TEXAS DEPARTMENT OF INFORMATION RESOURCES

ARTIFICIAL INTELLIGENCE CODE OF ETHICS

Established pursuant to Tex. Gov't Code § 2054.702 & 1 TAC § 219

PREAMBLE & PURPOSE

This Code of Ethics establishes the standards required by Texas Government Code § 2054.702 and 1 TAC § 219 for governmental entities that procure, develop, deploy, or use artificial intelligence systems. Governmental entities shall adopt and adhere to these statutory ethical principles throughout the artificial intelligence system lifecycle.

ETHICAL PRINCIPLES OF ARTIFICIAL INTELLIGENCE

1. HUMAN OVERSIGHT AND CONTROL — 1 TAC § 219.20(c)

Governmental entities must establish regular review intervals to maintain appropriate human oversight over AI systems based on the risk level of the AI system, align human oversight with the risk level of the AI system, and maintain administrative oversight and control over AI systems, including systems that can be paused, restricted, or disabled.

2. FAIRNESS — 1 TAC § 219.20(d)

The data used to develop AI systems must adequately represent the subjects or people about which AI systems make judgments, decisions, or predictions. Incomplete or inaccurate data can result in unlawful harm. Governmental entities must ensure their use of AI systems does not infringe upon the legally protected rights and liberties of the individuals they serve or result in unlawful harm, and must implement data governance practices for AI systems throughout the AI system's lifecycle to ensure fairness.

3. ACCURACY — 1 TAC § 219.20(e)

While AI systems are overall improving in their ability to deliver more accurate results, inaccurate outputs remain a significant risk when using AI systems. Governmental entities must train their employees to understand the importance of verifying AI outcomes for accuracy, and must verify outcomes of AI systems for accuracy before taking consequential action based on the AI outcome.

4. REDRESS — 1 TAC § 219.20(f)

Providing a method for redress will promote public trust in both the AI system and in the entity that deploys it. Governmental entities must provide a mechanism to seek redress for those impacted when an AI system makes a consequential decision that results in unlawful harm about their rights or access to governmental services; must have a designated point of contact for individuals to address when seeking information about an unfair consequential decision; and must develop internal procedures to allow employees to identify and remedy negative impacts caused by the use of AI systems.

5. TRANSPARENCY — 1 TAC § 219.20(g)

Governmental entities must collaborate with developers of AI systems and demand transparency to understand how a system operates, the source of the data the system was trained on, and its intended use cases; must strive to understand the capabilities of the system and how it makes decisions; must disclose when individuals interact with a public-facing AI system and when an AI system is used to make consequential decisions about their rights or access to governmental services; and must never represent AI systems as human when interacting with the public.

6. DATA PRIVACY — 1 TAC § 219.20(h)

Governmental entities must practice data minimization by ensuring that only necessary PII is used to develop, train, or operate AI systems; must review data to ensure PII is appropriately safeguarded prior to using data with an AI system; and must ensure employees are trained on privacy risks associated with entering PII into public or unapproved AI systems.

7. SECURITY — 1 TAC § 219.20(i)

Governmental entities must monitor, secure, and test AI systems to prevent or limit security attacks; and must demand that AI system providers disclose known vulnerabilities and resolutions in a timely manner to the governmental entities deploying those systems.

8. ACCOUNTABILITY AND LIABILITY — 1 TAC § 219.20(j)

Governmental entities must provide training to employees on how to use AI systems in an effective, safe, and ethical way; must ensure their vendors are contractually bound to these AI ethical principles and any relevant laws or regulations governing the use of AI systems; and must ensure AI systems they deploy comply with the legal obligations they have at both the state and federal level.

9. EVALUATION — 1 TAC § 219.20(k)

AI systems can change over time, as can the purposes for which they are used. Governmental entities must establish methods for regular evaluation of AI systems to ensure the systems provide ongoing benefit to the populations they serve; and must document such evaluations.

10. DOCUMENTATION — 1 TAC § 219.20(l)

Documentation provides a critical element for managing AI risk. Governmental entities must maintain documentation related to the AI system, including data sources and modifications to the AI system throughout the system's lifecycle.