forward to continuing

collaborations leading thinkers, practitioners, other

stakeholders and the Council as it puts into practice

principles, policies and protections to enable all

New Yorkers to safely and equitably benefit from

current emerging technologies.

Finally, I will turn to Intro. 1894. This bill

would regulate the use of automated employment

decision tools used in the hiring process. The

Administration shares in the Council's strong

interest in rooting out bias in the decision making

systems that use algorithms in artificial

intelligence.

We have operational, legal and financial concerns

with this bill as currently written particularly in

light of the various crisis the city faces during the

COVID-19 response and the current financial

situation. We look forward to working with the

Council to address these issues. Thank you for your

time today and your interest on this important topic.

COMMITTEE COUNSEL: Thank you Mr. Farmer. I will

now turn it over to questions from the Chair.

Panelists, please stay unmuted if possible during

this question and answer period. Thank you.

Chair Holden, you may begin your questions.

CHAIRPERSON HOLDEN: Thank you Mr. Farmer. I

just want to recognize we have been joined by Council

Members Lander, Koo and Constantinides.

Mr. Farmer, can you elaborate a little bit on

Intro. 1894, some of your concerns were operational,

legal or financial concerns? Can you kind of go over

what is the problem with the operational or I mean,

in legal, we can figure it might have some challenges

but can you elaborate on the financial concerns

especially?

JOHN PAUL FARMER: Thank you Chair Holden for the

opportunity to be here and for the question. Yes, on

1894, we are currently reviewing this as you can

understand, there are a number of parties in the

Administration that need to be a part of these

conversations. As you see, you have got several here

today that are especially relevant but there are

others on the legal and budget fronts that have

important roles to play and ultimately, we need to

further discuss with them how exactly we define the

concerns and how we communicate them.

CHAIRPERSON HOLDEN: Yeah, if anybody else, if

the Deputy Commissioner wants to say anything or

anybody else in the Administration wants to elaborate

on that, some of their concerns.

BRITTNY SAUNDERS: I mean, I will just say first

of all hi, everyone. Thank you for having me today.

Thank you Chair Holden for having me and thank you

Majority Leader Cumbo for also having me here today.

You know, our role within the legislation is

fairly limited, meaning that I think legislation

notes that the Commission you know, may consider

promulgating rules of this space but you know, it was

important to us to be here today to just you know,

share one, our you know, deep commitment to rooting

out discrimination wherever it occurs and two, our

you know, our appreciation for this issue but I don't

know that I have a ton beyond that to share in

response to this question.

CHAIRPERSON HOLDEN: But you do support the

spirit of the bill?

BRITTNY SAUNDERS: Yeah.

CHAIRPERSON HOLDEN: The details we can work out,

right?

BRITTNY SAUNDERS: Well, so I would say you know, obviously it is the agency that is charged with you know, enforcing and educating New Yorkers about their protections against discrimination and also as an agency that has been kind of educating itself about these issues you know, for some time now and are serving with Jeff and others on the ABS Taskforce. These are issues that we care quite a bit about, so certainly happy to be engaging with the Council around these questions.

CHAIRPERSON HOLDEN: Director Jeff, do you want to jump in on any —

JEFF THAMKITTIKASEM: Yeah, I will just add to what Brittny said Council Member and thank you all for having us here today. I think as we kind of talked to you before, we know this is a pretty emerging area and one of the big things that we were tasked with as both the taskforce and then now, with the amp is to better understand what systems do exit and how best to evaluate them.

I think that many of the people who joined us on the taskforce kind of spoke very passionately about you know, there aren't any concrete kind of processes or tools right now that you can absolutely rely on.

You have to evaluate them as well, to figure out where they are most appropriate in trying to take a look at bias and other disproportionate impacts. You know, the same tools you might use for hiring maybe different that you would use for financial considerations and that is certainly something that came out in the taskforce and something I think is work that needs to happen, not just for the city government but I think for the private sector.

So, just to add to what John Paul was saying earlier, I think that there are certainly concerns in trying to ramp that up and figuring out kind of how to really understand which are the best processes to use. There is so much evaluation that has to go on with that and then from an enforcement standpoint what that means.

CHAIRPERSON HOLDEN: John Paul Farmer, wouldn't this, I mean, I am just puzzled at the financial concerns because wouldn't this bill kind of ad revenue to the city? So, why the financial concerns? Can you elaborate on that?

JOHN PAUL FARMER: So, I think the financial concerns that I can elaborate on are the ones that we are all very much aware of, just the general status

in the city. The challenges to our budget right now.

In terms of the specifics, I think we would want to

consult with our colleagues who are focused on that

professionally at OMB. But the general feedback is

just that it is a very hard time for us to build new

mechanisms as opposed to using the mechanisms that

are already in place.

CHAIRPERSON HOLDEN: Oh, okay, thank you. This

question and it is a general question again for

anybody in the Administration, what are the main

ethical issues associated with automated decision

systems or artificial intelligence? So, what comes

to mind that you see right away or that you have

researched? And this could be for anybody in the

administration.

JOHN PAUL FARMER: I'm happy to start it off and

see what others have to add. It goes back to some of

the testimony that I gave in how we think about

digital rights and the way the City's Coalition for

Digital Rights, which has been a mechanism through

which we have really been sharing and learning from

other cities that are grappling with the same

challenges that we are. And so, some of the things

that have come up are cyber security and privacy,

equity, choice, affordability, quality,

accountability, ethics and nondiscrimination. Those

are all principles that have been agreed on by a

number of cities that are in similar seats as New

York about the things that we need to pay attention

to, as these technologies get used both within

government but also out in a broader society.

CHAIRPERSON HOLDEN: Anybody else?

JEFF THAMKITTIKASEM: I mean, I think that there

are clear — I think Majority Leader Cumbo kind of

said it correctly. There are clearly concerns around

systemic racism and kind of the history of how

decisions are being made. I think how that

integrates into any system that helps on hiring or

anything else is something that we all are pushing

forward to one, try to understand kind of the systems

that are in place. Understand good ways in which to

evaluate them and then figure out kind of a method

and a process that we can really make solid

recommendations on how to counterfeit it because we

don't also want to take away from some of the

innovation and the potential positive impacts that

could come from such tools when used correctly. I

don't want to speak to the fact that they are all

1

2 tools that don't have a need for evaluation but you

3 know, the potential for the tools to help are strong

4 ones.

5   JOHN PAUL FARMER: Yeah and if I can add to what

6 Jeff just said, the context matters so much and

7 that's why we are doing the work that we are doing to

8 understand how these tools are being used today. How

9 they might be used in the future and in which

10 context.

11   So, AI for instance, that's used to optimize the

12 battery life of your iPhone, does not have nearly the

13 consequential questions associated with it as

14 something like employment or who gets a loan or

15 ultimately, what kinds of policing decisions are

16 made. All of that is much more consequential than

17 say, your battery life or how a data center gets

18 managed by a large tech company. All of those are

19 using AI today and it is important that we recognize

20 the innocuous uses, the beneficial uses and then that

21 we create the appropriate protections to ensure that

22 New Yorkers have these digital rights that I have

23 referred to.

24   CHAIRPERSON HOLDEN: This might be the million

25 dollar question but often people who are impacted by

the decisions made by automated decision systems

don't even know that the decision was made by a

machine. Do you think that people should have the

right to know that a decision impacting their life,

their property, their liberty was not made by a human

being?

JOHN PAUL FARMER: I think there is a lot of

benefit. One very good question. Thank you for

offering that up. I think there is a lot of benefit

to transparency and making sure that people

understand where technology is involved, where human

beings are involved and I think that can be an

important part of the process by which the city gives

people a voice in how technology is used in society

and in how they might lodge a complaint for example,

with CCHR or others.

In addition to transparency, we also need

accountability. We need to make sure that the people

who are making the choices about what data goes into

these systems, about how the system is designed and

ultimately how it gets deployed, that those folks,

wherever they might be are accountable for the

choices they are making.

If you go back to a technology from over a

century ago, automobiles, automobiles were a new

technology in society and people had to figure out

what role they were going to play, how to maximize

the benefits and minimize harms. And if you look at

cars today, at least how they have impact on people,

if something goes wrong, generally there is an

ability to hold accountable the person who made that

car, if it was defective, some piece of it or the

person who operated that car if they did it in a

harmful and dangerous and negligent way.

And so, similarly, we are looking at new

technologies but a lot of the same questions remain

about ensuring that we have appropriate kinds of

accountability and that we have transparency, so

people, as you rightly mentioned could understand the

role that these technologies are playing in society.

CHAIRPERSON HOLDEN: John Paul Farmer, thanks for

that answer but I just have a question that wasn't

mentioned in your testimony. Who oversees ADS, the

use of ADS by the city agencies? Does your office

have the power to do this?

JOHN PAUL FARMER: The work across government is

very much collaborative. So, we each have roles to

play and that's why each of us are here today but

certainly, Jeff in his role as the Out Room

Management and Policy Officer plays an absolutely

critical role and Jeff will let you take the rest of

the question.

JEFF THAMKITTIKASEM: Yeah, Council Member

Holden, I think that for the AMPO, the role really is

much as defined with the Council when we move forward

with EO 50 is to really figure out a way to empower

and educate each of the different agencies. One, to

evaluate internally and identify the systems that

they are using that are automated decision tools to

make them publicly aware, I mean, make the public

aware that those tools and systems exist and then to

work with them basically building up the capacity

within each of the agencies themselves, grounded by

common city guidelines and processes to evaluate you

know, those systems themselves. Because it would be

false to think that any one person in the city should

be in charge of evaluating all the city's, so much as

to really define the processes and the policy, so

they can do it themselves. They will know the

specific uses, they will know the specific kind of

tradeoffs that they have to make and that's the role

at least of the AMPO, which is slightly a little

different from some of the conversations here around

any type of private sector evaluation. But that is

certainly what we are doing for the city agencies.

CHAIRPERSON HOLDEN: So, you are in charge. You

are the head of the algorithms management and policy.

You are the AMPO person. Are you permanent? Are you

acting or — because we haven't heard much about it.

JEFF THAMKITTIKASEM: Well, I am sorry that you

have haven't heard much about it. We have been

trying to do a bit more. I am the interim. I am

acting in that role. We posted for the role but

obviously given what happened with the pandemic,

there were limitations to what we could do in that

point. It has been an extraordinary challenge to

kind of continue to move this forward. There were

certainly delays, don't want to kind of hide from

that in the beginning but we moved forward pretty

quickly. We have posted policies onto our website

that have been determined for the city agencies. We

have engaged with each of the city agencies to start

the work of evaluating what systems and we have set

our own deadlines to make sure that we will have our

first submissions from the agencies in December and

then we could then provide to the public and to you,

to the Council in January that first list. And I

think you know, one of the big things that we all

talked about in previous hearings was about public

engagement and while that has also been slowed down,

given where we are with the pandemic, we did hold our

first public event with Civic Hall in September.

A good attendance and we are planning for more

after that, so that we can keep getting that public

engagement and their input.

CHAIRPERSON HOLDEN: Director Jeff, can you tell

us you know, does the City of New York use automated

decision systems or AI in hiring decisions.

JEFF THAMKITTIKASEM: I can't speak directly

right now. I know that you know, obviously the city

does use algorithmic decision tools and that's part

of the reason why we moved forward with our taskforce

and why EO 50 was signed but it is early and I can't

speak to each agencies use. That's actually what

this current process is on, so that the agencies can

provide that information and we can publish that

list.

CHAIRPERSON HOLDEN: Well we all know we don't

have the list yet.

1

2   JEFF THAMKITTIKASEM: We don't have perfect

3 visibility, no.

4   CHAIRPERSON HOLDEN: So, what's our goal here?

5 To find out who is using it by when?

6   JEFF THAMKITTIKASEM: By January, we will have an

7 initial list from the agencies on the different tools

8 they are using. They are not necessarily just on

9 hiring tools, it is automated decision tools that the

10 agencies are using.

11   CHAIRPERSON HOLDEN: Well, let's say, let me just

12 — you know, when discrimination or bias occurs, who

13 in your opinion, should be liable? The company that

14 made the decision or a vendor who created the

15 software?

16   JEFF THAMKITTIKASEM: I certainly think it

17 depends. I might turn it over to Deputy Commissioner

18 Saunders to kind of help out in terms of what the

19 avenues are to kind of register those concerns but I

20 certainly think it isn't a one you know, a single

21 answer for that.

22   Brittny, I hope you don't mind.

23   BRITTNY SAUNDERS: No, no, no, absolutely. So, I

24 think one of the things that it makes sense for me to

25 state here is that, you know, the City Human Rights

Law, which of course, provides protection in

employment as well as other areas of jurisdiction

like housing and public accommodations. You know,

prohibits against discrimination in employment,

right. And so, that applied whether or not someone

is sitting in front of a stack of paper resume's and

going through them and extrapolating things about

people's identities and then discriminating on that

basis or whether they are using some sort of

sophisticated algorithmic tool to screen applicants

and then to decide who they are going to extend an

offer to interview or offer employment to on that

basis.

So, the City Human Rights Law does provide some

protection against discrimination in this space and

if you know, most cases were to come before our Law

Enforcement Bureau, they would be investigated and

hopefully resolve through negotiation or through

litigation appropriately. So, that is certainly one

mechanism that applies in this space and offers

protection for folks who either suspect that they may

have been discriminated against or for folks who see

you know, a certain service being used in a place of

employment. And yeah, so that is one of the existing

mechanisms.

CHAIRPERSON HOLDEN: I don't want to force this

issue Deputy Commissioner but you know, what issues

do you see that are related to the enforcement of

1894? Do you see any you know, issues? I know I

asked a similar question; I know you said you

couldn't but did you look at that? Did you look at

the bill?

BRITTNY SAUNDERS: I did. I did look at the bill

and I think you know, specifically kind of starting

with our part, you know, the thing that is specified

about the City Commission on Human Rights in the

bill, is that you know, we may promulgate rules as

necessary to kind of dig into or elaborate on what

discrimination in this space looks like and I think

that's something that we are certainly excited to

consider. You know and we have seen in other spaces

that things like best practice documents or you know,

even simple ethic Q documents or more formal legal

enforcement guidance or even more formal rules can

play a really important role by both educating folks

about the protection for the fight of them but also

educating folks about the obligations that apply to them.

I will say though kind of consistent with what John and Jeff both shared, that like this is a really challenging time from a resource perspective for the agency. We have sustained you know loses to both our personnel budget and in other places. And so, it is despite a lot of challenges that we are encountering in terms of trying to go above and beyond in doing more than what we are already doing in this space.

So, I will be honest, I think that is a challenge that we face and something that we have to juggle as we are thinking about what additional steps we can take in this space.

CHAIRPERSON HOLDEN: Thank you but Intro. 1894 suggests an annual bias audit. Would your office be capable of conducting such an audit?

BRITTNY SAUNDERS: So, I think the way the bill is currently structured that it is an amendment to I think the unfair consumer practices section of the Administrative Code which we don't administer. So, I don't really have a ton of expertise in that space or about how those sorts of practices are run. I will just say again that our resource situation is such

that taking on like a new kind of affirmative set of

responsibilities like this is really would be

challenging for us but we are certainly as I said,

more than happy and in fact, excited to think through

what rules or guidance or other policy documents in

this space would look like.

JOHN PAUL FARMER: If I can add on to that, just

specifically on the question of independent bias

audits which are an interesting and potentially

important and powerful approach. It is still early

and there is really no standard definition of exactly

how those should work or what they should be. And so

some of the work that we are doing right now through

the City Coalition for Digital Rights and the

initiatives associated with that, could give us more

clarity on that and give us more of an ability to

understand what that should look like in the future.

And if we were to be trying to implement something

like that now, we have both the resourcing questions

that Brittny brought up but also the questions around

just a little bit of lack of clarity and models

haven't necessarily been proven out yet and just to

make sure everyone is on the same page here, this is

going to be very different from say a tax audit. It

is going to be a very different kind of process and

that's why it is still working itself out.

CHAIRPERSON HOLDEN: I would like to ask Director

Jeff this question. How many staff members work

under AMPO?

JEFF THAMKITTIKASEM: Their you know, as we have

stood up, we have three lines plus the AMPO that are

dedicated to this. Obviously given where we are with

the pandemic, not all of those are filled at the same

time because we have had it currently in the Mayor's

Office of Operations. I am certainly using my own

staff to work on these things, so roughly about three

or four.

CHAIRPERSON HOLDEN: And they work under the

Mayor's Office of Operations?

JEFF THAMKITTIKASEM: The current people, yeah.

CHAIRPERSON HOLDEN: Yeah, so they are doing like

you, you have multiple hats, they have multiple hats

too.

JEFF THAMKITTIKASEM: That is correct sir.

CHAIRPERSON HOLDEN: Okay, do you get separate

annual budget?

JEFF THAMKITTIKASEM: No.

CHAIRPERSON HOLDEN: You don't.

