

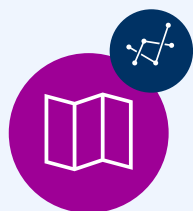


# Oversight of AI and Algorithms - Work Plan 2024

AI and algorithms will become increasingly deeply intertwined with elements of society. Bringing both economic and social benefits, but also presenting significant risks. As the coordinating authority for the oversight on AI and Algorithms, the Autoriteit Persoonsgegevens (AP) contributes to the responsible development and use of AI and algorithms. The AP provides high-level risk analyses, strengthens collaboration across oversight authorities, and guidance in the development and implementation of new frameworks and legislation. The Department for the Coordination of Algorithmic oversight (DCA) is focusing on four key areas in 2024: transparency, auditing, governance, and the prevention of discrimination in algorithmic processes. We are also preparing for the implementation of the EU AI Act and are monitoring the risks of generative AI.

Since 2023, the AP has been the coordinating authority for oversight on AI and algorithms that may pose risks for public values and fundamental rights. To that end, a separate organisational unit has been set up within the AP, the Department for the Coordination of Algorithmic Oversight (DCA). The DCA contributes to the responsible development and use of AI and algorithms by providing high-level risk analyses, strengthening collaboration across oversight authorities, and guidance in the development and implementation of new frameworks and legislation.

In 2024, the DCA will focus on several key activities. Discussion documents and meetings will ensure that the monitoring of AI and algorithms in the Netherlands aligns with international treaties, legislation, norms, and standards relevant to the development and use of AI and algorithms. These activities are organised into five themes:



**Mapping risks of  
AI and algorithms**



**Strengthening  
cooperation**



**Policy and  
guidance**



**Preparation  
coordination AI Act**



**International  
agreements**



**In 2024, we publish the ARR twice and engage several societal partners for input and dialogue on the risks of AI and algorithms**

## 1. Mapping the risks of AI and algorithms

- The AP identifies, analyses and reports AI & algorithmic risks. The results are shared twice a year in the **AI & Algorithmic Risks Report Netherlands (ARR)**. The ARR provides analyses and early insights into developments, risks and effects of AI and Algorithms.
- A dedicated team continually analyses risks, incidents, technical developments, and legislative or regulatory developments related to algorithms and AI. In 2024, we will explore different opportunities for **dialogue with society**, allowing for input on topics such as those covered in the ARR.



**In 2024 we will increase the activities of the Algorithm & AI Chamber (AAK), contribute to a system of expertise and explore how cooperation between complaint offices can be strengthened**

## 2. Strengthening the cooperation between oversight and other authorities

- AI and algorithms are being used in nearly all sectors and domains, making collaboration between supervisory and regulatory organisations essential. The AP facilitates cooperation through the **Algorithm & AI Chamber (AAK)** that is part of the Cooperation Platform for Digital Supervisors (SDT) and by contributing to the Comprehensive Working Group on AI oversight.
- The AP contributes to an **ecosystem of expertise** on the responsible development and use of AI and algorithms. By involving government organisations, auditing agencies, regulators, academia, and civil society, we are fostering the development of best practices. In 2024, the DCA will organise round tables, workshops, informational sessions, and presentations for public organisations and citizens. Additionally, we will organise an annual algorithm seminar for specialists. These events will provide deeper insights into the practical bottlenecks, challenges, and negative impacts of AI and algorithms.
- The AP aims to **enhance cooperation between complaint offices** that are addressing complaints concerning incidents related to algorithms and AI. In 2024, we will explore ways to strengthen collaboration, building a shared body of knowledge, and information exchange between complaint offices. This has to better ensure the most effective follow-up on citizen reports involving algorithms or AI systems.



**Our focus for guidance in 2024: transparency requirements, auditing frameworks, prevention of discrimination and the governance of algorithms**

## 3. Working on policy and guidance for responsible deployment of AI and algorithms

- The AP is developing **cross-domain policy analysis and guidance** to strengthen the protection of public values and fundamental rights in the development and use of AI and algorithms.
- The DCA is focusing **on four key areas** in 2024: transparency, auditing, governance, and the prevention of discrimination in algorithmic processes.
- In 2024, we will collaborate with other regulators to explore the risks of **generative AI** and examine how these risks can be managed both in the short and long term.



**We are joining forces with other regulators on proposals for establishing national oversight of the AI Act, with a particular focus on supervising prohibited AI systems by the end of 2024**

## 4. Preparing for the coordination of AI Act supervision

- The EU has reached an agreement on the **AI Act**, which establishes rules for AI-systems based on its potential risk and impact. The AI Act aims to ensure that people and businesses in the EU can rely on AI systems that are safe, transparent, traceable, non-discriminatory, and sustainable, all under strict supervision.
- In collaboration with the Dutch Authority for Digital Infrastructure, the AP coordinates the **supervisory preparations** for the AI Act, providing institutional advice to the relevant ministries. Over 10 supervisory bodies are involved in this process. An initial interim opinion was shared in December 2023, with the final opinion to follow later this year.
- The AI Act also **prohibits certain AI applications**, such as those used for social credit scoring, manipulation of individuals, and specific forms of biometric identification for law enforcement. This will take effect shortly after the regulation comes into force. The DCA is preparing to address these prohibitions.

