



Automated Decision Making and Privacy

What is Automated Decision-Making

The Privacy and Responsible Information Sharing Act introduces new obligations for how we are permitted to use automated electronic systems, computer information processing and artificial intelligence to support decision making.

This is referred to as an automated decision-making (ADM) process, and includes—

- (a) a decision is made by an automated system without the involvement of any individual; or
- (b) the making of a decision is materially assisted by an automated system.

Some examples of materially assisted automated decisions are using an AI system to support the short-listing of candidates for a recruitment process or using AI analytics to identify students at risk of attrition.

The Office of the WA Information Commissioner publishes information on Automated Decision-Making [here](#).

What you need to know about using ADM systems at Curtin

The Privacy and Responsible Information Sharing Act WA includes 11 information privacy principles which outline how we are permitted to collect, use and share personal information. Automated decision-making is one of these principles. Information about information privacy principle 10 is copied on the next page.

Materially assisted ADM is permitted at Curtin using university approved tools, systems and processes where human oversight is assured. A [Privacy Impact Assessment](#) is used to seek this approval.

A decision is considered to be a *materially assisted automated decision* where a person makes a decision which affects another individual, and the decision is made relying primarily on a recommendation, assessment, conclusion or inference which is generated by an automated electronic system, computer information processing system or artificial intelligence system.

If your area is using any AI system or ADM process to support decision making, you must make sure that individuals are made aware that an automated decision making or artificial intelligence process was used, what that process was and they must be given sufficient information about how the ADM process works in a way they can reasonably understand, and they must be permitted to request a review of the decision. Any review is to be carried out by a person, without further reference to any ADM process.

Raising a concern about your privacy from ADM and AI use

Prior to using any automated decision making you should seek the relevant consent from your line manager and undertake a privacy impact assessment. Recommendations from the privacy assessment must be included in your processes and a collection notice must be provided to individuals whose personal information is used as part of any automated decision-making process.

On request, individuals who are affected by an automated decision-making process must be provided with information that explains what process was used including details about the tool, how it was used and what effect it had on the final decision.

If individuals are concerned about a decision that affected them which relied on an ADM process, they are entitled to request human intervention and a review of that decision.

Requests can be lodged via the Privacy Officer and will be delegated to the relevant decision maker for action.

You can lodge your concern using the Privacy Complaint and Information Breach request form available [here](#) (your identity will be collected).

You can also lodge your concern by contacting the Privacy Officer on 08 9266 3965 or by post to Curtin University, Privacy Officer, GPO Box U1987, Perth, WA 6845. Reference to the decision of concern may identify you and anonymity cannot be assured, however confidentiality will be required.

What does the Act say about Automated Decision-Making?

The Privacy and Responsible Information Sharing Act WA provides a definition of Automated Decision-Making at section 16 –

16. Automated decision-making processes and related concepts

- (1) An automated system is an automated electronic system, including a computer information-processing system or artificial intelligence system.*
- (2) An automated decision-making process is a process under which —*
 - (a) a decision is made by an automated system without the involvement of any individual; or*
 - (b) the making of a decision is materially assisted by an automated system.*
- (3) The making of a decision is materially assisted by an automated system if —*
 - (a) the decision is made by a person in reliance on a preliminary decision-making step (including a recommendation, assessment, conclusion or inference) made by an automated system; and*
 - (b) that preliminary decision-making step has a material bearing on the decision that is made.*
- (4) A significant decision is a decision that —*
 - (a) affects an individual's rights, entitlements, interests or liabilities; or*
 - (b) otherwise has a significant effect on an individual's life circumstances, opportunities, behaviour or wellbeing.*

Information Privacy Principle 10

10. Principle 10: Automated decision-making

10.1 *An IPP entity that employs an automated decision-making process involving the use of personal information in making significant decisions about individuals must —*

- (a) conduct an assessment of the impact of the automated decision-making process on those individuals, having regard to —*
 - (i) the elimination or minimisation of harm, bias and discrimination; and*
 - (ii) whether there is a process by which individuals about whom decisions are made can request human intervention; and*
 - (iii) whether the handling of personal information in the process complies with any applicable requirements under this Act; and*
- (b) periodically evaluate the operation and (c) reassess the matter referred to in paragraph (a) when changes are made to the automated decision-making process.*

10.2 *If an IPP entity employs an automated decision-making process involving the use of personal information in making a significant decision about an individual, the IPP entity must —*

- (a) notify the individual that an automated decision-making process has been employed in making the decision; and*
- (b) on request, give the individual information about how the automated decision-making process is employed in making decisions; and*
- (c) provide a process by which the individual can request human intervention in relation to the decision.*

10.3 *A notification under subclause 10.2(a) —*

- (a) may be given with, or as part of, any notification of the significant decision required to be given under a written law; and*
- (b) subject to paragraph (a), must be given as soon as practicable.*

10.4 *Information provided under subclause 10.2(b) must be reasonably comprehensive and provided in a form that is capable of being understood by a person without specialist knowledge.*

Need Further Assistance?

Contact us on 08 9266 3965 or at Privacy@curtin.edu.au should you require additional assistance or visit our website <https://www.curtin.edu.au/about/governance/privacy/>.