JEFF THAMKITTIKASEM: We have the lines — sorry, we have the budget essentially the budget for the lines that are allocated to the AMPO, including the AMPO themselves.

CHAIRPERSON HOLDEN: Alright. I am going to turn it back to the Committee Counsel. I see a lot of questions, I don't want to monopolize this but I see a lot of questions, hand raised from my colleagues. So, I am going to turn it back to the Committee Counsel to call on Council Members.

COMMITTEE COUNSEL: Thank you Chair Holden. I will now call on other Council Members to ask their questions in order they have used the Zoom raise hand function. If you would like to ask a question and you have not yet used the Zoom raise hand function, please raise it now.

Council Members, please keep your questions to five minutes. The Sergeant at Arms will keep a timer and will let you know when your time is up. You should begin once I have called in you and the Sergeant has announced that you may begin before delivering your questions. First, we will hear from Council Member Koo followed by Council Member Lander. Council Member Koo.

1

2   SERGEANT AT ARMS: Starting time.

3   COMMITTEE COUNSEL: I guess Council Member Koo

4   stepped out. So, we are going to Council Member

5   Holden. Oh, I am sorry, Council Member Lander, I

6   apologize.

7   SERGEANT AT ARMS: Starting time.

8   COUNCIL MEMBER LANDER: Thank you very much to

9   the Chair's for this hearing and to the

10   Administration for attending. CTO Farmer, I wanted

11   to ask, you mentioned in your testimony that the city

12   has been sharing insights from your AI work with some

13   of the international partners that you have and I

14   wonder if you could use this forum to share some of

15   those insights with the Council and the public here?

16   JOHN PAUL FARMER: Certainly, so thank you for

17   that question Council Member. The insights have gone

18   into creating the principles that I described

19   earlier. So, all of this frankly was started from

20   scratch. It is an emerging field, one that

21   individual cities were starting to think about and

22   came together to agree upon these principles.

23   Just this year, some of these principles applied

24   to things like exposure notification applications

25   during the COVID pandemic. That's a place where work

has been done. Right now, a dozen cities across

North America and Europe are working on what each can

do to experiment along these lines about city

application of artificial intelligence tools over the

course of 2021.

So, there is a lot on the horizon. The work that

has been done has essentially produced what I have

shared so far.

COUNCIL MEMBER LANDER: Thank you. I guess maybe

I will combine that with my next question because

maybe this is I guess, I am curious you know, if

there was sort of work product along the way. If you

know those insights were gleamed from data before

they became the principles and if those were shared

with partners if we in the Council might see it and I

mean I guess, maybe one place to do that would be in

the report here as I understand it that's due on

December 1st. I don't know what the Administration

is doing here and I wonder if we are on track to meet

that deadline. What we could expect to see in it and

I guess if that dates not going to be met given the

dynamics of COVID and resources, when we could expect

to see it.

JOHN PAUL FARMER: So, I think that question Jeff was that for you about when the AMPO work is going to be coming?

JEFF THAMKITTIKASEM: So, I'm not sure if that's what you were referencing Council Member but I think that our submissions are due from the agencies on systems that they have evaluated in December but actually, our public report is in January.

COUNCIL MEMBER LANDER: I am sorry, I really apologize I was having a little trouble with my sound. That's on me but can you say that again?

JEFF THAMKITTIKASEM: I just said, I don't know actually if this is what you are referencing but the AMPO at least, we have submissions due from the city agencies in December but actually our public report is not until January and we are on track.

COUNCIL MEMBER LANDER: Okay, alright but then I guess that sounds like that isn't quite the same thing CTO Farmer as what you were talking about. So, I just wonder, well, I will ask the question separately whether it is possible that some of the work product, the material that you have been sharing in those international exchanges, there is material that could be made available to the Council or to the

public. You know, I think as you have tried to

demystify at the top of your you know, in your

presentation to us, you know, this is something that

it provokes a lot of anxiety. It is not easy for

people to understand what is going on and I think the

more transparent information we can provide and show,

here is what we gathered. Here is how we got to

those principles, here is the steps we are taking.

Could help a lot in helping us you know, just have

confidence in what's taking place.

JOHN PAUL FARMER: That's helpful. Thank you for

the clarification. So, number one, yes, we are happy

to share with you Council some of the documents [LOST

AUDIO 52:41]. In terms of public reporting, that is

something that we are considering for 2021 and hope

to have the ability to do.

COUNCIL MEMBER LANDER: Can you just maybe say a

word of what sort of public reporting you are

considering?

JOHN PAUL FARMER: So, that partially depends on

the outcomes of these dozen initiatives at the local

level around the world. We are trying to get some

more clarity on where the biggest challenges are and

maybe where some things aren't as tricky as folks

might currently think.

So, this is a broad said, the digital rights

principles are very broad. So, some focus on AI,

some focus on what happens when people can't be

connected to broadband but ultimately these are all

related and the role that technology plays in

people's lives —

SERGEANT AT ARMS: Time expired.

JOHN PAUL FARMER: Whether it is the harms from

AI or whether it is the lack of broadband, they are

all related. And so, so that's what we are looking

at and what we are trying to do is gather the

information essentially in the first quarter, perhaps

first quarter, second quarter of 2021, so we can then

have a better understanding about what might be made

public.

COUNCIL MEMBER LANDER: Thank you.

JOHN PAUL FARMER: You are welcome and we will

follow up with some documentation, so you can get a

peek into what some of the work has produced so far.

COMMITTEE COUNSEL: Oh, I apologize, it looks

like I was muted. Majority Leader Cumbo, I see that

you have questions.

1

2   SERGEANT AT ARMS: Starting time.

3   COUNCIL MEMBER CUMBO: Can you hear me, hello?

4   JEFF THAMKITTIKASEM: Hi.

5   COUNCIL MEMBER CUMBO: Hi, how are you? Can you

6 hear me?

7   JEFF THAMKITTIKASEM: Yes.

8   JOHN PAUL FARMER: Yes.

9   COUNCIL MEMBER CUMBO: Thank you so much. I am a

10 bit new to the AI world and so, my questions may seem

11 a little naive or a bit not as informed perhaps as

12 the other members on the Committee but this is an

13 issue that I have taken up particularly because of

14 the racial and gender dynamics that we are talking

15 about.

16   So some of my questions are a little bit general.

17 So, the first one, I wanted to know when did the City

18 of New York begin to use AI in its hiring and

19 recruitment practices? When did this begin?

20   JOHN PAUL FARMER: So, one, thank you for the

21 question and thank you for the interest in this topic

22 because as I mentioned at the end of the testimony,

23 it is a really important one and it is one that we

24 should all be paying attention to. So, thank you for

25 that.

I am not aware of whether the city is using AI

specifically in the hiring practices currently.

Jeff, is that something that in your agencies —

JEFF THAMKITTIKASEM: I am not aware of it. I

can't say for sure and I don't know because part of

what we are looking at obviously is working with the

ADC's to identify systems that they may use. But

Majority Leader, we don't have that information and I

don't think it is true but I don't think we have but

I want to verify that.

JOHN PAUL FARMER: And one of the things that we

are doing through the City's Coalition for Digital

Rights that I have mentioned, Amsterdam and Helsinki

for example, are places where they are working on

registries, so they can have a solid understanding of

what is happening where and obviously that is work

that Jeff has been doing in his role as AMPO as well.

And so, connecting these best practices to make sure

that we do have visibility but as was mentioned, I am

not aware of any of those systems —

COUNCIL MEMBER CUMBO: Are we looking to do that?

JOHN PAUL FARMER: I have not been involved in

any conversations about using AI for hiring.

1

2   COUNCIL MEMBER CUMBO: Okay, that was really what

3   I wanted to clarify and understand in that way. At

4   this time, what capacity does the city have to

5   conduct a bias audit given the current financial

6   crisis that we are facing?

7   JOHN PAUL FARMER: So, I think the question of

8   auditing AI systems comes back to the fact that

9   interrogation can be tough because we don't have a

10   specific step by step menu of every action that the

11   system took. It is really based in many cases on the

12   data that comes in and the data sets that are used.

13   That's one place to start, is looking at the data

14   that's used. Is that data lacking? Is that data in

15   some way biased toward one group or another? So,

16   there are pieces of this that we know but pieces of

17   it that are still being figured out and this is a

18   question not just for New York City government but

19   for society for the private sector for governments

20   around the world and that's why we are trying to

21   share best practices as much as possible. It is also

22   why we are leaning on the things that we know do

23   work. The mechanisms that we have in place for

24   example, reporting when somebody believes that they

25   are a victim of a bias and Brittny's mentioned it but

I am not sure Brittny if you have anything additional

to add in your role as Deputy Commissioner of CCHR

about how CCHR thinks about the mechanisms that are

in place that are relevant here.

COUNCIL MEMBER CUMBO: Can you talk to me a

little bit about — just because time is limited, I

want to know through AI as best as you understand it,

is the bias that we are seeing, how is it created in

a way you would think in the AI world, the bias of

race and gender would be removed. How is race and

gender still a part of even the technology and

computer world, even though I recognize that a human

is creating it from the research that I am doing, it

is a human creating it but then a human creates the

AI Intelligence that seems to create some other form

of AI Intelligence that creates another form of AI

Intelligence. What is it that applicants or

individuals that are putting forward resume's and

applications, what is it that the AI detects that

then informs or eliminates people that are of a

certain racial or gender denomination? How does that

happen?

JOHN PAUL FARMER: Yeah, it is unfortunately the

legacy of what society has had in the past. What

human beings have done because human beings are at

the root of this. They design the systems; they

produce the data. They are the ones who are choosing

how to apply this and these tools especially when

people don't understand how they work, can actually

reinforce or even amplify that bias and that's what

we have to get in front of and make sure it doesn't

happen. And that comes down to the data, it comes

down to which technologists are actually in the room

creating these tools. Is that a diverse team or is

it a team that is not diverse at all.

And then it comes down to how we apply it. In

which context we decide or a company decides it is

appropriate to deploy these tools and all of those

things at the core.

SERGEANT AT ARMS: Time expired.

COUNCIL MEMBER CUMBO: Okay. If I could, just

one more question. What are your thoughts actually

on this particular bill? Do you think that we have

the ability to actually implement and enforce this

bill?

JOHN PAUL FARMER: So, I think as was mentioned

earlier, we are very much aligned with the goal.

That we want to make sure there is not bias in

hiring. We want to make sure the technology tools do

not create bias and frankly do not perpetuate

existing bias because we have to recognize that human

systems are imperfect as well.

So, we are very much aligned on the goals. I

think that there are concerns on resourcing right now

and on ensuring that we have the ability to cover all

of the current services that are being provided and

adding even if it is something that seems like we

would interested in exploring and experimenting with

it, it is just tough in the current budget

environment. So, when we say or when the city says

that something might not be right right now, that

might really mean right now and it could be something

that in 12 or 18 months would make a lot of sense.

It is hard for me to render a final verdict on this

simply because we don't have all of the people who do

have a say here on this call today and the reviews

are ongoing in terms of the interagency

conversations.

COUNCIL MEMBER CUMBO: How would you, just in

closing, I imagine myself going on a job, interview

or submitting my resume, not getting the job. I

really applaud anyone who brings these cases forward

to a legal place because obviously when you are

looking for a job, you are in a place where you don't

necessarily have the time or the energy to bring a

suit forward in that way. What were the

circumstances or the situations that would allow

someone to say, hey, I think this software or this

particular AI or however it is has prevented me from

getting this particular job or profession. How does

one come into a place where they have determined that

they want to bring this case forward? Do you have

examples or how would someone make the decision

because for me, I would just say, oh, I didn't get

the job and think nothing more of it and apply

someplace else. But when someone gets to that point

of saying, you know, hey, this doesn't pass the smell

test, what is going on here? How have those

circumstances arisen?

JOHN PAUL FARMER: That's a very good question.

I think in some ways this ties back to something that

Chair Holden brought up earlier about transparency.

Should people know that these technologies are being

used and if people do know, well that answers part of

the question and it makes it certainly much easier

2   for someone to have some basis upon which they might

3   ask questions.

4   I want to pass it over to Deputy Commissioner

5   Saunders about exactly how the CCHR process and the

6   Human Rights law that's on the books would interact

7   with the question you are asking.

8   BRITTNY SAUNDERS: I mean, I think it is a great

9   point. I think it really does tie back to that

10   question of notice because you are right, I think it

11   would be — I should also say up front that I work in

12   the policy department of the Commission. I don't

13   work in the Law Enforcement Bureau and we do maintain

14   you know, some separation for I think really

15   important reasons. But I will say that like, I think

16   you are absolutely right that there are many cases in

17   which people would not know what you know, process

18   that lead to their not receiving a position would

19   have been.

20   And so, I do think that point around notice is an

21   incredibly important one and I think it is an

22   important one for us to consider moving forward.

23   COUNCIL MEMBER CUMBO: Okay. I will turn it back

24   over to my colleagues and hopefully they will be

25   around to.

CHAIRPERSON HOLDEN: Any other Council Members?

Counsel?

COMMITTEE COUNSEL: I don't see anyone else

having questions. Council Member Holden, do you have

any final questions?

CHAIRPERSON HOLDEN: Yes, I do. I just want to

say people do have the right to know what AI or ADS

is being used in the hiring practice. They have the

perfect right to know and the city should you know,

let us know right away because if this is going to go

on and there is no way to track discrimination.

So, we must have this and this has to be done

yesterday. SO, we shouldn't have to wait until — we

don't even know who is using it. You know, still, we

don't even know who is using it and I don't think

anybody know who is using, what agencies are using.

So, we need to move fast on this and this is not a

budgetary problem. It is not, I don't want to hear,

you know, again, we are hearing the Administration

use COVID a lot but I don't want to hear that on

this.

By the way, I just want to ask the CTO, John Paul

Farmer, you mentioned the cities of Barcelona and

certainly you mentioned Amsterdam. I think you

mentioned in your testimony that they are using ADS

and AI. Do you know, can we find out how they

provide oversight?

JOHN PAUL FARMER: If I can ask you Chair Holden

for when you say oversight, do you mean with Council?

Do you mean within the agencies?

CHAIRPERSON HOLDEN: Just generally, like we are

talking about you know, who is controlling this? You

know, there has got to be some oversight on the use

of ADS and AI in hiring practices let's say. Do you

see, did you find any information on those cities on

how they are conducting it?

JOHN PAUL FARMER: I have not gotten information

specifically about hiring practices. It is something

that's been brought up as a general topic and people

understand the importance of it. We are talking

about access to opportunity here and how critical

that is. I have not heard any of the cities that we

are working on this discuss examples locally or

certainly not within their own governments and as we

mentioned earlier, as Director Thamkittikasem and I

mentioned, we are not aware of specific examples here

in New York either. The process is going on to learn

more. To learn more both about what is happening

across society because I think it is more likely at

this point and this is just of — I don't have hard

data on this but it seems more likely that uses are

happening the private sector that we would like to

learn about as opposed to in agencies. But either

way, we want to make sure we get a better

understanding. That's what some of these registries

that I mentioned are really about. It is getting a

more baseline understanding to ensure that we

understand where we are starting from, where we are

going and then as new technologies get incorporated

into the day to day business, part of that being

hiring, that we ensure that there are one, there is

visibility on the part of city governments. We

understand that but also hopefully guidance and best

practices that we can promulgate and that we can

encourage people. At least encourage people to do

things according to best practices and because this

is such an evolving fast moving space, we could very

well have much stronger, more solid best practices 6

or 12 months from now than we have today.

CHAIRPERSON HOLDEN: Okay, so, we do have the

talent to do this currently right Jeff. We have it

with you obviously. You wear many hats but we can do

this.

JEFF THAMKITTIKASEM: I want to caution on one

thing particularly just because I think this is

something that came up in our conversations with a

lot of the panelists who are actually on this call.

Who are either on the Advisory Committee or on the

Taskforce. The idea of actually evaluating for bias

is not a streamline set thing. There isn't a common

tool or process that everyone has agreed to and even

those things that people may use have you know, we

have found you know, kind of problems with.

So, it's not the lack of talent or the lack of

commitment in trying to get this done, I just want to

be very open about the fact that the idea of taking a

look, particularly on the private sector, using so

many different things. That's a lot and there is not

a lot of consistency yet on the right type of

processes or tools that you would use to evaluate

that bias. Does that make — I mean I don't want to —

CHAIRPERSON HOLDEN: No, it makes sense.

JEFF THAMKITTIKASEM: I want to be clear about

that, that's all.

1

2   CHAIRPERSON HOLDEN: It makes sense and obviously

3   the private sector is one thing and that is a little

4   bit more complicated but the city, I am talking about

5   the city hiring practices that you are using it. We

6   need to audit transparency.

7   JEFF THAMKITTIKASEM: Yeah, if they are using it,

8   we are going to identify it and then we will take a

9   look at those. Especially if it is in the public you

10   know, city sector. That's different.

