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Dubi Kanengisser, PhD  
c/o Toronto Police Services Board  
40 College St.  
Toronto, Ontario M5G 2J3

Dear Dr. Kanengisser,

TELUS welcomes and appreciates the opportunity to provide comments on the Toronto Police Service Board's draft *Artificial Intelligence Technologies Policy* (the draft AI policy). TELUS commends the work of the Toronto Police Services Board (TPSB) for proactively considering the responsible use of AI systems and taking steps to create a governing policy for its use. We commend the TPSB and Toronto Police Services (TPS) for creating this policy and actively working to avoid or mitigate the challenges that law enforcement across the country has faced around the appropriate use of AI.

At TELUS, we recognize the transformative potential of innovations like Artificial Intelligence (AI). We believe that AI will augment human capabilities and help deliver better outcomes to build a friendlier future. AI has the potential to transform many aspects of our society, from economic sectors to how we live day-to-day. Canada is poised to be a leader in AI, and the opportunity to capitalize on our potential is profound.

The development of AI creates opportunities to improve our approaches, analysis, and means of enabling programs through the insights granted in the data we collect about our world. These opportunities can also raise new questions and ethical considerations.

“Responsible AI” is an approach to AI which considers the impact of the use of AI and incorporates fairness, transparency and explainability.

The focus of this type of AI is to bring about the opportunities and benefits of this new technology to increase wellbeing, generate prosperity and improve health outcomes. While there are a range of considerations involving the ethical use of AI, the TELUS responsible AI program is focused on building understanding of the technology and its potential impact on how data is used to further the trust relationship we have with our customers.

### Comments on the Draft AI Policy

TELUS recognizes the important work that the TPSB and the TPS have undertaken, and the complexities that accompany that work when it comes to the development and application of AI. TELUS concurs with the comments made by the Law Commission of Ontario that the introduction of AI technologies should be carefully thought out, and that steps are taken to ensure the appropriate governance measures are in place. To this end, TELUS encourages the TPS and TPSB to embrace the principles of Privacy by Design and also consider the role of ethics and security design in its policy considerations. We would also encourage the TPSB and TPS to actively engage citizens, particularly in marginalized communities, about the use of AI by police forces as these citizens are the most likely to be adversely affected by the misapplication of AI.

In our view, there are key areas that the policy should address:

1. **Objectives, Purpose and Benefits of AI Tools** - This was elaborated upon by the Law Commission of Ontario. We agree that answering these questions will allow the TPS and TPSB to clearly articulate their vision for what they hope to achieve with AI tools and what they believe these benefits are. This is a fundamental step in creating a preventative approach to issues and concerns, rather than reacting and building in tools later. This section should also define your target audience for this section - is this policy being developed for your internal stakeholders to make decisions or to educate the public?

2. **Definitions** - Technology is ever evolving and it is important to define key concepts, such as what the TPS and TPSB mean by AI. For example, when discussing AI, are we talking about reactive machines like a smoke detector, or are we discussing machine learning algorithms? If you want to consider documentation for your algorithms, defining these terms and other key acronyms are important, and also assist in differentiating between live and synthetic data. This work appears to already be underway in the draft policy, however we would encourage breaking the concepts down from large paragraphs into lists or categories of AI technologies to assist in making the policy more understandable.
  
3. **Principles** - The use of AI, particularly in policing as noted by the Ontario Human Rights Commission, involves consideration of ethical design to ensure the removal of as much bias as possible, and ensuring that outcomes do not harm groups or perpetuate systemic societal concerns, such as racism. At TELUS we have established three data governance principles: accountability, ethical use, and transparency. Under these principles, we consider our Trust Model, ensure we have robust controls, consider fairness and human impact, and ensure ongoing oversight. All seven of these elements come together to create an environment that allows TELUS to embrace responsible innovation with AI.
  
4. **Risk Categories** - Creating an approach to risk management from the beginning is also an important part of privacy by design. Risk looks ahead to prevent problems but also allows for the creation of preventative measures, lessening the risk from its original conception. While examples may be useful tools for understanding how a risk matrix works, TELUS would encourage the TPS and TPSB to avoid targeting specific technologies and instead focus on undesirable outcomes.