## Phased timeline of the obligations under the AI Act

- **Summer 2024** - AI Act comes into force and starts a transition period
- **At the end of 2024** - Prohibition of certain AI applications
- **First half of 2025** - Code of Practice for General Purpose AI Models must be ready – 9 months after entry into force – to be drafted by the European AI Office
- **Mid 2025** - (National) market surveillance authorities and notifying authorities have been designated  
- The European AI Board is established  
- Regulation for general purpose AI models will be applicable
- **Mid 2026** - Provisions on sanctions, including rules on fines for prohibited AI, will be applicable  
- Provisions on high-risk AI systems in Annex III will be applicable  
- The Dutch regulatory sandbox will start  
- The remainder of the AI Act will apply, with the exception of high-risk AI applications listed in Annex I
- **Mid 2027** - Provisions on high risk AI applications listed in Annex I will apply (after 36 months)



**In 2024, we will invest in international cooperation and agreements to facilitate knowledge exchange, incident monitoring, best practices, and the joint development and implementation of European regulations**

## 5. Investing in international cooperation and agreements

- The safe use of AI and algorithms relies on robust international standards and effective cross-border supervision. The Netherlands is a leader in monitoring AI and algorithms. In 2024, we will continue to **invest in international cooperation**. Our focus will be on establishing knowledge exchange, joint incident monitoring, exploring best practices, and collaboratively developing and implementing European regulations and standards. We will achieve this by sharing knowledge and working with new and existing international partners, including the European AI Office, the European AI Board, UNESCO, and the OECD.
- In addition to participating in working groups and conferences, the DCA invests in **bilateral cooperation** with specific international partners. This approach will build an international network that can enhance our understanding of risks and provide clear explanations of legislation and standards both now and in the future.

# Monitoring of AI & algorithmic risks: activities under construction

## Activities under construction

Since 2023, the AP has coordinated activities related to algorithms and AI, primarily by monitoring risks to public values and fundamental rights through the DCA. Our focus includes early risk identification, strengthening partnerships in AI and algorithm monitoring, and providing guidance on managing these risks. In 2024, we will continue to raise public awareness about the risks of algorithms and AI. Addi-

tionally, we will work on the development and supervision of specific binding regulations, such as the AI Act. The foundation of our annual work plan and assessment framework for analyzing AI and algorithmic risks is based on the principle that safe algorithmic processes require three lines of defense. We will further develop our vision on AI and algorithm risks in 2024.

## Three lines of defense for safe algorithmic processes



1

### Continuous control of potential errors and damages in algorithmic processes

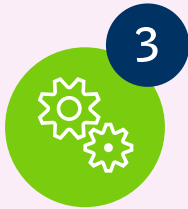
For instance, it is recommended to conduct a bias test – to prevent discrimination – before deploying an algorithm. Periodic auditing of AI systems or algorithms ensures that fundamental rights are not breached during their use. The AI Act's requirements for high-risk systems support this first line of defense.



2

### Swift correction of errors

Following the first line of defense necessitate an organisational structure and work processes that allow for the swift correction of individual algorithm errors and adjustments to the entire system. Transparency and explainability of algorithms and AI are crucial for this second line of defense, empowering individuals to be resilient. Additionally, cooperation between complaint offices enhances this defense.



3

### System design to minimise the impact of errors in algorithmic processes

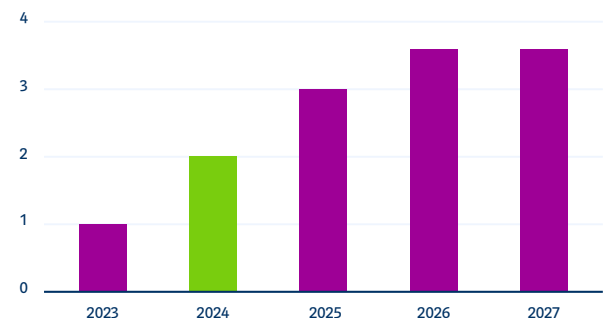
Despite minimizing and controlling the likelihood of errors through the first two lines of defense, incidents can still occur. The third line of defense anticipates this possibility. When deploying algorithms and AI, it's essential to recognise that these systems, or their users, can make errors. This line of defense also considers algorithmic distortion the potential for algorithms to consciously or unconsciously alter the environment in which they operate.

## Financing and agreements

- In order to develop activities for the coordination of algorithmic oversight, the AP will receive 1 million euros in 2023, increasing to structurally 3.6 million euros in 2026. In 2024, the budget is 2 million euros.
- Due to its coordinating role in the digitalization domain, the Ministry of the Interior and Kingdom Relations serves as the policy point of contact for the DCA. The Ministry of Justice and Security oversees the financial resources allocated to the AP.
- On December 21, 2023, State Secretary Van Huffelen (Kingdom Relations and Digitalization), on behalf of the Minister of Economic Affairs and the Minister for Legal Protection, informed the Dutch Parliament about the progress and activities of the DCA for 2024 (document 26643, no. 1110).

## Budget for the Department for the Coordination of Algorithmic oversight (DCA)\*

IN EUR MILLION (PRICE LEVEL 2022)



\*) EXCLUDING ANY ADDITIONAL PREPARATORY FUNDS FOR THE PURPOSE OF COORDINATING AND MARKET SURVEILLANCE UNDER THE AI ACT