11   CHAIRPERSON HOLDEN: Alright, I just want to you

12   know, John Paul, at the last hearing. Our last

13   hearing on October 30, 2020, we asked you about the

14   Moon Shot Challenge that you organized on August 5,

15   2019, which my staff was honored to attend the award

16   ceremony a year ago. And again, the award was a

17   normal amount. The $10,000 for the first three

18   nominees. I mean, your office affirmed under oath,

19   at that hearing that the award was paid. However,

20   the winners just informed us that they have not yet

21   received the money. Can you explain this discrepancy

22   and can you enlighten us as to why the winners have

23   not been paid?

24

25

1

2   JOHN PAUL FARMER: I am sorry Chair Holden, you

3 are saying that today in Fall of 2020, they have not

4 received?

5   CHAIRPERSON HOLDEN: They have still not been

6 paid from last year.

7   JOHN PAUL FARMER: That is news to me and I am

8 aware that our office did everything that we believe

9 needed to be done for that payment to occur. I will

10 take that as a to do today to go find out why that is

11 being reported to your team.

12   CHAIRPERSON HOLDEN: Yeah, because they weren't

13 getting a lot money and they did a lot of work. It

14 was a great event.

15   JOHN PAUL FARMER: We think the awards for open

16 innovation challenges are important. They recognize

17 the work that people have put in and the benefit that

18 people are creating in pushing the boundaries. So,

19 we will absolutely look into that.

20   CHAIRPERSON HOLDEN: I just want to ask Irene

21 Byhovsky, are there any other Council Members that

22 have their hand raised? I don't see that.

23   COMMITTEE COUNSEL: I do not see any other

24 Council Members.

25

JOHN PAUL FARMER: The Majority Leader has her hand up on camera.

CHAIRPERSON HOLDEN: Okay, the old fashion way. Alright, go ahead Majority Leader.

COUNCIL MEMBER CUMBO: I am trying my best. Sometimes you have to go to the old school way. So, do we have any idea at this point how much those types of audits would cost and if the Commission is not in a position to do it, who are we thinking, which agency would be able to do it?

JOHN PAUL FARMER: In terms of cost, I do not have specific numbers but I can think of a couple of organizations that we could in the private sector that we could reach out to — to get an idea of what — because this is the work that they do. To the point that was brought up earlier, there are not standards as was pointed out. There may be concerns with how different organizations are doing this. There is just not a single accepted approach.

In terms of internally, I don't know if that is something that Jeff or others have looked into.

COUNCIL MEMBER CUMBO: Are there ranking systems in terms of ranking AI systems that produce the most women candidates? That produce the most people of

color that have I guess, beat the system or beat the

machine in terms of being able to say, you know, this

particular system has gotten it right with a rating

of x, y, and z. A, b, c, d or something of that

sort. Is there a formal way that on the backend side

of this AI, we have been able to see who is getting a

job. Women, men, people of color, LGBTQ, like

however people are identifying, is there a way on the

backend that we are able to see which AI technology

is doing it the best?

JOHN PAUL FARMER: We very much wish it were that

easy. Unfortunately, the challenge here is that

because it is not just the system itself. It is the

system the data inputs that go into it as well as the

context in which it is being deployed for what

purpose. It just isn't that direct and so, while you

can measure and compare with certain data in a

certain context, which set of algorithms, which AI

system is the most accurate, that could be something

that you measure for but that might be different from

which one is fastest or which one is what's another

example, most accountable. Which one has the most

transparency. And so, you really have to choose

which of the levers or the aspects of this to

2   optimize for and even then, you are still looking at

3   that in a very specific context. And so, it is at

4   this point, not possible to simply look at all the

5   options on the shelf and say, well that one is the

6   best. We really do need to look at each one in

7   context and with the data being part of that.

8   COUNCIL MEMBER CUMBO: For me who is still having

9   trouble unmuting myself on Zoom, I feel that if I

10 could think of that concept, it should be easy to

11 actually do in the sense of all the things that AI is

12 able to evaluate and people are able to evaluate, it

13 would seem that being able to evaluate who is

14 actually getting hired would probably to me be the

15 simplest of things that could come out of this and

16 probably it would seem that that should be the ideal

17 goal that it was even created in terms of, who can

18 build the better mouse trap.

19   But I mean, I would imagine in this sense, it is

20 probably because people don't want a better mouse

21 trap and they want to continue to uphold the same

22 systems that have kept certain people out. They

23 would want to continue doing that. But there should

24 be a way for people to be able to understand which AI

25 mouse trap has done it the best.

JOHN PAUL FARMER: And I would just respond that in a certain context, those kinds of comparisons are more possible, more doable and a number of academics are working on this. Folks right here in new York City at New York Cornell Tech, elsewhere, MIT, Stanford, there are a number of folks who are really diving into this. If we get really targeted and we can agree upon what we are trying to optimize for and again, there might be tradeoffs between privacy and fairness of a system.

So, if a system is protecting privacy as much as possible, it might be hard then to maximize the fairness of it. If you want to maximize the fairness then there could be tradeoffs and so, that's the kind of thing that a lot of folks in academia are studying right now or looking at and one of the reasons that we expect to get a much deeper understanding in 2021 and the years to come. That does not mean that we are not going to do anything until everything is figured out but just recognizing —

SERGEANT AT ARMS: Time expired.

JOHN PAUL FARMER: Of some of these issues.

COUNCIL MEMBER CUMBO: Okay, I just want to close with this. In your capacity, you may have heard of

My Pay Equity Bill. In terms of the fact that the

Pay Equity Bill will be looking within the city's

hiring practices as far as, I am using words that you

might say like, that's not what it is doing but to a

layman, that is what it is doing. It is evaluating

algorithms in terms of pay to understand if men,

women, those with disabilities are getting paid more

or less than others, so that we can start to right

those wrongs and root them out but we capture that

information in a way that's not personal, so that it

is not attached to a specific person, so I can't say

that hey, John is a Council Member and I am a Council

Member but John is making more money than me. I have

an issue with John. It is not that, it is more that

we would be able to look at — if we are looking at

the example of the Council which is not the right

example but if we are looking at the Council, we are

able to see that the men of the Council are making

more money than the women, so that it is more of a

general thing and not a specific thing, which also

protects the privacy.

So, it would seem like if we are able to find

that type of information, that that type of

information exists in a way that protects privacy but

also gives you the information that you need.

JOHN PAUL FARMER: I think that's a goal that

absolutely we all share and we would be happy to work

toward that if there are ways to address it.

In terms of the specific legislation, I would

have to take a look at it. I think you will hear

from others today about some of the complexity

associated with these AI systems and why, just going

back to a point of revisit, the context is so

important. Because in some context there is very

little risk and a lot of benefit. In other context,

more risk but still a substantial amount of benefit

and still in other context but perhaps too much risk

and so, that's why the context matters so much and so

important that we have conversations like the one

that we are having today and that we make sure that

every sector of society has a part in this because

ultimately this technology is effecting every sector

of society and in the years to come it is likely to

do so even more.

COUNCIL MEMBER CUMBO: Thank you.

JOHN PAUL FARMER: Thanks so much.

1

2   CHAIRPERSON HOLDEN: Thank you Majority Leader.

3   I have a couple questions and then I think we can

4   turn it over to the next panel but I want to just

5   throw this to Deputy Commissioner Saunders.

6   What role does the Department of Consumer and

7   Worker Protection formerly known as Consumer Affairs

8   play in the enforcement of this bill?

9   BRITTNY SAUNDERS: I mean, I think the bill is

10   structured as an amendment to a portion of the

11   Administrative Code that they administer but beyond

12   that, I don't know. I can't really speak for them.

13   CHAIRPERSON HOLDEN: Perhaps we will get them on

14   next. I have a number of things to talk to the

15   Commissioner about, an enforcement of COVID related

16   things to in small businesses, but that's another

17   subject.

18   One more question and then I want to let Jeff,

19   the Director Jeff T-off so easily. This should be

20   something I think that should be done but we have

21   such a great talent in technology in New York City as

22   you know. We have a lot of great companies and not

23   for profits even. Are we taping into the not-for-

24   profits such as Beta NYC or Tech NYC for some ideas

25   or feedback on what could be done with this?

JEFF THAMKITTIKASEM: Yeah, I mean I think that

we are trying to be pretty broad in who we reach out

to. We have one, gotten an Advisory Committee that

we are forming several from the Council kind of

appointing people and we are nominating people. We

have continued to move forward with public engagement

panels and function, so that we can get that

information and obviously, you know a lot of the

people who are working on this. We informally talk

all the time trying to get as much information as we

can to kind of move this forward. And then, further,

I know we work with EDC and several of the

organizations as well to kind of reach out to other

private and nonprofit organizations to get ideas

around this. Sometimes very narrowly and sometimes

very broadly. And I know you don't like this excuse

and it is not trying to be an excuse but obviously

COVID has had to kind of rearrange how we reach out

to some of the people and then kind of what functions

we have but you know, you know you have my commitment

that we are going to continue to push on those public

engagements.

CHAIRPERSON HOLDEN: Let's do some kind of Zoom

call with some of these non-for-profits as a round

table and you know, again on Zoom and COVID shouldn't

effect this. We are going through this hearing

without contact. So, we can do the same thing as a

stock finding mission. Maybe we can send John Paul

Farmer to Europe to discuss Barcelona and Amsterdam

on a fact finding mission or maybe you can go but we

need some information and we need some best practices

obviously but thank you all. Your wonderful

testimony and I just hope that the Administration or

some people can stay. I know you are busy but could

stay and listen to the public testimony because they

might have again, some great ideas and we should

listen to them but thank you all and I want to turn

it over to Irene for the next panel but thank you all

again, thanks.

JEFF THAMKITTIKASEM: Thank you all. Thank you

Council Members, every one of you, thank you.

BRITTNY SAUNDERS: Thank you.

COMMITTEE COUNSEL: Thank you. We will now turn

to public testimony. I will be calling groups of

panelists. Once your name is called to testify, our

staff will unmute you and the Sergeant at Arms will

set the timer and announce that you may begin.

We ask each panelist to limit testimony to three minutes. Council Members will have an opportunity to ask questions after each panel of witnesses. I would like now to welcome our first panelist to testify. Manhattan Borough President Gale Brewer. Ms. Honorable Brewer, before you begin, please state your name and affiliation for the record. Manhattan Borough President?

CHAIRPERSON HOLDEN: Borough President, we can't hear you. Still can't — the mic is not operational.

GALE BREWER: Can you hear me now?

CHAIRPERSON HOLDEN: Yes, thank you.

GALE BREWER: Okay, I am sorry about that. So, I am Gale Brewer, Manhattan Borough President and I want to thank Majority Leader Cumbo and I want to thank you Chair Holden certainly mentioning Beta NYC makes me happy. So, I appreciate the nonprofit focus as always and I want to thank the Technology Committee. I don't think I need to tell you that with 14 percent unemployment and many lost jobs, this is an important issue in terms of people's future. The use of automated employment decision tools has accelerated during this pandemic. I think AI systems are now used widely as you know to help companies

evaluate candidates remotely, whether we like it or

not. It is basic tasks, so helping to schedule

interviews to evaluating interviewed answers and I

think people may not know that they are in digital

hands, as you said earlier.

So, Intro. 1894, it is a start but it definitely

needs changes. Transparency, you talked about; I

have been listening contently to your wonderful

discussion with the city officials and oversight to

prevent biases in hiring our essential as you have

stated.

I think the Council should require businesses

creating automated employment decision tools to

report the results of independent audits to obviously

the Commission on Human Rights as you know, but I

also think in addition to CHR, compiling them, they

should be published in the city's open data portal.

You know how strongly I feel about that particular

entity. 1894 penalizes those who fail to comply with

the audit and there need to be penalties for those

who do that, perhaps a ban on the sale of

technologies. Those that failed their audit or some

kind of fines, that will be up to you. Violations

should be reported and again, published on the open

data portal.

I also think that 1894 will not prevent the use

of technologies including psychological and

personality assessments, that an issue and I think

you know that a group of civil rights individuals and

organizations sent a letter to the Council talking

about this and making sure that any software system

or process that aims to automate or replace human

decision making systems relevant to employment needs

to have these tools and I think you are very aware of

that.

So, I hope that this language that they have

suggested is in the bill. I know this bill

establishes certain rights but I do think it has to

have a private right of action and this is always

controversial with the City Law Department, I know

but for those who are subjected to discriminative

biases by automated decision employment tools, I

think that they should know that they have legal

recourses to challenge hiring decisions under this

legislation. Otherwise, they will just pay the fines

and goodbye.

2   So, I think 1894 has the potential to establish

3   fair hiring practices across the city but we have to

4   provide the protections. The economy is looking to

5   rebound and everyone is looking for a job. Automated

6   decision system biases have an unfair impact on many

7   of our communities in general and this legislation

8   could be a step in ensuring fair practices in the

9   diverse workforce but it sure needs to have all the

10 suggestions that you made earlier and thank you for

11 this really important hearing where 14, 15 percent

12 more unemployment — it is really important to have

13 this kind of discussion. Thank you so much.

14   CHAIRPERSON HOLDEN: Thank you Madam Borough

15 President and thanks for your work in technology

16 obviously, for many, many years and of course

17 transparency and we thank you for all your hard work.

18   GALE BREWER: Thank you.

19   CHAIRPERSON HOLDEN: Any questions for the

20 Borough President?

21   COMMITTEE COUNSEL: I do not see any questions

22 and because we do not have any more questions, I

23 would like to thank you Manhattan Borough President

24 for your testimony. And now, I will be calling our

25 next panel to testify and our next panel will be

2 Athena Karp, Frida Polli and Rumman Chowdhury.

3 Before you begin, please state your name and

4 affiliation for the record and you may begin when

5 ready.

6   SERGEANT AT ARMS: Starting time.

7   ATHENA KARP: Thank you so much for having me. I

8 hope you can hear me. My name is Athena Karp, I am a

9 New York City based and headquartered small business

10 owner as well as the Certified Women's Business

11 Enterprise. I started my technology company hired

12 score nine years ago to fight the inequality and

13 inefficiencies of how candidates are treated and on

14 the other side to help employers address these

15 challenges. My team and I have spent the past decade

16 addressing the problems that job seekers too often

17 face and that employers deeply want to solve. If you

18 ask yourself these short questions, have you ever

19 applied to a job and heard nothing back? Have you

20 seen coworkers get taped for promotions when you were

21 qualified but never considered and have you ever

22 looked at your office and team and felt it could and

23 should be more diverse and inclusive.

24   If like most New Yorkers you answered yes, the

25 good news is that every employer we work with, also

worries about how to solve these problems. They care

about treating candidates with respect, if nothing

else because of the impacts their businesses if

candidates have a bad experience. They want to make

sure candidates hear back in a reasonable time, even

when the answer is no. They want promotions to be

fair, if nothing else because employee satisfaction

depends on it and they want to make workforces more

diverse and inclusive.

Before technology tools existed, employers only

had humans to review an increasingly large volume of

candidates. We have heard about that today with

COVID, this has just accelerated further, more than

100 percent increase in surge and volume is what we

have seen and less and less jobs open to fill that.

On average, our clients get over 100 candidates

for every job and humans are limited to even review

half of the people who apply with 98 percent of them

end up being rejected.

When only a human reviews a resume, unfortunately

humans can't unsee the things that often lead to

unconscious biases that so many of us are striving to

root out. That a candidate went to the Alma mater

and same school they did. That they grew up on their

community. That this person worked at the same

company as them. However, with technologies that are

properly and carefully designed and tested, employers

can ensure that these often conscious and unconscious

biases are ignored by design. They are excluded,

they are auditable and the only job related criteria

is considered for every person and every person who

applies is considered fairly.

I have seen job seekers and employers in New York

dream of a better, more fair and efficient future.

This is where technology, especially those that make

clear, explainable and fair decisions which is

possible, can have a positive impact.

Today, I am grateful to speak to this committee

about my support for this legislation, especially

since my company could be subject to this proposed

legislation. As this hearing has made clear, opaque

and biased hiring tools can have real negative

consequences on the lives of New York workers and

workforce diversities. If improperly designed,

automated employment decision tools could create

challenges for the employers seeking to increase

workforce diversity and seeking to comply —

SERGEANT AT ARMS: Time expired.

ATHENA KARP: With anti-discrimination laws. The

reason I support this legislation is simple. If

technologies are used in hiring, the makers of

technology and candidates can and should know how

they are being evaluated. They should know and know

that their consent was being given. Providers should

be able to show that they only use job related

qualifications when considering people and employers

should deserve better information about the

implications of the systems they use, as well as the

ability to differentiate between tested and untested

explainable and unexplainable solutions.

CHAIRPERSON HOLDEN: Thank you for your

testimony.

COMMITTEE COUNSEL: Thank you Ms. Karp. I will

be calling on Ms. Polli to testify. Ms. Polli,

before you begin, please state your name and

affiliation for the record. You may begin.

SERGEANT AT ARMS: Starting time.

