

Netherlands

Algorithmic management

Phase	Algorithm register
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Type	Algorithmic management
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Article

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Description

LAST UPDATE 2023 - THIS CONTENT WILL NOT BE UPDATED

The Dutch government has launched an algorithm register for all government agencies to enter information about their algorithms in one place. The register is accessible to everyone, and is meant to supply transparency about whether or not government algorithms stick to the rules.

The Dutch Digitalisation strategy highlights the importance of safeguarding constitutional rights and public values in cases where automated decision-making (ADM) is applied. The introduction of the Algorithm Register signifies a commitment to transparency and accountability in the governments' use of algorithms.

The government wants the use of algorithms to be responsible. The idea is that people should be able to trust that algorithms adhere to the values and norms of society and that there should be an explanation of how algorithms work. The government aims to achieve this by inspecting how algorithms function and any potential discrimination and arbitrariness in their use. Again, the idea is that when the government is transparent about algorithms and their application, citizens, organisations, and the media can critically monitor and ensure that this complies with the law and regulations.

The Algorithm register in the Netherlands is not yet complete. More and more government organisations are publishing their algorithms in the algorithm register. The goal is to have all government organisations connected to relevant algorithms. More information on which organisations these are and which algorithms they publish can be found in the algorithm register guide. Currently, governmental institutions are encouraged, but not obliged to add algorithms they have used in the registry. Ultimately, registration of impactful algorithms will become legally mandatory. The Dutch government is still working on a legal framework for algorithms. By 2025, the Dutch register will become mandatory once the preparatory work around the EU's AI act is finalised.

The following processes, among others, currently contribute to responsible algorithm use:

- The Algorithm Register helps to make algorithms findable, better explainable and their application and results understandable.
- The Algorithm Supervisor (the Dutch Data Protection Authority) coordinates the control of algorithms: do the government algorithms comply with all applicable rules?
- The Ministry of the Interior and Kingdom Relations is working on the Implementation Framework 'Use of Algorithms'. This makes it clear to governments what requirements apply to algorithms and how they can ensure that their algorithms can meet those requirements.

The first version of the Algorithm Register was launched in December 2022. This forms the basis for further development. The government develops the register openly, together with experts, (potential) users and stakeholders. The Ministry of the Interior and Kingdom Relations is also continuing to develop the Algorithm Register website.

Commentary

Back in 2018, an evaluation by the Dutch Council of State underscored the increasing significance of Algorithmic decision making (ADM), while also highlighting potential risks where citizens cannot verify the rules that are being employed. Citizens are at risk of being profiled and confronted with decisions based on information of which the source is unknown. Citizen's ought to have confidence that algorithms adhere to public values, legal requirements and standards, as well as being able to comprehend the rationale behind their outcomes.

As per 1 January 2023 a new regulator for algorithms has been introduced in the Netherlands, it has been housed within the Dutch Data Protection Authority (Autoriteit Persoonsgegevens, Dutch DPA).

On 31 August 2023, the Dutch Data protection Authority (AP) published a report on Algorithm Risks in the Netherlands, concerning systems and apps that use algorithms and artificial intelligence (AI), and the risks posed to individuals, groups and society.

Furthermore, it demonstrated:

- Bias and subsequent discrimination in law enforcement
- Oversight of financial transaction, particularly in cases where a 'false positive' regarding a suspected illegal transaction has become evident.
- The application of algorithms for municipal social benefits to estimate the potential risk for fraudulent activities related to the distribution of social benefits.

The report further recommended the necessity of committing to improve algorithm risk management such as through an algorithm impact assessment, highlighting the need for:

- Implementing review mechanisms and frameworks in a manner that aligns with proportional requirements
- Risk-oriented phasing in by organisations.

Additional metadata

Cost covered by	National government Companies
Involved actors other than national government	National government
Involvement (others)	-
Thresholds	Affected employees: No, applicable in all circumstances Company size: No, applicable in all circumstances Additional information: No, applicable in all circumstances

Sources

- [AlgorithmWatch](#) ~~~ [Compact](#) ~~~ [Kenniscentrum Data & Maatschappij](#) ~~~
[DataGuidance](#) ~~~

Citation



Restructuring legislation database

Eurofound (2023), Netherlands: Algorithmic management, Restructuring legislation database, Dublin