Vision & Strategy Track

State-Endorsed Digital Identity

Representative Kristen Chevrier
District 54
Utah House of Representatives

George McEwan
Utah Privacy Architect
Utah Office of Data Privacy

Steven McCown
Utah Privacy Commissioner

Joe Jackson
Utah Chief Technology Officer

Vision & Strategy Track

Data Governance Models: Is There a Way to Achieve Transparency, Privacy, and Compliance in One Governance Model?

Christopher Bramwell
Chief Privacy Officer
Utah Office of Data Privacy

Lana Taylor
Data Privacy Ombuds
Utah Office of Data Privacy

Bradley Smith
Research Assistant
Gary R. Herbert Institute for Public Policy

Lana Taylor Presentation

Vision & Strategy Track

Automated Decision-Making With AI: What Should the Public Policy Be?

Christian Napier
Director of AI
State of Utah Division of Technology Services

Christopher Bramwell
Chief Privacy Officer
Utah Office of Data Privacy

Automated Decision Making with AI:

What should the public policy be?

Why This Conversation Matters

As AI and automation advance, government is increasingly evaluating how these tools can improve efficiency and service delivery.

Getting this right is essential to building public trust, protecting rights, and delivering better outcomes for Utahns.

The Problem

Governmental entities are already dealing with automated decision making.

AI and automation are being used today to make decisions that impact Utahns.

There is not yet any comprehensive public policy framework.

There are no baseline rules of the road to guide how these systems should be designed, used, and governed.

This creates real risk.

Without clear guardrails, we risk undermining due process rights, accountability, transparency, and public trust in government.

What is Automated Decision Making?

A quick foundation to level set our discussion.

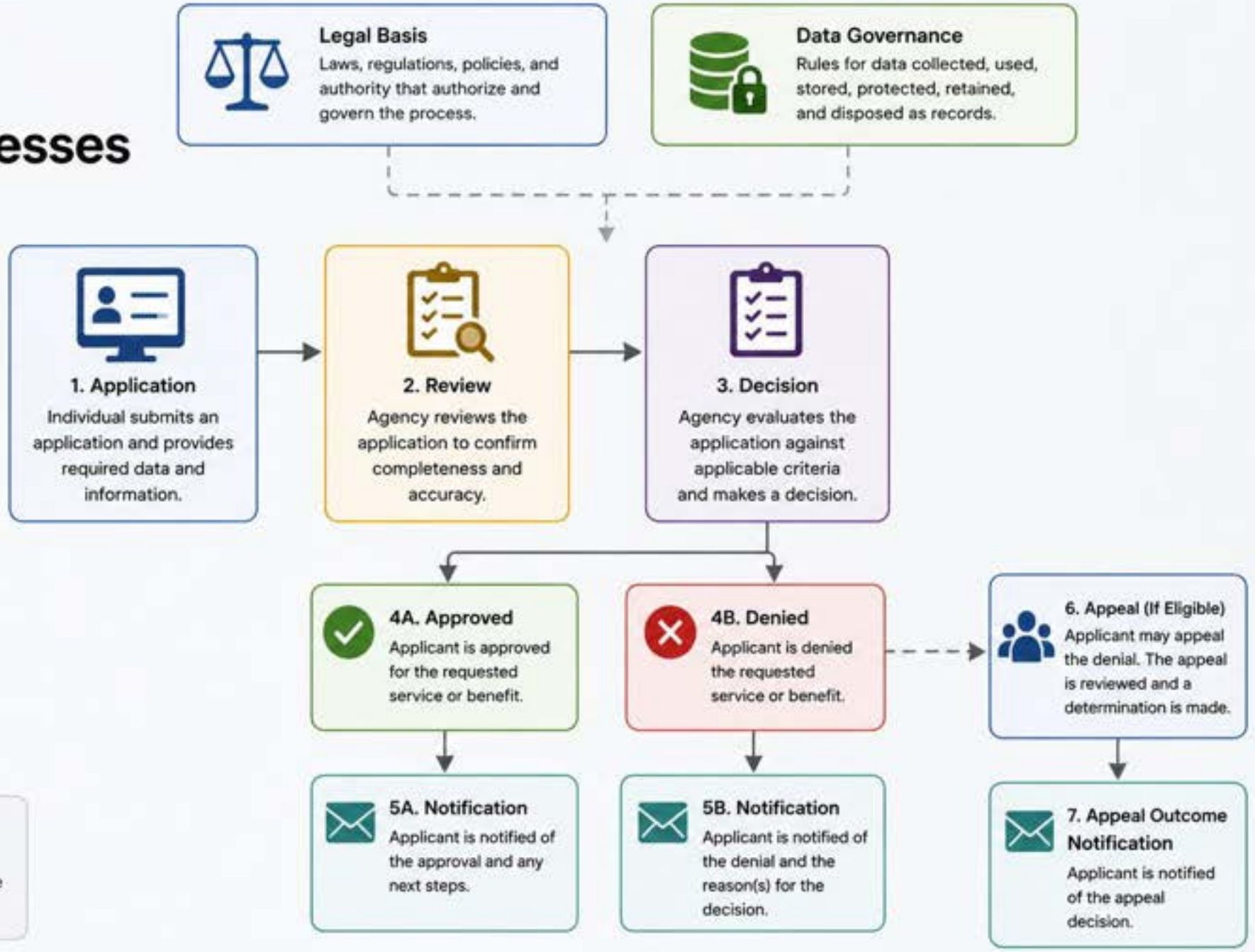
What is Automated Decision Making?