FRIDA POLLI: My name is Dr. Frida Polli and I am

the CEO and Cofounder of pymetrics. So, I spent 10

years in academia before starting pymetrics as a

neuroscientist at Harvard and MIT. Pymetrics is a

vendor of employment selection technology meaning we

would be directly regulated by this legislations

passing. While tech companies are often known to

oppose regulation, that is not the perspective I

have. I think the public has lost trust in

technology and as technologists, we must focus on

transparency as a way to regain trust.

This bill is about transparency and

accountability and as such, I support it. As someone

who has been building and selling hiring tools for

the past several years, in my opinion, there is no

reason why clear information about the bias and

hiring tool should not be part of this equation.

Luckily, with hiring tools, there is a clear

definition of bias put forth by federal law called

adverse impact and we recommend making this bill

conformed to that.

Over the past several months, many employers have

made commitments to improving workforce diversity.

At the same time, many of these same employers may

use HR tools that screen out disproportionate numbers

of minorities and hiring.

Up to 60 percent of companies use dated cognitive

tests which show consistent adverse impact and can

lead to White candidates being selected at three

times the rate of minority candidates. This bill is

a crucial step to overcoming this disconnect with

transparent information about the fairness of all

hiring tools, not just AI. Well intended employers

can be empowered to implement diversity friendly

systems.

In addition, I strongly support this legislature

at someone who believes technology can be a force for

good. As an academic neuroscientist, I spent ten

years studying the brain and if we are trying to

change the minds of people that is not going to solve

diversity. 30 years of research on unconscious bias

shows that changing the name on the exact same resume

from John to Jamal means that for every ten

interviews John gets, Jamal gets seven. We have

tried unconscious bias training, it doesn't work. We

have to start changing systems including hiring

systems, not human minds in order to fix diversity.

And algorithms can be intentionally designed to

mitigate bias in a way that human minds cannot and

with the audits proposed in this bill, we can ensure

that algorithms are held to these higher standards.

Implementation is critical, as we have heard from

John Paul Farmer, many prominent voices including

some on this call, have produced governance

frameworks for ethical AI. However, I want to

strongly remind the Committee that the scope of this

bill is not limited to AI systems. Therefore, the

structure of the bias audits must be relevant for all

industry players. Further, if the goal of bias

audits is to understand how a hiring tool will effect

real New Yorkers, which I think is what Laurie is

saying, the focus of these audits should be on

outcomes first and foremost, rather than being

concerned with the inner workings, which is a lot of

what we have heard about today.

The focus on outcomes conforms with the federal

law which looks at adverse impact. So, there is a

solution here that is simple and easy. Only a focus

on these outcomes will allow us to understand if they

have biased results. Finally, I have come to believe

that many employers in New York are sincere in

wanting to improve the diversity of their workforce

and they are looking for solutions to help them.

Nevertheless, in order for this legislation to be

effective —

SERGEANT AT ARMS: Time expired.

FRIDA POLLI: Bias audits must straddle a

delicate balance between providing transparent

information and not being so arduous as to discourage

their implementation. We propose self-funded audits

by companies, the results of which report to

employers and the HRC, so it will not cost the HRC or

the city a thing. Thank you for listening.

COMMITTEE COUNSEL: Thank you Ms. Polli for your

testimony. I will be calling on Rumman Chowdhury to

testify.

CHAIRPERSON HOLDEN: One second, I think Majority

Leader has a question for the panel.

COUNCIL MEMBER CUMBO: Thank you Dr. Polli. Can

you explain to me a bit in terms of what happens when

the resume changes from John to Jamal? What is it

about AI, was it programed to —

FRIDA POLLI: So, the John and Jamal Laurie was

the human. So, it is the human just like you have

said, that looks at the resume and because the name

is Jamal not John, John gets ten interviews and Jamal

only gets seven and that is unconscious bias that is

unremovable from the human brain as we have seen from

decade's worth of unconscious bias training. It has

nothing to do with AI. I am talking about the human

condition that is impossible to remove unconscious

bias from the human brain.

But AI can mitigate that because we would not, I

mean, for example, pymetrics and hired score as well,

don't even look at someone's name in the process of

building the algorithms or race or ethnicity or

gender. We are basically blind. We are blind to

your characteristics. We don't know if you are

female, we don't know what your socioeconomic status

is. We don't know what color of skin you have.

That's the beauty of an algorithmic system. Now,

that's the promise of the algorithmic system;

however, as many on this call here will tell you,

there is such things as proxy variables. Meaning, if

I am a woman, I play softball not baseball and that's

how Amazon got into trouble.

So, we have to make sure that these algorithms,

while they promise to be unbiased, are actually

unbiased and that's what these bias audits that you

are suggesting are so important. Does that make

sense? I am sorry, I didn't mean to cut you off.

COUNCIL MEMBER CUMBO: No, I mean, I guess that

makes sense but like in the case of Amazon like you

said, I mean, I just feel like I am so naïve, I don't

even want to ask.

FRIDA POLLI: Well, you are absolutely not naïve.

My husband who like thinks he knows a lot about

technology asked the same question. So, I think it

is very normal to have these types of questions. The

reason that the Amazon situation happened is because

no one was pre-auditing their technology.

So, we pre-audit, hired score pre-audits. Other

systems pre-audit, meaning we test to make sure that

everyone is being treated fairly. That is something

that we are proposing as part of this legislation is

that these results of these pre-audits be put forth

and made public and that way, we could actually see

an Amazon disaster before it happens and prevent it.

Does that make sense?

COUNCIL MEMBER CUMBO: Yes, but okay, here is my

million dollar question that I am going to get out of

this.

FRIDA POLLI: Not at all, these are like really

important questions, so.

COUNCIL MEMBER CUMBO: Would you find that in

your experience in today's job market that companies,

you alluded to it but is it that companies want to

create the dynamics for a diverse workforce or do you

find that there are companies that still want to

maintain let's just say a more wider, more male

workforce and purposefully create AI dynamics that

are going to maintain the wider, more male work

environment. Because the Jamal and James thing is

something that it would appear that if you are

creating these algorithms or this intelligence, that

you would easily be able to on the front end address

that.

All those different sorts of things, like how you

are saying take the gender out of it but then you are

saying the softball thing. Like, it is all these

different things that it would seem people could fix.

FRIDA POLLI: They can and that's I think exactly

the point of this legislation is that you absolutely

can and whether all companies want to do that Laurie,

that's beyond my knowing. I think many do and those

are the ones we work and I am sure there are ones

that don't, just to be totally honest. But I think

there is an increasing number of companies that

really genuinely want to fix this problem. It is a

very hard problem to solve as John Paul Farmer and

others on this call have mentioned. It is not easy.

That's why we have entire technology teams working on

this and as a former academic, you know the minds

working on this in industry are just as strong as the

ones in academia. So, we have got some good minds on

it.

That having been said, it does require — the

reason we think bias audits are critical is because

it will enforce compliance, like people will then be

forced to — it's like sunlight is the best

disinfectant. If you are saying your bias mitigated

or bias free but no one is ever holding you

accountable, you are not going to push yourself to do

your best work and to really look at all the forms of

bias because you can just hide behind oh, it is a

proprietary technology and it is bias mitigated and

just trust me. We shouldn't be required to just

trust technology companies anymore. They should be

held to greater transparency standards and that's why

this bill is so important is because we are

suggesting that there be pretesting done which we do,

which Hired Score does, which other companies do.

So, that even before you let an algorithm lose in the

wild, you know the impact it is going to have and

that's what is critical.

1

2 COUNCIL MEMBER CUMBO: And final question,

3 promise. As John Paul —

4 SERGEANT AT ARMS: Time expired.

5 COUNCIL MEMBER CUMBO: We spoke about this

6 earlier in terms of the final outcomes. How far away

7 do you think it is for us to be able to see which

8 programs are being able to tell us what is working,

9 who is being hired, who is able to have the most

10 diverse workforce as a result of the AI intelligence

11 that they are utilizing. Because if we don't have

12 that measure in place, in my unexperienced in this

13 world, than what are we doing? Why is this AI even

14 in place if we have nothing measurable to even

15 determine if it is working, not working, racist, not

16 racist, who is getting hired, not getting hired.

17 We have just created something that is doing

18 something with no accountability.

19 FRIDA POLLI: Yeah, so just to concur with

20 everyone on this call. AI and non- AI systems you

21 know, have a lot of factors that they are

22 considering. So, we cannot say what is the end

23 result on hiring because while my solution might be

24 used at that very early stage to include a lot of

25 people that might otherwise have been shut out as

Athena mentioned. There has been the interview and

then there is the second round interview. Like, you

know what I mean. So, then other factors come into

place, so we can't look at the end and say, oh, like

what was the impact of the AI. We have to look at

the impact at that very stage that it was implemented

and by the way, this is what federal law does.

So, we are not recommending anything that doesn't

conform with federal law. So, all I am trying to say

is that I think it is absolutely critical to start

shedding light on the important pieces of hiring

because hiring consists of three or four different

pieces and the more transparency we can shed on each

one of those pieces and this bill could shed a very

important part — light on one piece of it and maybe

multiple. I think we can get to a situation where

what you are asking for happens. It is not going to

happen overnight. This bill isn't a magic solution

that is going to fix everything. It is a, we think,

a very important step in the right direction and I

would, we would say that it is no time to wait

because as this pandemic ravages communities of color

and women, it is now more important than ever I think

to start putting some of these practices in place.

COUNCIL MEMBER CUMBO: Thank you.

CHAIRPERSON HOLDEN: Thank you doctor. I just have one, I have one question on assessing the outcomes.

FRIDA POLLI: Yeah.

CHAIRPERSON HOLDEN: Like, you know, do you see a day when and just to piggyback on Majority Leaders Cumbo questioning, do you think someday that we will get like pharmaceuticals? Like some kind of stamp of approval? Five star rating you know, software that we can rely on. Do you think — we are not there yet obviously; we got a long way to go.

FRIDA POLLI: If you want my honest opinion, if we could wave a magic wand and make the Equal Employment Opportunity Commission act like the Federal Drug Administration, where basically you have to submit a tremendous amount of information and then get preapproval for a tool. I think that would be what I would ask for because I think that's essentially what we are doing but once a tool has already been released, which is suboptimal but that's not what happened. So, yes, I absolutely think and maybe with this new administration that's coming in, they will take this as a cause but I think absolutely

weighing the costs which would be bias and adverse

impact with a benefit, which would be you know, other

aspects of the tool and doing it before the tool ever

goes live I think would be a fantastic solution. We

are not remotely there yet and I am sure many people

on this Zoom have fantastic ideas as well on how we

would do it but yes, absolutely, I think that there

needs to be more information that's shared about a

lot of these tools and potentially in a different

format. So, thank you for asking.

CHAIRPERSON HOLDEN: Thank you doctor. Thanks

for the wonderful testimony.

FRIDA POLLI: Yeah, absolutely.

CHAIRPERSON HOLDEN: And again, we may have to

talk later about this but maybe you could talk to the

Committee Counsel and we can put our heads together

on this but we do need some discussion.

FRIDA POLLI: Happy to.

CHAIRPERSON HOLDEN: We need to be working

towards some of the goals that you mentioned but

thank you for clarifying. Thanks so much.

FRIDA POLLI: Absolutely, yeah, absolutely.

Thank you so much.

COMMITTEE COUNSEL: Thank you so much Ms. Polli.

I will be calling our next panelist to testify and

then we open for questions for the panel.

Our next panelist is Rumman Chowdhury and before

you begin, please state your name and affiliation for

the record.

RUMMAN CHOWDHURY: Thank you. My name is Dr.

Rumman Chowdhury.

SERGEANT AT ARMS: Starting time.

RUMMAN CHOWDHURY: And I am CEO and Founder of

Parity and Enterprise Ethical AI Audit Company. As a

leader in the applied responsible AI community, both

as founder of Parity and formerly as Accenture's

global lead for responsible AI, I applaud the city's

forth site in proactively addressing the harms that

can be introduced by automated decision making

systems and in particular, employment algorithms.

In this testimony, I address three critical

components of this bills success. First,

constructing an actionable audit. Second,

instituting methods of citizen redress and

highlighting harms and third, providing a pathway for

companies subject to this audit to share their

process output without revealing intellectual

property or exposing their data.

These parts are necessary to create a successful,

self-reinforcing and evolving audit methodology.

First, introducing mandatory audits of HR algorithm

is a necessary first steps in ensuring responsible

use of these systems. However, the current state of

practice in our industry, as many have mentioned on

this call, is that no clear standards are universally

accepted guidelines exist to perform model audits.

To date, audits range from purely qualitative

assessments that result in lengthy documentation to

purely technical platform based implementations that

access only the technology and its outcomes. Both

are insufficient. The former ignores the reality of

adjusting limitations within the technology often

resulting in wishful thinking that is simply not

measurable or implementable and the later, ignores

the contextual applications of technology and how it

interacts with human, society and organizational

structure.

My first suggestion to the Council is to create a

group to generate audit guidelines in collaboration

with the multiple bodies that already exist to create

2   responsible AI solutions. Organizations like New

3   York University Alliance for Public Interest

4   Technology and the Algorithmic Advisory Alliance of

5   which I am a founding member. In my experience,

6   groups like this are the most successful when they

7   incorporate companies, civic organizations, policy

8   makers and technologists and this audit output needs

9   to be understandable by both technical and

10   nontechnical audiences and made available to the

11   public. Implementation requires education, if audit

12   is enacted, the city has an obligation to ensure

13   employees are able to utilize output appropriately

14   and properly.

15   My second suggestion to the Council is to

16   introduce methods for individual citizens to

17   highlight harms. While transparency is laudable it

18   ignores the power dynamic that exists between

19   employers and employees, as the Majority Leader has

20   raised. Notification of algorithmic usage that a

21   clear method could reach us will not be beneficial

22   and will likely raise more questions than it will

23   answer.

24   Finally, my third suggestion is to create a

25   working environment for companies who would be

subject to these audit methodologies to safely and

securely share their intellectual property and data

with audit developers. Similar regulatory sand boxes

have been utilized successfully to create policy for

a financial regulation and data privacy.

Collaborative creation allows for realistic

solutions, testing and iteration.

Beyond these structural suggestions —

SERGEANT AT ARMS: Time expired.

RUMMAN CHOWDHURY: To the city is to align with

local, national and international best practices and

policies currently in development.

Our collective goal is noble institute forward

thinking policies to ensure all constituents reap the

benefits of algorithmic decision making systems, use

an employment decisioning while mitigating and

addressing harm. Thank you.

COMMITTEE COUNSEL: Thank you so much for your

testimony and now, I will turn over to the Chair for

questions.

CHAIRPERSON HOLDEN: I have no questions.

COMMITTEE COUNSEL: I don't seen any more

questions from other Council Members. I want to

thank the panel for your testimony and now, I am

going to call our next panel. And our next panel

will be Julia Stoyanovich, Mark MacCarthy and Donald

Tomaskovic-Devey and Steven Kuyan. Professor

Stoyanovich, before you start, please say your name

and affiliation for the record.

SERGEANT AT ARMS: Starting time.

JULIA STOYANOVICH: Dear Chair Holden and Members

of the Committee. My name is Julia Stoyanovich, I

hold a PhD in Computer Science from Columbia

University. I am an Assistant Professor of Computer

Science and Engineering and of Data Science at New

York University and I am the Founding Director of the

Center for Responsible AI at NYU. Together with

Steven Kuyan who will speak after me.

In my research, teaching and public engagement, I

focus on incorporating legal requirements and ethical

norms into data driven decision making and have been

particularly been focusing on the hiring domain.

I teach responsible data science at NYU and I am

delighted to see several of my students and of my

academic colleagues here today. Most importantly, I

am a proud and devoted New Yorker. I would like to

applaud the Committee on Technology for their

sustained efforts to regulate the use of automated

decision systems, ADS in New York City.

The bill we are discussing today it appears a

potentially transformative opportunity to make the

use of ADS in the crucial domain hiring and

employment responsive to the needs of all New

Yorkers.

I am speaking here in strong support of the bill

and I will say directly based on the conversation on

the first panel today that the academic community and

the center for responsible AI in particular at the

city's disposal to make the auditing and public

disclosure requirements of the proposed bill

actionable.

The bill cannot be more timely. The COVID-19

pandemic is hitting members of minority and

historically disadvantaged groups particularly hired

with many losing their jobs and being unable to enter

the workforce. If this bill passes, it will benefit

job seekers by ensuring that the unaccountable use of

other decision making and hiring does not further

exacerbate these inequities.

And folks have mentioned inequities with respect

to gender and race but I also want to underscore that

individuals with disabilities are suffering

disproportionately from these systems. The bill will

also benefit vendors of hiring ADS by helping create

an economically and ethically sustainable ecosystem

of technological innovation.

Finally, it will benefit employers who use these

tools by helping them evaluate the claims made by

vendors during procurement with the help of auditing

and by helping them build trust of job seekers and

employees and this will be done through public

disclosure.