For example, in the draft outline provided the TPS and TPSB singles out traffic analysis systems as a technology that could automatically be considered a medium risk. However, with mitigation efforts, such as removing as much bias as possible from the data and focusing on the outcomes. This would include subsequent

research to ensure that inequalities are not exacerbated. TELUS would encourage the development of a risk matrix that sets out the most acceptable to least acceptable outcomes and strive to design technology in a way that is closest to achieving the service's desired goals. These technologies can be a positive-sum gain for society, with privacy and equality embedded from the start.

During the risk assessment phase, the TPS and TPSB may also want to address security concerns around the storage, retention, and destruction of the information. For example, with a medium or higher risk program, they may be handling more sensitive information that may not need to be kept for as long or that may need to be stored only on locally encrypted harddrives because they contain evidence. Placing this requirement to assess security into the policy will provide guidance to assessors reporting back to the TPSB and decision-makers in the TPS.

5. **Evaluation** - This is important for achieving the outcomes-based approach described above. It should entail an evaluation of not only the technology in isolation but also a robust due diligence process of the company producing the technology. It is important for the TPSB and TPS to assess the past performance of the companies where they are investing tax dollars. Regardless of how good a product may seem to be, companies who have acted poorly, such as being involved in lawsuits related to the use of their AI technologies or where they refuse or delay providing product details, may prove to be more problematic for the TPSB and TPS in the long term.

Evaluations should also include an evaluation of the sensitivity of the information collected, consideration around sufficient privacy controls, and ethical considerations from the collection, use, and disclosure of this data. Finally, the policy should consider establishing and ensuring that the systems have sufficient end-to-end security commensurate with the sensitivity of the information collected. All assessments of the technology, such as the five-year review periods should be clearly stated as being in addition to the ongoing evaluation and not a replacement for continuous monitoring of outcomes.

6. **Public Involvement** - Transparency is another key principle of privacy by design. As a public organization, community involvement is vital to creating and maintaining successful programs. While the draft policy contemplates board approval and reporting, transparency about the programs used and consulting with the public will also be important. You may also want to establish standards for when AI programs and activities are reviewed and commented on by the Office of the Information and Privacy Commissioner for Ontario prior to reporting to the Board, or to the technology's full development and deployment. In short, TELUS would encourage public input from more than just the Board, especially input from the populations who would be most impacted by the technology

7. **Monitoring and Reporting** - The monitoring and review of AI-enabled programs is an essential ingredient. Not only does it assist in the transparency piece noted above, with public consultations and reporting back to the board, but it allows for the continuous development of the AI systems and ensures that the program or initiative is performing as expected. To this end, we recommend that the TPS and TPSB develop model cards which benchmark the evaluation criteria and serve as a tool for communicating how and why the AI tool is operating the way it does.

The policy also references the creation of a portion of their website that will disclose information about the AI technologies, and one of those suggestions is, for low risk AI programs, to disclose the name and manufacturer or developer. While from a transparency perspective naming the products and manufacturers of devices and systems may promote accountability and due diligence, as a security measure naming the exact products or manufacturers could create a vector for malicious attacks. We would recommend establishing a process to review the criticality of systems and the security risks around devices before making them public.

8. **Continuous improvement** - Connected to monitoring, reporting, and public involvement, the TPS and TPSB should establish a timetable for each project to ensure that the tools are functioning as expected, ensure that the tool's use is not

having any unexpected or undesirable consequences, and ensure that all of the information from the original evaluation is accurate and complete.

TELUS is excited about the possibilities coming forth from the TPSB and TPS' AI considerations and it appreciates the opportunity to provide input into this process. If you have any questions or would like to discuss the contents of this letter further, please do not hesitate to contact our Privacy and Innovation Specialist for Smart Cities, Christopher Gillespie, at [christopher.gillespie@telus.com](mailto:christopher.gillespie@telus.com).

A handwritten signature in black ink, appearing to read 'DK Kligerman', written in a cursive style.

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