63A-19-101 Definitions.

"Automated decision making" means using personal data to make a decision about an individual through automated processing, without human review or intervention

Abstract View of Government Processes

This is a high-level, abstract view of how governmental entities often receive requests, evaluate them, make decisions, and notify individuals.



This diagram represents a high-level, abstract view of a general government process. Specific processes may include additional steps, rules, and exceptions.

5 Common Scenarios Where Automated Decision-Making Is Likely to Be Explored

1

Eligibility Determinations for Benefits and Services

Automating preliminary eligibility reviews for programs such as public benefits, permits, licenses, and tax credits based on rules and documentation.

2

Fraud Detection and Prevention

Using data analytics and machine learning to identify suspicious patterns, duplicate claims, or anomalous activity across programs and payments.

3

Adjudication and Case Triage

Prioritizing cases, flagging complex or high-risk matters, or making preliminary determinations to support human decision-makers.

4

Risk Scoring and Resource Allocation

Scoring or ranking applicants, facilities, or communities to allocate inspections, audits, investigations, or other limited resources.

5

Automated Responses and Communications

Generating routine communications, reminders, notices, or issue resolutions based on automated decision outputs or rule-based logic.

Potential Benefits of Automated Decision Making in Government Processes

When thoughtfully designed and responsibly implemented, automation can help governments deliver better outcomes for the public.

Faster Service Delivery
Reduces processing times for applications, permits, benefits, and other routine decisions.

Increased Consistency
Applies rules uniformly, reducing variability caused by human interpretation.

Improved Accuracy
Minimizes clerical errors and ensures calculations and rule checks are performed reliably.

Greater Scalability
Enables government services to handle large volumes of requests without proportional increases in staffing.

Cost Efficiency
Lowers administrative costs by reducing manual processing and repetitive tasks.

Enhanced Transparency
(when properly designed)

Creates auditable decision logic and records that can be reviewed and explained.

Improved Resource Allocation
Allows staff to focus on complex, high-judgment cases rather than routine processing.

24/7 Service Availability
Enables services to operate continuously without dependency on office hours.

Better Policy Implementation
Ensures laws and regulations are applied exactly as written, supporting compliance and legal defensibility.

Data-Driven Insights
Generates structured data that can be used to evaluate program effectiveness and improve policy outcomes.

Fraud Detection and Prevention
Enables rapid identification of anomalies, duplicate submissions, and suspicious activity.

Enhanced Public Experience
Provides faster responses and more predictable outcomes for individuals interacting with government.

Which benefits are most important to prioritize in your agency or the state?

Risk #1: The “Arbitrary and Capricious” Trap

Automated decision making can create decisions that lack a reasoned explanation, fail to follow required procedures, or misapply the law.

When that happens, decisions may be vulnerable to judicial review.