In my statement today, I would like to make three

recommendations. First, with respect to auditing.

The scope of auditing for bias should be expanded

beyond desperate impact to include other dimensions

of discrimination and also contain information about

the tools effectiveness. Does the tool actually

work? Audits should be based on the set of uniform

publicly available criteria and they should be

conducted by a third party entity with appropriate

technical and domain expertise.

My second recommendation is about disclosure.

Information about job qualifications or

2 characteristics for which the two was used to screen

3 should be —

4   SERGEANT AT ARMS: Time expired.

5   JULIA STOYANOVICH: To the jobseeker in the

6 manner that this comprehensible and actionable.

7   Finally, my recommendation is to help create an

8 informed public. To be truly effective, this law

9 requires an informed public. ID recommends that New

10 York City invest resources into informing members of

11 the public about data, algorithms and automated

12 decision making, using hiring ideas as a concrete and

13 important example. I am happy to explain my

14 recommendations during Q&A.

15   COMMITTEE COUNSEL: Thank you Professor

16 Stoyanovich for your testimony and our next panelist

17 is Professor MacCarthy. Professor MacCarthy, please

18 state your name and affiliation for the record.

19   MARK MACCARTHY: Thank you very much. My name is

20 Mark MacCarthy.

21   SERGEANT AT ARMS: Starting time.

22   MARK MACCARTHY: I am a Senior Fellow at the

23 Institute for Technology, Law and Policy at

24 Georgetown and I teach in Georgetown's graduate

25 program in communications culture and technology. I

am also a Senior Fellow at the Working Institute

Center for Technology Innovation. I held a PhD in

philosophy.

I strongly support this legislation. It would

serve the cause of workplace diversity and the

protection of vulnerable groups in the employment

process.

Automated decision tools really have the promise

of reducing bias that's introduced by subjective

employers decisions but if it is not properly

designed, these tools may instead reinforce and even

worsen existing patterns of employment

discrimination. The intent of the bill is to

disclose the extent to which one of these new tools

might worsen workplace diversity. Employers can't

manage what they don't measure. They need to know

whether their perspective employment tools are likely

to have discriminatory effects and the only way they

can know that is if the vendors conduct desperate

impact assessments and convey the results to their

potential purchasers.

To ensure that this intent is carried out, I

recommend that the bill be clarified, so that the

required bias audit must assess the tools potential

adverse impact on protected classes and this

assessment should be disclosed to potential

purchasers. Now, there are many different ways of

assessing bias in an audit but what my recommendation

is, is that the bill should require at least a

desperate impact assessment. The standard measure of

adverse impact in employment law is well understood.

It is whether a policy, procedure or tool returns

positive results from members of a disadvantaged

group in the same proportion as for other groups.

If the tool preserves statistical parity in this

way, it will not worsen outcomes for protected

classes. Vendors can test whether their automated

tools are likely to have an adverse impact on

protected classes, like conducting their initial

assessments on different demographic groups and

measuring what proportion of people in protected

classes receive positive results.

Chair Holden, you mentioned in your opening

statement about Amazon, and that's exactly what

Amazon did and why after it found that it has a

desperate impact, it did not put its employment tool

into practice.

Of course vendors whose employment tools do have an adverse impact on protected classes should be allowed to explain in their bias audits that their tools have relevance to job related characteristics and are consistent with the compelling business necessity and this would allow employers to compare employment decision tools.

SERGEANT AT ARMS: Time expired.

MARK MACCARTHY: Or an alternative that satisfies their business needs with the smallest possible discriminatory effect.

I would be happy to answer any questions that you might have. Thank you very much.

COMMITTEE COUNSEL: Thank you very much for your testimony and our next panelist is Professor Tomaskovic-Devey. Professor Tomaskovic-Devey, please state your name and affiliation for the record.

SERGEANT AT ARMS: Starting time.

COMMITTEE COUNSEL: I think you are still on mute. Just give us a moment.

CHAIRPERSON HOLDEN: Can we unmute the professor?

DONALD TOMASKOVIC-DEVEY: There we go.

CHAIRPERSON HOLDEN: Okay, great.

1

2   DONALD TOMASKOVIC-DEVEY: Sergeant Leonardo,

3   sorry about that.

4   COMMITTEE COUNSEL: I apologize for that.

5   SERGEANT AT ARMS: Starting time.

6   DONALD TOMASKOVIC-DEVEY: Good afternoon

7   everyone. My name is Donald Tomaskovic-Devey, I am

8   the Director of the Center for Employment Equity at

9   the University of Massachusetts. Our center is

10   concerned with promoting equitable work places and

11   using scientific research to figure out what works

12   and what doesn't.

13   My testimony today is supportive of the bias

14   audit bill and I am proud of New York City for

15   considering it. The best organizational research

16   shows that the most effective approach to promoting

17   equal opportunity employment decisions is to develop

18   appropriate goals and metrics, share them with

19   stakeholder and embrace accountability for outcomes.

20   When thinking about hiring technologies, this

21   implies both demonstrating their connection to the

22   actual work being performed and ensuring that the

23   results of their recommendations are not biased, for

24   or against particular demographic groups. It also

25   requires transparency to users, both the job seekers

and the employers. As to the results of these bias

audits, so that they understand the potential for

bias and can choose technologies that minimize or

preferably eradicate bias in their recommendations.

Prior studies of diversity policy efficacy have

found that accountability structures lead to clear

improvements in the representation of women in

minorities. If no one is accountable, change is

unlikely and transparency can serve as a powerful

foundation for accountability, empowering decision

makers and employees alike. So, that both the

transparency and accountability aspects of this audit

tool are important. When organizations make their

employment process this transparent, managers and job

applicants better understand how decisions happen.

In this case, it is essential that the purchases of

hiring tools and technologies understand how the

selection devices work. That they have an

opportunity to look under the hood as needed to

understand the potential sources of bias with regard

to race or gender and most importantly that they are

armed with clear solid metrics associated with both

expected and actually performance on different

demographic groups.

Race and gender bias can also arise based on its association with proxy variables, such as social class. For example, if the employee screening technology is based on a firms current workforce and that firm has tended to hire from ivy league schools rather than CUNY or my Alma Mater Fordham, an unsupervised algorithm will tend and neglect the good New York candidates. We don't want that.

This result is, however, not inevitable. As hiring technologies can be designed to discover this type of bias and rooted out. Without that proper transparency in auditing however, it is hard to know if this is happening and it is even hard to get the firms to do it.

At this point, it is clear that many in the AI machine learning community recognize these biases are there and the design and data and algorithmic decision making but it is also clear that these can be audited and bias removed.

SERGEANT AT ARMS: Time expired.

DONALD TOMASKOVIC-DEVEY: It is not really a difficult technical problem. There are firms that do this already. I want to conclude with ta couple of points.

The first is, automated employment selection tools can give the misleading sense to managers that there is no bias in their decision making because they don't feel like they are making the decisions anymore. This idea of fairness by blindness can give a false sense of security that can lead managers to assume rather than promote bias free workplaces.

Finally, I support this bill because it introduced clear metrics and transparency and empowers decision makers to reduce bias in their employment decisions. I also think it is clear that this industry has already demonstrated its unlikely to police itself but some firms like pymetrics already do. So, this is possible. It is technologically feasible now. Thank you so much for your time and I am happy to answer any questions.

COMMITTEE COUNSEL: Thank you very much Professor. I will now turn over to Chair for questions.

CHAIRPERSON HOLDEN: Yes, thank you. It was a great panel again. We have some experts with wonderful testimony. Let me just ask a question, should the disclosure requirements be applicable to other automated decision systems other than hiring

related systems? I will ask the entire panel,

anybody that wants to jump in. If we can unmute

them. Yes, Julia.

MARK MACCARTHY: It is Mark MacCarthy. I am

happy to suggest that the kind of desperate impact

assessment that I think the bill implicitly calls for

and should be clarified to actually contain.

It's the kind of desperate impact assessment that

should be conducted whenever an automated decision

system has a consequential impact on peoples lives.

Employment is clearly an important area but there are

many, many others. If a system is going to be

involved in granting credit or insurance. If it is

going to effect a persons life in a significant way,

there should be a desperate impact assessment done.

JULIA STOYANOVICH: Maybe if I can step in as

well. So, we have been talking about public

disclosure here right and we have been focusing on

bias and that is extremely important but the public

disclosure component of this bill is what makes it

unique and this is also something that is extremely

important for a number of the means, including

algorithmic hiring and algorithmic hiring is going to

1

2 give us this fertile ground in which to actually

3 tryout ideas and make things concrete.

4   This is one the admittedly failures of the

5 automated decision systems taskforce in which I

6 serve. Was trying to boil the ocean and not actually

7 delivering on anything concrete and this is what we

8 can do here. So, in terms of actually developing

9 disclosure mechanisms, my favorite idea here is based

10 on this metaphor of a nutritional label that can be

11 used to explain outcomes to individuals about why

12 they were or weren't hired. Most likely, they will

13 want to know why they weren't hired.

14   It can be used to explain specific features that

15 were used to decide on their candidacy and not just

16 list these features but actually explain why these

17 features are relevant, deemed relevant for their

18 performance on the job.

19   Because if I am denied employment, I don't want

20 to know that this is because my name was not Jerad

21 and I don't play Lacrosse. This is an anecdote that

22 many of us are familiar with of these tools actually

23 exhibiting bias in this way.

24   What I do want to know is, what were there

25 features? Show me a label. To what extent do they

2   impact my success or my failure to get this position.

3   And there is more that I can say but I am happy to

4   let the others speak.

5   DONALD TOMASKOVIC-DEVEY: I would like to respond

6   as well. I think that what we are looking at is a

7   technology that's at one part of this employment

8   relationship, the hiring relationship. Majority

9   Leader Cumbo mentioned before that she has got a pay

10 equity bill, pay equity analysis of firms are also an

11 audit technology and most firms keep those very — the

12 results of those audits very close to the vest. They

13 don't make them publicly available.

14   Dr. Polli talked before about if the EEOC worked

15 like the Food and Drug Administration, we would have

16 a lot more transparency. Actually, the History of

17 the EEOC, there is a great deal of confidentiality

18 was granted to firms back in 1964. If the EEOC had

19 been founded in 1972 when the environmental

20 protection agency was founded or OSHA, we would know

21 exactly what the firms are doing. And I actually

22 think that it is a leadership of local cities and

23 states that's going to increase transparency. Just

24 two weeks ago, the state of California mandated pay

25 data collection from firms, which the Trump

Administration had stopped. That the EEOC had just

begun. I think it is cities like New York and states

like California that are going to lead the way.

Thank you.

COMMITTEE COUNSEL: Thank you. Chair Holden, do

you have more questions?

CHAIRPERSON HOLDEN: I don't, thank you panel.

Terrific, terrific testimony and we really appreciate

it.

STEVEN KUYAN: I think we skipped my testimony,

so I am happy to start now or whatever you prefer.

CHAIRPERSON HOLDEN: You can start now. Sorry

about that.

STEVEN KUYAN: No, not a problem at all.

SERGEANT AT ARMS: Starting time.

STEVEN KUYAN: Thank you so much Chair Holden and

member of the Committee. My name is Steven Kuyan

from the Tandon School of Engineering. I am the

Director of Entrepreneurship attended, where I

oversee the Tendon future labs and as Julia

mentioned, I work with her at the Center for

Responsible AI. I am also an Invest Advisor to

numerous startups Board Member of the Business

2 Incubator Association of New York Strat and I am a

3 member of the U.S. Council for Competitiveness.

4   My hope is that my perspective comes from

5 launching the first New York City sponsored incubate

6 in 2009, that helped early stage companies

7 successfully translate technology investments

8 including AI and ADS. A successful commercially

9 viable products for markets hungry for optimization,

10 efficiency and scale. Ensuring AI can transfer from

11 lab to market is going to be one of the biggest

12 economic opportunities of our generation and one that

13 is instrumental for the health of our ecosystem here

14 in New York City and the competitiveness of our

15 country.

16   Without oversight and regulation, wealth from AI

17 will be concentrated in companies that are able to

18 harness and deploy it and that's already happening.

19 Just think about the companies that we go to for our

20 everyday needs. As such, AI must be deployed

21 responsibly, ethically and with transparency if it is

22 to reach the promise of scale in a wide array of

23 critical sectors like many discussed today medicine,

24 mobility, education, law and employment. And without

25 the public oversight and well-tailored regulation,

current conditions indicate that AI will evolve in

the dark and sold on the quality of marketing

campaigns.

So, I would like to sort of make two quick

recommendations based on 1894. The first is focused

on the data access that companies have. So, most

data access that a company currently have are being

considered for AI solutions and technologies as

vendors are developing and deploying such tools

without any oversight as to how the data influences

future decisions on any dimension other than

generating more revenue.

And today, there is no agreed upon standard in

place that allows for third party regulatory industry

validation by cities or nonprofits and the like. So,

companies buying to this over promise of efficient

results without any knowledge of what's under the

hood or what it means to enforce countability and due

process. And that leads to my second point, which

is, most companies like the ones that are incubated

within the NYU and future labs and most other

startups that employ these tools are not aware of the

liability and responsibility that is instilled in

them when they purchase these solutions, not

understanding that they are liable for the decisions.

We have one such example, a company that works

for us at the Center for Responsible AI that gives

buildings in New York City a grade based on data that

is available from various departments for New York

City and reviews, and they know full well the

building's owners will hold the company reliable for

any mistakes that their system makes. And it is rare

for a company like this one to have gone out and

received an audit.

SERGEANT AT ARMS: Time expired.

STEVEN KUYAN: And it took well over a year to do

so and the liability that they face is very similar

to the liability automated decision systems in hiring

will face.

And so, my recommendation at the Council through

such organizations as our Center for Responsible AI

ensures that companies that purchase these systems

understand the liability that is instilled in them

when they purchase these. Let me please close by

offering some closing remarks.

We know that public education efforts, as Julia

mentioned, are critical of consumer surveyed not just

within our projects but generally, 62 percent said

they would put a higher trust in companies whose AI

interactions they perceive as ethical and this is

true when they are not seen as ethical.

New York City and Easton act as bold vision for

deployment of these tools as it aligns with the norms

as we expect to see in the future, we all want to

live it.

1894 may not be perfect as we discussing today

but it is a necessity for automated decision systems

to have better utility and ultimately for the

continued research and adoption of AI. The time to

do this is now otherwise, we risk getting too far and

placing a backlash towards AI that will risk our

global position as an innovation hub here in New York

and globally or worse, not having the opportunity to

ever enforce these systems again. Similar to the

worlds inability to have any oversight over the AI

recommendation tools that power our social media

platforms. Thank you very much for your time.

CHAIRPERSON HOLDEN: Thank you.

COMMITTEE COUNSEL: Thank you everyone and at

this point I do not see any questions from Council

Members and therefore, we are going to move to our

1

2   next panel. And our next panel will be Daniel

3   Schwarz, Christopher Boyle, Albert Fox Cahn and Sarah

4   Myers West. Mr. Schwarz, before you begin please

5   state your name and affiliation for the record.

6   Thank you.

7   SERGEANT AT ARMS: Starting time.

8   DANIEL SCHWARZ: Thank you. My name is Daniel

9   Schwarz and I am here to testify on behalf of the New

10 York Civil Liberties Union. We thank the Council

11 Members for holding this hearing and for the

12 opportunity to provide testimony today. Automated

13 Decision Systems or ADS, risk severely undermining

14 the civil human and privacy rights of New Yorkers.

15 The use of ADS is often accompanied by an acute power

16 and balance between those deploying the systems and

17 those effected by them. Particularly, given that ADS

18 operate without transparency or even the most basic

19 leader protections.

20   Especially when New Yorkers fundamental rights

21 are at stake, such as in welfare, education,

22 employment, housing, healthcare, regulation system or

23 a criminal leader system. These technologies all too

24 often replicate and amplify bias discrimination and

25 harm to populations who have been and continue to be

disproportionately impacted by bias and

discrimination.

Women like, indigenous and all people of color,

religious and ethnic minorities, LGBTQIA people,

people living in poverty and people with

disabilities, people who are or have been

incarcerated through other marginalized communities.

To close the overwhelming information gap around

these tools, the Council could strengthen and pass

Intro. 1806, which would require agencies to provide

information about every ADS use.

Other cities have shown the visibility of similar

efforts. For example, Amsterdam and Helsinki

recently launched a respected ADS registries. Yet,

transparency is only a first step. Regulation should

include mandatory, independent, racial and

nondiscrimination impact assessments. Data privacy

audits and holistic consultation with the main

experts and effected people, in particular for

marginalized groups.

Finally, the Council should recognize that

technologies show significant discriminatory impact

require all red bans. In particular in high stake

areas mentioned beforehand. On Intro. 1894, the

NYCLU commends the sponsor and the Council for

raising and attempting to tackle the issue of bias

and discrimination and employment ADS.