Utah law prohibits agency actions that are arbitrary or capricious, among other things.

Bottom line:

Without thoughtful design, oversight, and documentation, ADM systems can lead to legal risk, reversals, and loss of public trust.

Utah Administrative Procedures Act

63G-4-403 Judicial review -- Formal adjudicative proceedings -- Final agency action.

(5) The appellate court shall grant relief only if, on the basis of the agency's record, it determines that a person seeking judicial review has been substantially prejudiced by any of the following:

- (d) the agency has erroneously interpreted or applied the law;
- (e) the agency has engaged in an unlawful procedure or decision-making process, or has failed to follow prescribed procedure;
- (h) the agency action is:
  - (iv) otherwise arbitrary or capricious.

Scenario: Shadow Automated Decision Making

Common Scenario Governmental Entities Should Prepare For

AI may already be influencing government decisions long before an official automated decision-making system is deployed.

Government Employee
Staff member uses their own AI tools during their normal workflow.

↓

Personal AI Tool
(ChatGPT, Claude, Copilot, etc.)
Employee inputs information and receives AI-generated output.

↓

Application Review
Employee uses AI output to analyze or evaluate information.

↓

Decision Recommendation
Employee relies on AI output to form a recommendation or conclusion.

↓

Government Decision
The recommendation informs or directly influences the official decision.

Emerging Risks

No Approved Process
No formal review, approval, or governance of the tool or its use.

No Transparency
Individuals are unaware AI influenced the decision and why.

No Audit Trail
No record of inputs, outputs, or rationale for the AI assistance.

No Validation of Outputs
AI outputs may be inaccurate, outdated, biased, or inappropriate.

No Accountability
Unclear who is responsible for outcomes influenced by unapproved AI tools.

Unknown Data Handling
Sensitive or personal data may be shared with external tools without safeguards.

Discussion

Should governmental entities prohibit this practice, regulate it, or formally enable it with safeguards?

Potential Risks of Automated Decision Making in Government Processes

Important considerations as we design, deploy, and oversee automated systems.

Bias and Discrimination

Automated systems may replicate or amplify existing biases in data or decision rules.

Lack of Transparency

Complex systems can make it difficult to understand how or why a decision was made.

Reduced Accountability

Responsibility for decisions may become unclear when outcomes are driven by automated systems.

Errors at Scale

Mistakes in rules or data can affect large numbers of individuals simultaneously.

Data Quality Risks

Inaccurate, outdated, or incomplete data can lead to incorrect decisions.

Over-Reliance on Automation

Staff may defer to automated outputs without sufficient human review or judgment.

Due Process Concerns

Individuals may be denied meaningful notice, explanation, or the opportunity to challenge decisions.

Privacy Intrusion Risks

Automated systems may encourage excessive data collection or expanded data sharing.

Security Vulnerabilities

Systems may become targets for cyberattacks or manipulation of inputs and outputs.

Model Drift and Degradation

System performance may decline over time as conditions or populations change.

Loss of Human Judgment

Nuanced or exceptional cases may be handled inappropriately without human discretion.

Public Trust Erosion

Perceived unfairness or opacity can reduce confidence in government services.

How can we mitigate these risks while still realizing the benefits of automation?

Utah Public Policy Questions for Automated Decision-Making

Four Pillars for Responsible and Trustworthy Use of Automation in Government.

1

Transparency and Explainability

Individuals should be clearly informed when automated decision-making is used and be able to receive understandable explanations of how decisions affecting them were made.

2

Human Oversight and Due Process

Automated decisions should include meaningful human review options, appeal mechanisms, and safeguards to ensure fairness and protect individual rights.

3

Data Quality, Governance, and Accountability

Decisions should rely on accurate, lawful, and well-governed data, with clear responsibility assigned for system performance, outcomes, and ongoing auditing.

4

Non-Arbitrary and Lawful Decision Logic

Automated systems should apply rules that are legally grounded, consistently applied, and auditable, ensuring decisions are not arbitrary, capricious, or inconsistent with governing law and policy.

How should Utah shape policy in these areas?

Share your thoughts, concerns, and priorities. Your input will help guide responsible policy that protects individuals while enabling innovation and effective government services.

We want to hear from you!