Unfortunately, Intro. 1894 does not sufficiently

achieve this goal and we oppose it in its current

form. In our written testimony, we have specific

recommendations and amendments regarding the bill

solely focused on sale, the limited definition of

employment ADS, the leeway to vendors in the bias

audit, the notice requirement, the importance of a

private right of action, as well as the provision of

attorney's fees and lastly, the inclusion of

nonretaliation provision.

Without these amendments, the legislation will

not deliver on its promise to mitigate bias and bring

justice and equity to the hiring of ADS. Thank you.

COMMITTEE COUNSEL: Thank you very much for your

testimony and we will go to our next panelist. And

our next panelist is Christopher Boyle. Mr. Boyle,

please state your name and affiliation for the

record. You may begin.

CHRISTOPHER BOYLE: Thank you.

SERGEANT AT ARMS: Starting time.

1

2   CHRISTOPHER BOYLE: Thank you Chairman Holden and

3   Council Members for holding this hearing. My name is

4   Christopher Boyle and I the Director of Data Research

5   and Policy at New York County Defender Services. We

6   are a public defense office that represents New

7   Yorkers and thousands of cases in Manhattan's

8   Criminal and Supreme Courts every year.

9   Automated decision systems are routinely used to

10   inform actions in every step of the legal system.

11   While a primary objective of such programs is to

12   eliminate the effects of race or class biases,

13   numerous studies have shown that without proper

14   oversight, risks assessments unintentionally amplify

15   these biases under the guides of science.

16   This summer, the Council passed a post-Act, a

17   bill that requires the NYPD to disclose their use of

18   surveillance technologies. The first disclosure by

19   the NYPD will be due in early 2021 and this bill is

20   critical to help us understand what technology the

21   NYPD relies on to surveil our clients and

22   communities. The post-Act is a long overdue reform

23   that NYCDS strongly supports but the city still has a

24   long way to go. At present, we do not have access to

25   information regarding how many ADS's are used in New

York City in the Criminal Legal System nor do we know

for what purposes they are being implemented and this

must change. Earlier this year, I testified before

this committee in favor of two bills related to

reporting on automated decision systems used by city

agencies. To date, these bills have not been passed

and I urge this Committee to bring this bills to a

vote. NYCDS strongly supports Intro. 1894-2020, a

bill on today's agenda that would regulate the use of

automated employment decision tools. AEDT's in the

hiring process. The bill would require both presale

and freely post-sale audits for bias, require

employment candidates to be notified within 30 days

if the AEDT was used to assess their candidacy and

for what specific purpose and impose a penalty for

noncompliance. We believe that initiative 1894 will

help to protect people from bias from the AEDT's, yet

we urge the Council to consider the following two

things. First, this bill which is limited to

employment hiring context goes a lot further than the

post-Act or the transparency bills considered by this

Committee in January.

We strongly believe that people should be

protected from bias when seeking employment but we

2   also believe that this same level of protection

3   should be extended to people facing the loss of their

4   liberty in the criminal legal system. The technology

5   covered by the post-Act does not cover algorithmic

6   tools created and used by the nonpolice actors in the

7   system. Such tools include risk assessment tools,

8   where outputs are used by judges to make bail

9   determination so that DNA software like STRmix

10   licensed by our crime lab to attempt to interpret

11   complex DNA mixtures in criminal cases. We urge you

12   to consider introducing and passing a bill similar to

13   Intro. 1894 to apply to the criminal legal system.

14   Second, you should consider amending Intro. 1894

15   to not only include a language about regular audits

16   for bias but also to make clear that these AEDT's

17   even where a prior team must be subject to under the

18   hood examination by independent experts without

19   nondisclosure agreements or other such impediments to

20   a full and fair evaluation.

21   Flawed algorithmic decision systems can have real

22   life consequences for example STRmix's software that

23   uses algorithmic systems to interpret complex DNA

24   mixtures and analysis.

25   SERGEANT AT ARMS: Time expired.

CHRISTOPHER BOYLE: In 2015, an era in the underlying STRmix code led to problems in 60 criminal cases in Australia. The problem was only discovered in the midst of a criminal trial where prosecutors sought to include its faulty results as evidence. As defense attorney's we require access to the source code to ensure that STRmix analysis should be relied upon by the court. An audit for bias while in court and is not sufficient to protect against harm, to truly protect the public we must success the underlying source codes to. We ask for the same protection to be included in any legislation extended to the types of protections in this bill to algorithms uses at various stages in the criminal legal system process. Thank you.

COMMITTEE COUNSEL: Thank you very much Mr. Boyle for your testimony and our next panelist is Albert Fox Cahn. Mr. Cahn, please state your name and affiliation for the record. You may begin when you are ready.

SERGEANT AT ARMS: Starting time.

ALBERT FOX CAHN: Thank you so much. My name is Albert Fox Cahn and I am the Founder and Executive Director of the Surveillance Technology Oversight

Project. I am also a fellow at NYU Law Schools

Engelberg Center on Innovation Law and I am very

grateful that the Majority Leader Cumbo has taken a

leadership effort in trying to address the impact of

ADS on biased hiring here in New York and both as a

lawyer who has fought employment discrimination

throughout my career and also as a resident of

district 35 but I am also one of the 12 signatories

to the letter that was circulated on behalf of civil

rights groups that strongly oppose the passage of

this bill in its current form. Let me be clear that

if we pass 1894 as it is worded today, it will be a

rubber stamp for some of the worst forums of

algorithmic discrimination.

It does too little to provide the safeguards

claimed and it will give so many of these firms a way

to sell their products veneer of legitimacy. When

really, these protections are ineffective and

insufficient. Having internal audits conducted by

companies on their own software is a allowing fox to

guard the hen house. It does not give us an accurate

assessment of the impact that these tools have. It

does not give us a meaningful way to combat bias in

automated decision systems and despite all of the

claims that ADS can encounter, human bias, the track

record is far from persuasive. We see that ADS can

be just as bias if not more bias than human decision

making. And that when we allow this technology into

our hiring process, we put the livelihoods of

millions of New Yorkers at risk and we have to have

stronger protections because if we put this bill

forward, as it is drafted today, it will be a selling

point for people who can pass this minimum level of

due diligence to move forward in selling their flawed

software to employers and really robbing New Yorkers

of their day in court when they face discrimination.

We need a private right of action. We need

attorney's fees. We need this to apply to government

hiring as well. Making sure that city employees have

the exact same rights as private employees under this

bill. We need to have a ban list that prohibits the

use of any ADS that has been found to be biased in

the prior 12 months and we need a much more

comprehensive framework for what constitutes

inappropriate bias in hiring systems.

This is a hard thing to do. You know, I have

been trying to help the city with this for multiple

years including previously through work with the

2   Automated Decision Systems Taskforce. I know it is

3   not easy to define these terms and to lay out

4   solutions but we have to do better. We need to

5   listen to advocates. I urge the Council to

6   incorporate the feedback from the signatories to this

7   letter. Thank you.

8   COMMITTEE COUNSEL: Thank you very much Mr. Cahn

9   for your testimony and we are going to our next

10 panelist and our next panelist is Sarah Myers West.

11 Ms. Myers West, please state your name and

12 affiliation for the record.

13   SERGEANT AT ARMS: Starting time.

14   SARAH MYERS WEST: Good afternoon Chair Holden

15 and the members of the Committee on Technology and my

16 name is Dr. Sarah Myers West and I am a post-doctoral

17 researcher at the AI Now Institute. An

18 interdisciplinary research center at New York

19 University that focuses on the social implications of

20 artificial intelligence. The City Council's scrutiny

21 of this space is particularly needed in a moment

22 where workers are facing increasing precarity in the

23 wake of the pandemic.

24   It is critical that regulation of this space be

25 designed to provide the support that workers will

2 need in protecting themselves against employment

3 discrimination.

4   In July, the AI Now Institute joined 23 other

5 civil rights employment and privacy organizations by

6 signing a set of civil rights principles for hiring

7 assessment technologies. Building on these

8 principles my testimony makes two primary points.

9 One, that this is the space in urgent need of

10 increased accountability on oversight. Two, that

11 bias as it services in these tools cannot be

12 separated out from historic and present day patterns

13 of employment discrimination and in fact, that the

14 research suggests that these tools could introduce

15 new forms of bias. The tools that INT 1894 aims to

16 regulate are already in wide use across a wide range

17 of industries and job categories and in the absence

18 of clear standards of oversight and evaluation, these

19 systems are already being used to make important

20 decisions throughout the entire hiring process from

21 who gets targeted with a job ad to who might be

22 called in for an interview, to what salary might be

23 offered to a candidate.

24   Candidates are often unaware when these systems

25 are in use. They are unaware of what qualifications

would be taken into account when making decisions

about whether or not they get a job and thus they are

unable to identify or marshal the necessary evidence

when discrimination takes place let alone aggregate

the data across multiple individuals necessary to

challenge it.

But while transparency and disclosure are very

important steps toward ensuring accountability and

the use of automated employment decision tools, they

are really only the first of many. Studies of these

systems raise significant doubt as to whether they

work as advertised and even more concerningly they

suggest that they may in fact introduce other new

forms of employment discrimination and other

panelists have brought up discrimination on the basis

of disability, class. I would also bring up access

to technology. At present, there is also a worrying

lack of well defined best practices as to appropriate

methods for debiasing or auditing these systems.

We also lack sufficient information about how

vendors audit work in practice in order to make an

independent assessment of their effectiveness in

mitigating discriminatory outcomes.

Given their prevalence, it is deeply concerning

how little we know about whether automated employment

decisions systems work, let alone what kinds of harms

they introduce. Thus, while the INT. 1894 bill

address an area sorely in need of close scrutiny —

SERGEANT AT ARMS: Time expired.

SARAH MYERS WEST: We are concerned that at

present, this bill could allow for the perpetuation

of discriminatory hiring practices and in the end,

legitimizes tools that could even compound their

effects. Thank you very much for your time.

COMMITTEE COUNSEL: Thank you very much for your

testimony and now, I will turn over to our Chair for

questions.

CHAIRPERSON HOLDEN: Thank you to another great

panel. I think we are all hearing that from this

panel that they support the bill but it doesn't go

far enough. So, certainly your recommendations, if

you can give us some testimony that we would like to

obviously look at that. I would like to ask this

panel, do the penalties listed in the proposed bill,

does it do enough to encourage compliance in your you

know, estimation?

ALBERT FOX CAHN: Chair Holden, I think that this will just make discriminatory AI. It will make the penalties the price of doing business. We need much stronger penalties. We need to have a private right of action. We need to have attorney's fees, so we can mobilize the private bar, just as we do with every other form of employment discrimination in New York. And at a time when the agencies are admittedly resource starved. When they are struggling to keep up with their other responsibilities, we need that sort of private sector enforcement as part of any campaign but I think part of the difficulty here is under the text of the bill itself, it wouldn't even be illegal to use biased AI.

You would simply need to conduct the audit but the employer to use these bias systems wouldn't be exposed to any liability under the bill itself.

CHAIRPERSON HOLDEN: So, just putting a monetary penalty doesn't go far enough. Are you looking for something else sanctions or?

ALBERT FOX CAHN: So, I do think monetary penalty is enough but it is the type of monetary penalty. So, it is having —

CHAIRPERSON HOLDEN: What would you say is like

the starting point, $5,000, $10,000?

ALBERT FOX CAHN: I think if you have a

liquidated damages or that sort of you know,

statutory damages of $5,000, $10,000 per violation,

that would be great but I think what we need to make

sure is not just that you have that damages amount

specified but that you also have the frequent

enforcement of having the plaintiff's bar constantly

being mobilized when employees come forward and

complain about biased hiring.

CHAIRPERSON HOLDEN: Great, thank you.

COMMITTEE COUNSEL: Anyone else have anymore

questions? I do not see any questions. Chair

Holden, do you have any final words for the

panelists?

CHAIRPERSON HOLDEN: I just want to thank them

again. It was a terrific panel and we would like to

be in touch with the panelists here and all the

panelists by the way have been great. So, you know,

we are saying we have a lot of work to do but I

particularly want to talk about, you know, we will

talk about some of these other bills that were

suggested and start to advance that because we are

behind the curve already. But thank you panelists,

thanks so much for your testimony.

COMMITTEE COUNSEL: Thank you very much Council

Member Holden and the panelists and we would like to

move to our next panel. And our next panel will be

Alene Rhea, Kelsey Markey and Lauren D'Arinzo.

Ms. Rhea, you can state your name and affiliation

for the record.

SERGEANT AT ARMS: Starting time.

ALENE RHEA: Hello, my name is Alene Rhea, I am a

long time resident of New York City. I am also a

graduate student at the NYU Center for Data Science

and Fellow at the Center for Responsible AI.

I am here to voice my support of Proposed bill

number 1894. The need for the audits proposed in the

bill is plain. Lack of regulation surrounding

automated hiring tools has created dangerous

loopholes through which companies can evade our

city's nondiscrimination laws. Often unknowingly and

without malice. The power of these tools to operate

at massive scale demands rigorous scrutiny. I offer

the following recommendations for refinement of the

proposed audit procedure. Audits ought to be

conducted independently by people with specific

expertise in employment law data ethics. Audits

should not be tainted by conflicts of interest. The

outcomes of an audit ought to explicitly qualify or

disqualify the legal use of the tools by employers

within New York City. Guidelines for

disqualification should be carefully developed by

collaboration between experts from relevant domains.

The penalty for violation is that proposed bill

ought to be a progressive fine, which increases with

evaluation of the in funding firm. A $500 fine may

be a sufficient deterrent for a small business but

there is no reason to think that a $500 fine or even

a series of $1,500 fines would cause a multibillion

dollar company to alter its hiring practices.

Audits ought to prioritize fairness metrics which

speak to the interested applicants rather than the

interest of employers or vendors. As other panelists

have mentioned, there is federal precedent for using

adverse impact to define employment discrimination.

In addition to adverse impact, I suggest that audits

include subgroup error rate analysis. I refer the

Council to my extended written testimony for an

explanation of these metrics.

Audits ought to look not only at a tools
decisions but also at the data on which the tool is
trained. Machine learning depends on the use of a
training data set, which teaches the tool how to make
its decisions. Training data is often tainted by
systemic historical bias which can infect any tool
which is trained on it. Firms should be required to
defend the use of training data which contains bias
or which does not approximate the demographics of the
applicant pool or New York City at large. Audits
ought to include an accounting of exactly which
features or data points about an applicant are being
used as input to the decision system as well as
information about which of these features are most
important to the systems. Audits ought to
investigate the use of proxy variables by these
algorithms. For example, consider a tool that does
not use the protective category of race but does use
zip code. The model may learn to use zip code as a
proxy for race and to discriminate against certain
zip codes which correspond to ethnic. In addition to
sharing audit results with employers and applicants,
the full results of each audit should be made
publicly available in accessible language.

Incorporating these recommendations into the proposed bill would close the loopholes which are currently allowing companies to violate our civil rights under the guides of objective decision making and when held accountable, the vendors employers responsible, the other negligence for perpetuating this injustice. With the proposed bill, New York City is poised to bring our decades long history of leadership —

SERGEANT AT ARMS: Time expired.

ARLENE RHEA: And protection into a new era. I commend the authors of the bill and thank you for listening to my testimony.

COMMITTEE COUNSEL: Thank you very much. We are moving onto our next panelist and our next panelist is Kelsey Markey. Ms. Markey, you can state your name and affiliation for the record.

KELSEY MARKEY: Hi.

SERGEANT AT ARMS: Starting time.

KELSEY MARKEY: Good afternoon. My name is Kelsey Markey, I am a master's student at New York University studying data science in AI and I am also part of the research team there investigating bias instability in these hiring tools. I am very excited

to hear that New York City is considering this

important bill. As a soon to be graduate, I am

frequently subjected to various types of these hiring

systems. These tools are used on other applicants to

screen our resumes, to run background checks or to

analyze our social media profile. They are also

sometimes used as personality tests to see if a

candidate will be a good fit at a company and they

are even used for video interviews.

My longer testimony has an anecdote about my

experience with these video interviews which I will

submit along with my written testimony and I am happy

to discuss more.

However, through my research, I have become very

wary of these hiring systems and their lack of

transparency. This is because time and time again, I

have seen in my courses research and work how easy it

is to make a bias decision system. To address

Majority Leader Cumbo's question about how bias is

introduced to a system, I would like to mention that

this can happen at many part of the data pipeline and

it is often done without malice or intention. It can

be introduced in the data that is used to build a

system as we might expect to see for a data set of a

workforce that is historically lower numbers of women

and people of color. It can also come from the

features that the system uses for analysis. For

example, if these features are suggested of protected

classes, like gender, race or disability. Bias can

also be introduced in the validation through the data

or masses that is used to determine if the algorithm

is working as expected and it can also be introduced

to the technical implementation of the system. Such

as if the tool is applied to all candidates or just

them.

As part of my data science education, I have

learned how to assess systems for a potential bias

throughout the data pipeline. However, when tools

such as these are completely unavailable to the

public none of these questions can be answered.

Transparency of these hiring systems is essential

because it ensures accountability to the public and

it facilitates audit by experienced computer and data

scientists.

This country has long said that discrimination is

not welcome in hiring, so I ask you today, why are we

not also holding these algorithms to the same

standards? My recommendations for this bill are as

follows. First, I suggest that these tools should be

a subject for an audit for bias at a minimum of every

year by an impartial outside auditor trained in

issues of data ethics and responsibility. I also

recommend that these audits have predetermined

metrics that they must meet for quantifying what is

an acceptable level of bias in the system.

Also, because it has been suggested on this call,

I will emphasize the importance of the impartial

auditor in this. It is an obvious conflict of

interest for these audits to be done by the companies

who create and found these tools.

Secondly, this bill suggests that companies

should make known "the job qualifications or

characteristics for which the tool is used to

screen." However, I would recommend making clear not

just what the tool was looking for but also which

features are being given to the system to determine

these qualifications.

SERGEANT AT ARMS: Time expired.

KELSEY MARKEY: And finally, as suggested here by

others, I agree that there should be a thoughtful

mechanism for the public to report the possible use

2   of these hiring tools. Thank you very much for your

3   time.

4   COMMITTEE COUNSEL: Thank you very much for your

5   testimony and our next panelist on this panel is

6   Lauren D'Arinzo. Please state your name and

7   affiliation for the record. You may begin when you

8   are ready.

9   SERGEANT AT ARMS: Starting time.

10   LAUREN D'ARINZO: Good afternoon and thank you

11 Chair Holden and the Committee. My name is Lauren

12 D'Arinzo and I am also a master's student at New York

13 University where I study data science and AI. I am

14 also a part of the team at New York University

15 conducting research on using data science responsibly

16 as well as the bias instability of hiring algorithms.

17   In this testimony, I would like to express my

18 support for bill 1894 and propose some suggestions to

19 add to its concreteness and improve its intended

20 goals. First, I would like to highlight the need for

21 the regulation of automated decision systems used in

22 hiring spaces. As a current job seeker and

23 applicant, it is unsettling to me that a future

24 employer might disregard my application based on the

25 output of an algorithm that has not been rigorously

tested for unfair impact or unstable results by an

independent third party and that I might not even be

informed of its use.

As a student, I have received my fair share of

job and internship rejections in my undergraduate and

graduate careers. How many of them were because my

output from an automated decision system did not meet

the threshold of the ideal output.

How are employers even defining these thresholds

for a position when many of these tools output is a

prediction of personality traits? Why are vendors

advertising predictive personality assessments as

poxy's for qualities of a good employee and how

specifically are these tools measuring the accuracy

of their predictions? These are all questions that

policy makers should be asking both the vendors who

make these tools and the employers who use them

before they are allowed to impact someone's ability

to get a job. What worries me most is that had I not

been recruited into a project explicitly doing

research in this space, I would likely not have even

known that these types of tools are regularly used by

Fortune 500 companies. How many job applicants have

had important life outcomes employment decisions

influenced by the output of these tools and aren't

even aware of it.

To supplement my support of this bill, I would

also like to suggest concrete mechanisms of how to

audit these tools. Not just with regard to bias as

mentioned in the bill but also to stability. Many of

these tools claim to predict personality, which

behavioral psychology literature will support, is

something that remains relatively stable over time.

As such, if a candidate is assessed by a tool at two

different time points, the output should be similar.

It is also important for a tool predicting

personality to be platform agnostic. That is, if a

candidate's resume was used in the system, it should

produce similar results as the output, as if their

LinkedIn were being used in the system. Otherwise,

how can there be any confidence that either output is

an accurate description of a candidates personality

and there then perceived fitness for a physician.

Without regulation, automated decision systems

that effect real people's livelihood can have adverse

consequences.

In summary, I recommend that the City Council

adopt a form of bill 1894 but with stronger language

surrounding what it means to audit a tool and with

specific detail about both fairness and stability.

Thank you.

COMMITTEE COUNSEL: Thank you very much for your

testimony and now I am going to turn it to Council

Member Holden for questions.

CHAIRPERSON HOLDEN: Thank you all for your

testimony. I want to ask the graduate students and I

want to thank you by the way but to me, listening to

your testimony, the graduate students, it is

frightening that what you are facing. I didn't have

to face that. You know, we worked on our resume's,

we sent them out and usually we got a call. This is

kind of frightening that — in your investigations in

graduate school, have you done any where you tested a

resume for you know, a certain, let's say ADS and

discovered what not to put on your resume. What not

to do in social media. I mean, this is kind of —

this is certainly big brother and it is certainly

very frightening but again, just listening to your

testimony, I am just glad I am not trying to get into

the job market anymore because — and I really, you

know, this makes me want to advance this legislation

even faster hearing your stories and if you can tell

us any personal stories that you have had with the

resume or just being denied access or being cut off

from a job that you had no idea that the ADS or AI

was even working or operating? Anybody can answer.

KELSEY MARKEY: I can take the first part of

that. So, the three of actually are working on a

project right now for our capstone project for our

master's where we are looking at some of these

personality based hiring tools. Their tools, we are

looking at two one specifically that proport to

predict your personality based on your resume or your

LinkedIn profile or your Twitter handle. And

companies will use these before they decide who to

hire, they will just give your public Twitter or

LinkedIn or resume and it will say what type of

person you are and you will somehow base that

information. You will compare it to the people that

currently work at your job and you will see if they

will be a good fit for it.

We are in the process of running these tools. We

are getting approval right now to do human subject

research and using these tools on some students from

the NYU student body. So, we will have more

information on that. But we can all I am sure talk

about how these tools have also been used on us as

graduate students who are applying for jobs and

entering the workforce.

I specifically had a really interesting

experience with a video tool being used on me last

spring. Where I, like, typically after apply, we do

a data science like assessment skills test and then

after that, actually, I will just read my testimony.

After that I was asked for an additional

assessment to examine my communication skills. This

assessment asked me to record myself on video,

responding to questions and it gave me very specific

guidance. This guidance included things like to

speak naturally and just as I would for an in person

interview. Standard things that would convey my

level of professionalism and communication skills.

However, it also had some more unusual points, like

how my video should be well lit with a neutral

background. How I should not wear any prints or have

any clutter around and that I should maintain eye

contact and smile throughout the video.

As a data scientist, these things popped out at

me as suggestions that a machine might be using to

better detect and analyze my actions. After further

investigation, I learned that video tools like these

are increasingly common in analyzing potential job

candidates. That likely my facial movements were a

choice and speaking voice was being used to compare

me to other applicants and to give me a score based

on how employable I was.

I personally, as someone who has struggled with

anxiety and nervousness much of my life was

terrified. What if I had a nervous shake in my voice

or a tremble in my hands, would that mark me as non-

employable? What about non-Native speakers who had

accents or different vocabulary and the whole point

of was I being told not to wear distracting print.

Was this because the system was somehow parsing out

my skin color or body shape? I mean I will leave the

rest for my testimony but I will just point out that

like there are so many questions about these things

and there is no knowledge known about how they are

being used on us and just rampant possibility for

discrimination which is why these audits are very

important.

CHAIRPERSON HOLDEN: This is frightening. Thank

you, thank you so much for that. Anybody else?

Okay, thank you panel. Great, great information, I

2   appreciate and good luck in graduate school and good

3   luck finding a job. It is — we are going to try to

4   make it easier. Based on your input, we can. Thank

5   you so much.

6   KELSEY MARKEY: Thank you.

7   COMMITTEE COUNSEL: Thank you very much. I do

8   not see anymore questions and now, I would like to

9   move to our next panel. And our next panel will be

10 Kirsten John Foy, Arva Rice and Andrew Hamilton.

11 Kirsten John Foy, please you may begin when you are

12 ready and please state your name and affiliation for

13 the record. Thank you.

14   SERGEANT AT ARMS: Starting time.

15   REVEREND KIRSTEN JOHN FOY: Sure it is Reverend

16 Kirsten John Foy and I am the President and CEO of

17 the Arc of Justice. We are a national civil rights

18 organization based in New York City. I want to thank

19 the Technology Committee and the staff of the Council

20 for permitting me to share our thoughts on such

21 ground breaking legislation.

22   I want to bring greetings to my fellow panelists,

23 certainly Arva Rice and others. Each of our group

24 has seen and experience a wreckage of the pandemic on

25 New York public health and economy first hand. And

of course, we are doing all that we can to get New

Yorkers back on their feet, back at jobs and able to

thrive in the city but our work alone will be hardly

sufficient in ensuring a fair recovery in all five

boroughs. That's why we implore the Technology

Committee and the entire New York City Council to

pass Intro. 1894. The shaky recovery is underway and

we have no time to waste to make sure it is

equitable. Slowly but surely companies in the city

are hiring workers once again and increasingly

companies are using automated technologies to guide

their hiring decision. Large companies in particular

can receive hundreds of applications for a single job

opening.

New technologies can scale the evaluation process

without requiring individuals to shift and shift

through resume after resume. But just as human

biases have led to job discrimination against people

of color and women for generations, hiring

technologies can also lead to unfair outcomes.

However, we are confident that this legislation will

reduce discrimination and hiring by requiring that

vendors audit their technology annually to show

whether their offerings are leading to hiring

decisions that do not have an adverse impact on

people of color and women.

Job applicants seeking employment during one of

the worst economic periods ever for our city, should

not have the additional worry and burden of being

discriminated against through technology. With

mandated audits, these technologies will actually be

an improvement over the traditional ways most

companies now hire provided that we have the

appropriate regulation as it represented in 1894.

And job applicants also deserve to know how they are

being evaluated for an opening. For so much of our

lives we have assumed that HR reps are reviewing our

resumes, assessing our skills during interviews and

calling our references but with artificial

intelligence now playing a role, applicants should

know these new systems are conducting the reviews.

That's why we are appreciative of the City

Council requiring that all job applicants be given

notice when employers are subjecting them to

automated technologies. The legislation comes at a

critical and crucial time for our community. New

York's off overlooked residents play an integral role

in New York's economy, culture —

SERGEANT AT ARMS: Time expired.

REVEREND KIRSTEN JOHN FOY: But they have never fully enjoyed the fruits of the city's economic largesse. This law will help change that paradigm. We need to encourage companies to choose workers based on their skills and experience, not on how they look or the zip code from when they come.

We are also thrilled that two Black women who represent where so many of our clients and our constituents and our neighbors live, Majority Leader Laurie Cumbo and Council Member Alicka Ampry-Samuel are spearheading efforts to pass this bill. Technology should serve everyone equally and we are inspired to see technology policy being led by women of color or often forced to the sidelines of this industry.

We hope their leadership serves as an example for legislators of color throughout the nation. Thank you again to Chair Holden, the entire Committee and the 20 Council Members who are focused on rebuilding a stronger and more equitable New York City economy and regulating technology with respect to ensuring equity in the job market. Thank you.

1

2   COMMITTEE COUNSEL: Thank you very much and we

3 are going to move to the next panelist and then we

4 are going to open for questions. And our next

5 panelist is Arva Rice. Ms. Rice, please state your

6 name and affiliation for the record. Thank you.

7   SERGEANT AT ARMS: Starting time.

8   COMMITTEE COUNSEL: I think she is still muted.

9   CHAIPERSON HOLDEN: Ms. Rice, could you unmute

10 yourself. Okay, you are unmuted now.

11   ARVA RICE: Alright, let me try that again.

12   SERGEANT AT ARMS: Starting time.

13   CHAIRPERSON HOLDEN: No, it is good.

14   ARVA RICE: Okay, sorry about that. Let me start

15 again. I am Arva Rice, President and CEO of the New

16 York Urban League. Thank you to Chair Holden and the

17 Technology Committee for holding a hearing on such a

18 forward thinking bill that we no doubt better protect

19 workers who have been historically discriminated

20 against.

21   Our organization is currently celebrating its

22 centennial, an achievement we are proud of and one we

23 are using to redouble our efforts to bring meaningful

24 improvement to the lives of Black New Yorkers. To

25

mark the occasion, we are releasing a comprehensive

report on November 22nd, the State of Black New York.

The report reveals deep racial disparities in the

city and also makes specific policy recommendations

to guarantee a fairer New York City emerges from the

ashes of this pandemic. Among our core policy

proposals is getting behind the passage of Intro.

1894. That's because I see discrimination in hiring

all the time, specifically the New York Urban League

works with too many talented and bright young

professionals who never get calls back.

I recently referred one young person who was

bilingual to a FinTech Company but he would not even

get a return call. They ultimately landed a job

elsewhere where they were promoted twice in less than

one year. Indeed, far too many companies fail to

take Black and Brown job applicants seriously.

Earlier this fall, Wells Fargo CEO blamed the lack of

diversity in corporate America on the lack of

qualified Black workers in the talent pipeline. The

assumption here is that there was nothing inherently

wrong with the process large companies use to screen

job candidates.

According to this perspective, employers can set whatever standards they want for respective applicants even if those standards perpetuate systemic inequality. In addition, I recently explained the importance of this legislation in a Blavity opinion piece I co-authored with your colleague, Councilwoman Alicka Ampry-Samuel. As Council Member Ampry-Samuel has shared, she would occasionally whiten her resume from Alicka to Alisha prior to her career as an elected official to increase her chances of getting a call back for an interview.

Her experience is backed by numerous studies. When a person with a White sounding name submits their resume, they receive 50 percent more call backs over someone with a Black sounding name. Many people of color have internalized this bias against us and it damages our self-worth and our self-esteem as a result.

So, whether or not employees are willing to admit it, there is a real problem with how Black workers are evaluated. Beyond unconscious bias, creeping into how resumes are traditionally reviewed, referral programs also keep certain workers down.

Over one-third of U.S. workers get their current

job from a referral but a Black woman is 35 percent

less likely to get this kind of boost than a White

man in a similar position. So, after decades of not

seeing real improvement in workplace diversity or pay

equity, we need to accelerate our efforts and push

our culture to reevaluate hiring so that all New

Yorkers, not just the privileged few have a fair shot

in hearing the magic words, you are hired.

SERGEANT AT ARMS: Time expired.

ARVA RICE: Thank you. Hopefully, this testimony

has main played that employees need to stop blaming

unqualified candidates and start questioning their

hiring process and that's why this bill is so unique.

It will guide companies towards a better and more

equitable way of choosing job candidates.

Thank you for the opportunity to share my support

for law 1894-2020. Thank you.

COMMITTEE COUNSEL: Thank you very much again for

your testimony. We have one more panelist on this

panel and then we will open for questions and I see

that we already have questions and our next panelist

is Andrew Hamilton. Mr. Hamilton, please state your

name and affiliation for the record.

1

2   SERGEANT AT ARMS: Starting time.

3   ANDREW HAMILTON: Hello, good afternoon everyone.

4   My name is Andrew Hamilton, I am the President of the

5   National Black MBA Association Metro New York

6   Chapter. I would like to thank everyone allowing me

7   to talk and testify from my point of view why this

8   bill is so important. I am here to share support for

9   1894-2020, the sale of automated employment decision

10 tools. The Black MBA Association, which was founded

11 over 50 years ago, New York Chapter over 26 years

12 ago, was all about uplifting Black professional but

13 connecting members the jobs they deserve.

14 Our initiatives include career fairs, education

15 opportunities and mentorship. Since COVID, we have

16 expanded our efforts by tripling our frequency of

17 virtual job fairs of New York. Attendance has

18 tripled with over 500 people attending in September

19 of 2020.

20 My role is a volunteer position but I also work

21 tirelessly with over 200 companies to move the needle

22 in job placement in New York City. 1894 perfectly

23 aligns with our mission by ensuring that all job

24 applicants are treated fairly and not judged by the

25 color of their skin but by their qualifications.

This bill is particularly essential now because

it has been extensively covered by companies are

increasingly evaluating workers using new and

automated tools. While some of these tools are built

with fairness in mind, some are not. Including those

of facial recognition to screen candidates. However,

facial recognition concerns in hiring date back well

before outbreak, specifically in 2020 and Senator

Harris and then Senator Elizabeth Warren and Patty

Murray or to the Federal Equal Employment Opportunity

Commission's express their concerns over the mount of

evidence that facial recognition is having unfair

advantage for the job seekers.

The letter stated facial recognition amplifies

discrimination and the disparities magnify gender,

racial and other inequities that are normally human.

To combat the potential problem, the Senators

requested the EOC develop guidelines for employers

fair use of facial recognition. Surprising this bill

has not been passed but perhaps now with Vice

President Elect Harris there could be more spotlight

on this bill to get passed.

The issue isn't facial recognition. Look at what

happened at Amazon, sought the automated resume

review which was already a problematic way of

assessing job applicants. With review of someone's

resume someone's qualifications on racial and gender

queues as such as their name and where do you live

and what culture they come from.

Studies have shown that White workers have gotten

more call backs for interviews versus Black workers

with identical job descriptions and job backgrounds.

The fact that some higher technologies are harmful

and other are not in New York legislation is so

important. Without this bill, there is a real risk

of discrimination against people of color and women

will impact New York workers for the foreseeable

future.

While many employers have —

SERGEANT AT ARMS: Time expired.

ANDREW HAMILTON: Recently made comments to

increase the diversity in the workforce, they do not

currently have information they need to judge whether

the hiring tool will help or hinder the progress of

this process.

What 1894 specifically does not enforce vendors

of hiring technologies to evaluate the products with

biases, the legislation will sort employers will use

these products and receive annual reports to justify

what they are doing and making sure everything is

acting accordingly.

More importantly, this bill needs to be passed to

move the needle in post-COVID environment and I hope

that my testimony is able to shed some light on this

issue. Thank you for allowing me to testify at this

time.

COMMITTEE COUNSEL: Thank you very much for your

testimony and I will now turn over to our Chair and

Majority Leader Cumbo for questions.

CHAIRPERSON HOLDEN: Another excellent panel. I

would like to just defer to Majority Leader, I know

she has a question.

COUNCIL MEMBER CUMBO: I don't have a question

but I just wanted to recognize Ms. Rice as well as

Reverend Foy's comments as far as recognizing the

disparities particularly that women of color are

facing all across the city and this nation and I

think it is really important that this conversation

and this hearing continues to happen because there

are so many ways that racial disparities continue to

impact communities of color and it is imperative that

we get this technology and the AI correct. So that

way we can make sure that you know, something that

should be designed to create more diversity doesn't

do the exact opposite. So, I certainly thank them

for their testimonies today.

CHAIRPERSON HOLDEN: Thank you panel.

COMMITTEE COUNSEL: Thank you. We do not have

any more questions. I would like to move to our next

panel. And our next panel will be Ms. McGregor, Mr.

Righetti and Manish Raghavan and I apologize if I

mispronounce any names.

Ms. McGregor, you may state your name and

affiliation for the record.

SERGEANT AT ARMS: Starting time.

SUSAN MCGREGOR: Hi, my name is Susan McGregor

and I am an Associate Research Scholar at the Data

Science Institute at Columbia University.

I want to thank the Council for the opportunity

to address today and applaud the New York City

Council for undertaking the important work of helping

ensure fairness in the use of algorithmic systems and

employment practices through the rule under review

today and relieve the effort such as the work of the

Automated Decision Systems taskforce.

In reading the tests of the rule being discussed, I would like to encourage the Council to consider adding more specific language about the criteria around bias audits and how meeting this requirement must be satisfied.

As members of the Council may be aware, there are a wide variety of ways that the fairness of an algorithmic system may be measured. In 2018, for example, Prince and Professor Arvin Marianna counted at least 21. Just as importantly, it is often mathematically impossible for a single system to meet multiple definitions of fairness simultaneously. As illustrated by the example of the compass sentencing algorithm. Which while it meets one definition of fairness, fails importantly on others with desperate impact on different racial and ethnic groups.

While requiring regular bias audits for algorithmic employment systems has been an important first step, the spirit of this role may be easily subverted without additional specification about the substance of qualifying audit procedures.

At minimum, I would like to suggest that the rule require that any bias audit provide results of the system among multiple measures of fairness such as

those outlined in the work by Professor Marianna and

others and/or developed in consultation with the many

experts on this topic who are present in this meeting

and who work, study and or reside in New York City.

COMMITTEE COUNSEL: Thank you very much for your

testimony and our next panelist is Ludovic Righetti.

Mr. Righetti.

SERGEANT AT ARMS: Starting time.

LUDOVIC RIGHETTI: Thank you for allowing me to

testify before you today. So, my name is Ludovic

Righetti, I am a resident of New York City and I am a

Professor in Electrical and Computer Engineering and

of mechanical Aerospace Engineering at New York

University.

My research focuses on robotics and artificial

intelligence and laboratory designs algorithms to

create systems. I am a member of the Robotics

Research and Practice Ethics Committee and I

regularly serve as an expert on [INAUDIBLE 3:00:56]

organization, such as the International Committee of

the Red Cross and the United Nations Institute for

Research on issues related to regulations of

autonomous weapon systems. I would like to commend

the leadership of the Council Members who are

sponsoring the bill that is discussed today. I think

this is an important and necessary step to ensure

that the Automated Decision Systems are used in a

transparent and responsible manner. That they lead

to a fair treatment of members of communities and

that companies setting and using such systems are

comfortable. It is also important be trusted in our

institutions.

The [INAUDIBLE 3:01:31] shows that Automated

Decision Systems often exhibit unintended biases.

Worse, they can actually amplify bias and

discrimination and hide them behind the complexity

and wrongly perceived objectivity of technology. The

bill is constructed around two strong pillars bias

audit and contact notice. Both are important but I

see a few potential issues. Concerning bias audit,

what will constitute a credible and successful bias

audit? It is important that a certain number of

criteria be put in place to ensure meaningful

application of the regulation.

For example, it might be important to require

that the auditor has access to more than just a

system treated as a black box. Otherwise the audit

will not find issues. For example, by finding

misconceptions in algorithm or issues in the data

used to train the system. The system is to be

transparent to the auditing budget. The auditing

budget will need to know whether algorithms that are

used, for example to ensure that appropriate bias

techniques have been considered and second, which

data is used to conserve the system. For example, to

detect data sufficiently with diverse, it does not

contain unused bias. Both algorithmic and

transparency is crucial to increase the ability to

detect potential problems upstream. It is also

important to define what is expected from an

acceptable audit report.

Concerning candidates notice, the disclosure

containing the characteristics used to assess the

candidate should be provided in the legible form.

Candidates should be able to understand what these

characteristics mean and they should be able to

assist them to their own profile. The lack of

legibility could undermine trust in the process and

may also prevent candidates from seeking remedies

from a process they cannot make sense of.

I understand that there are complex questions

that may not be settled in the bill but I hope they

will be considered for this application.

I am glad to see New York City taking the lead on

such questions as you propose the bill which will

help protect New Yorkers seeking employment from

systematic discrimination and provide tools —

SERGEANT AT ARMS: Time expired.

LUDOVIC RIGHETTI: To make sense of hiring

procedures. I hope that the City Council will also

go further and continue to set stringent standards

for a fair and beneficial use of automated decision

systems.

Thank you for giving me the opportunity to speak

today.

COMMITTEE COUNSEL: Thank you very much for your

testimony and our next panelist is Manish Raghavan

and I apologize if I mispronounced the last name.

You may state your name and affiliation for the

record.

SERGEANT AT ARMS: Starting time.

MANISH RAGHAVAN: My name is Manish Raghavan, I

am a Researcher at Cornell University. Good

afternoon Chair Holden and the Committee. Thank you for the opportunity to speak today.

So, as I said, I am a researcher at Cornell. I study the societal impact of algorithms particularly in the context of hiring and today, I would like to offer up some insights that I have learned through my research over the last several years.

First and foremost, I think this effort to bring regulatory scrutiny and transparency to Automated Decision tools is much needed. We don't yet have a good framework to ensure that these tools don't perpetuate discrimination and I believe that this bill is a valuable first step in that process.

In addition to the excellent prior testimony we have heard today, I would like to spend my time today making two points, in which I go into further in the written testimony that I have submitted.

First, I would like to make the case that without particular standards, audits will fail to be meaningful and to detect important avenues for discrimination that exist. The second thing I would like to point out is that attempts to audit these algorithms will have inherent limitations and we shouldn't overlook those limitations.

So, first, I would like to talk about how while this bill empowers auditors to assess compliance with applicable employment discrimination laws, we can and should use audits to seek out discrimination more broadly. For example, many of the stories that we read today about algorithmic bias concern systems that don't work very well for marginalized communities.

For example, studies have found that facial and speech recognition systems perform worse for Black users than for White users. The simplified explanation for why this happens is that the tools are primarily built using White users data and so, they work better for those users.

Now, we might be worried that automated decision tools in employment might similarly not work well for those who have not been well represented in the labor market in the past and in particular, they won't work well for marginalized communities and while we might find this troubling, this is actually not necessarily illegal by our current standards.

So, from a technical perspective, determining whether a tool works well for one group compared to another is actually relatively feasible and it could

easily be included in a bias audit and without

specific standards for what should be included in a

bias audit, my fear is that they won't be.

And so, I recommend that the Council explicitly

provide measures of discrimination that must be

included in a bias audit and in particular, that we

include standards of differential validity or when a

tool works well for one group as opposed to another

as one of those measures.

The second point I would like to raise is that

while an audit may be able to detect certain forms of

illegal discrimination, no audit can be comprehensive

in this respect. For example, many employers don't

maintain data about employees sexual orientation and

as a result, an audit cannot feasibly detect

discrimination on this basis. Now, in my view, we

should think of this, an audit of this format

allocates to health checkup that one might receive

from a general practitioner. In the same way that

going through a checkup doesn't guarantee perfect

health. Passing an audit doesn't mean that a tool is

completely nondiscriminatory.

Beyond the audit proposed in this bill, we should

continue to scrutinize these tools and their

implementation in particular to ensure that they

don't perpetuate discrimination.

Lastly, I would like to just raise the importance

of the disclosure in the provision of this bill. I

think it needs to be you know, more completely

specified in order to —

SERGEANT AT ARMS: Time expired.

MANISH RAGHAVAN: In order to ensure that

candidates actually get meaningful notice of the

disclosure provided for in this bill. Thank you for

your time today. I appreciate the Council's

attention on this important matter and I look forward

to seeing this bill progress. Please feel free to

contact me if you have further questions.

COMMITTEE COUNSEL: Thank you very much for your

testimony and we have one final panelist, Mr. Ron

Edwards, I would like to call on you and you may

state your name and affiliation for the record.

RON EDWARDS: Sure, my name is Ron Edwards.

SERGEANT AT ARMS: Starting time.

RON EDWARDS: I am retired from the Federal

Government. I spent more than 40 years working in

civil rights and first at the Department of Labor and

later in the majority of my career at the Equal

Employment Opportunity Commissions.

Over the course of my career, I have learned a

lot about hiring procedures in employment screens

that act as unnecessary barriers for historically and

disadvantage groups, most notably non-Whites and

women. There were many times in the course of my

work on investigations and litigation action when it

occurred to me that employers tend to generally be

unaware of the adverse impact caused by the use of

facially neutral employment practices.

This highlights the fact that even if employers

want to do the right thing, they might not understand

the disproportionate impact that their hiring tools

can have on historically disadvantaged groups.

Hiring tools and disproportionately screen out

members of a particular race, ethnicity or gender

groups are not new but what's recently developed is a

concern that we all have about the use of artificial

intelligence and machine learning.

However, keep in mind that any hiring tool or

employment screen can cause a disparate impact. It

is extremely important that all hiring tools be held

to the same clear standard. Developers and

purchasers of such tools much understand the standard

and they must be motivated on their outcomes. We

have heard a lot of discussion about the need for

structured audit and clearly stated parameters of

such audits. And the standard actually already

exists. It is the federal standard for adverse

impacts testing has been available since 1978. When

EEOC and other federal agencies came together to push

the uniform guidelines on selection procedures. The

guidelines was designed to help employers understand,

how to comply with the Civil Rights Act and the

uniform guidelines established that some hiring

tasks, although having an adverse impact on classes

of workers such as African Americans could be

considered acceptable if the tasks captures a

bonified work qualification.

My experience indicates that employers have

generally focused on the job validity requirements of

the uniform guidelines, rather than measuring the

possible, the adverse impact of the hiring tool.

When told by a vendor that a test is valid, the

employer does not question whether it is valid for

the workforce or is validated for nondiscriminatory

requirements. This can lead to outcomes that are

2   damaging to workers and employers alike and I have a

3   fear that your requirement of an annual or a periodic

4   audit by IT firms could have the same sort of —

5   SERGEANT AT ARMS: Time is expired.

6   RON EDWARDS: Just let me close briefly by

7   saying, we also need to focus on the employer and how

8   the employer is negatively impacted when they are

9   using biased tests. An example I would like to use

10   on this one is, comes from baseball. We have a great

11   American pairable from here. In 1947, the Brooklyn

12   Dodgers reached out of the normal labor pool and

13   Jackie Robinson became the first African American

14   baseball player. They batted 300 that year. He led

15   the Dodgers to the World Series. So, we really have

16   to — the continued use of a bias pool would damage

17   the Dodgers tremendously and it is important that we

18   get rid of the bias tools in order to help both the

19   employer and the employees.

20   COMMITTEE COUNSEL: Thank you very much for your

21   testimony and now, I want to turn over to Chair

22   Holden for any questions for this panel.

23   CHAIRPERSON HOLDEN: Thank you all. Another

24   great panel but we had so many great panels, everyone

25   was terrific and I want to thank you all. I just

want to say, thank you Mr. Edwards for mentioning the

Brooklyn Dodgers, my first love and Jackie Robinson

because I did go to Ebbets Field and I still love the

Dodgers. I don't care, they moved to LA. As John

Paul Farmer knows, he was in a Dodger organization,

we talked but I just want to thank you for that. But

I want to thank you all for your testimony, your

wonderful testimony and Manish for your written

testimony too. It is some good information. I

started reading it, I am going to go back to it and

especially your recommendations, I am interested in.

So, thank you and the wealth of knowledge on this

hearing has been amazing and I want to thank Majority

Leader Cumbo for her bill and it just, this hearing

shows me that we need to move and move fast.

Does anybody else have any questions for this

panel?

COMMITTEE COUNSEL: I do not see currently anyone

raising the Zoom raise hand function. So, I see no

questions from other Council Members.

CHAIRPERSON HOLDEN: Majority Leader, any more

questions or any other comments? No, thank you so

much. I just want to say you know, we are bringing

up the names and I just want to give you a personal

experience. I married a Japanese American immigrant

in 1973 I married her when racism, this is post war

United States and my wife's name is Umiko[SP?].

Beautiful name but we couldn't use it. We couldn't

use it for job applications. We had to you know, the

family changed it to Amy and now she is facing

problems because her name isn't Amy Holden, it is

Umiko Holden but we had to do it in order to get

housing, to get jobs and unfortunately that was the

case. And it is very sad that that's still the case

in 2020. That this bias exists even in a name, which

is disgraceful and that's why we need to have some

controls over AI and certainly have safeguards

against this kind of bias.

So, speaking from experience, racism is less

blatant now possibly than it was in 1973 but it still

exists and that's why we need to advance this bill

and other bills that would give us more controls.

But I would like to thank the Administration and

members of the public and my colleagues for the

questions and particularly, I want to thank the CTO

John Paul Farmer for listening to the public

testimony. He was on this entire hearing and I would

especially like to thank the staff of the Committee

on Technology. Committee Counsel Irene Byhovsky did

a great job today on this hearing. I know it is a

stressful hearing and you did an amazing job and

Charles Kim the Policy Analyst all the preparation

for this, this was a lot of work and of course

Florentine Kabore and my staff Daniel Kurzyna who is

sitting right next to me and of course the City

Council saw Jim and staff for all their work on

today's hearing. I think we accomplished a lot and

Irene; I think you want to say something.

COMMITTEE COUNSEL: Yes, absolutely, thank you

very much Council Member Holden. I just want to say

if we have missed anyone who has registered to

testify today and has not yet been called, please

raise your Zoom raise hand function and we will call

you in order your raised hand function was raised.

And I just want to thank you all again and turn back

to Council Member Holden. I do not see anyone we

missed but I see that Majority Leader Cumbo would

like to make her remarks.

CHAIRPERSON HOLDEN: Okay.

COUNCIL MEMBER CUMBO: I just wanted to close out

by thanking Chair Holden for this Committee. It was

an honor and pleasure to work with you. This was a

very enlightening committee and when we think about

the Black Lives Matter movement which has really been

a call for fairness, equality and justice. You know,

that happens in so many different ways and the

African American community throughout this country

have always ushered in change for every other group

in this country. And so, when we answer the call to

Black Lives Matter, you wouldn't automatically think

of the discrimination and the disparities and the

lack of transparencies that are taking place in

artificial intelligence but it is important that we

recognize where systems of injustice can happen any

and everywhere.

So, I want to thank you for this opportunity to

work with you. I want to thank my staff as well.

Alicia Mercedes as well as Jason Hur and Tasha Young,

my Chief of Staff for all of their work and for all

of the panelists and everyone who gave of their time

and energy today. This is a really important subject

and can make a huge difference in this country

because what happens in New York is a precursor to

what can happen in the rest of the nation. So, thank

you all so much.

CHAIRPERSON HOLDEN: Thank you Majority Leader and thank you for your service in this bill and many other. You know, again, your years of service to this city and hopefully this bill will advance quickly and we will see to it and become law but we need other bills like this. So, I just want to thank you and thanks for staying on the call, on the hearing so long and I wish you all a great weekend and this meeting is hereby adjourned. [GAVEL] Thank you. Thank you so much folks, great testimony.

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 26, 2020_____