

Managing the Machine: Law, Ethics, & AI in Government

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Agenda

Current Legal Framework &
Pending Legislation

Data Collection: Privacy, &
Security Risks

Bias and Discrimination

Transparency & Accountability

Environmental Concerns

Recommendations and Policies





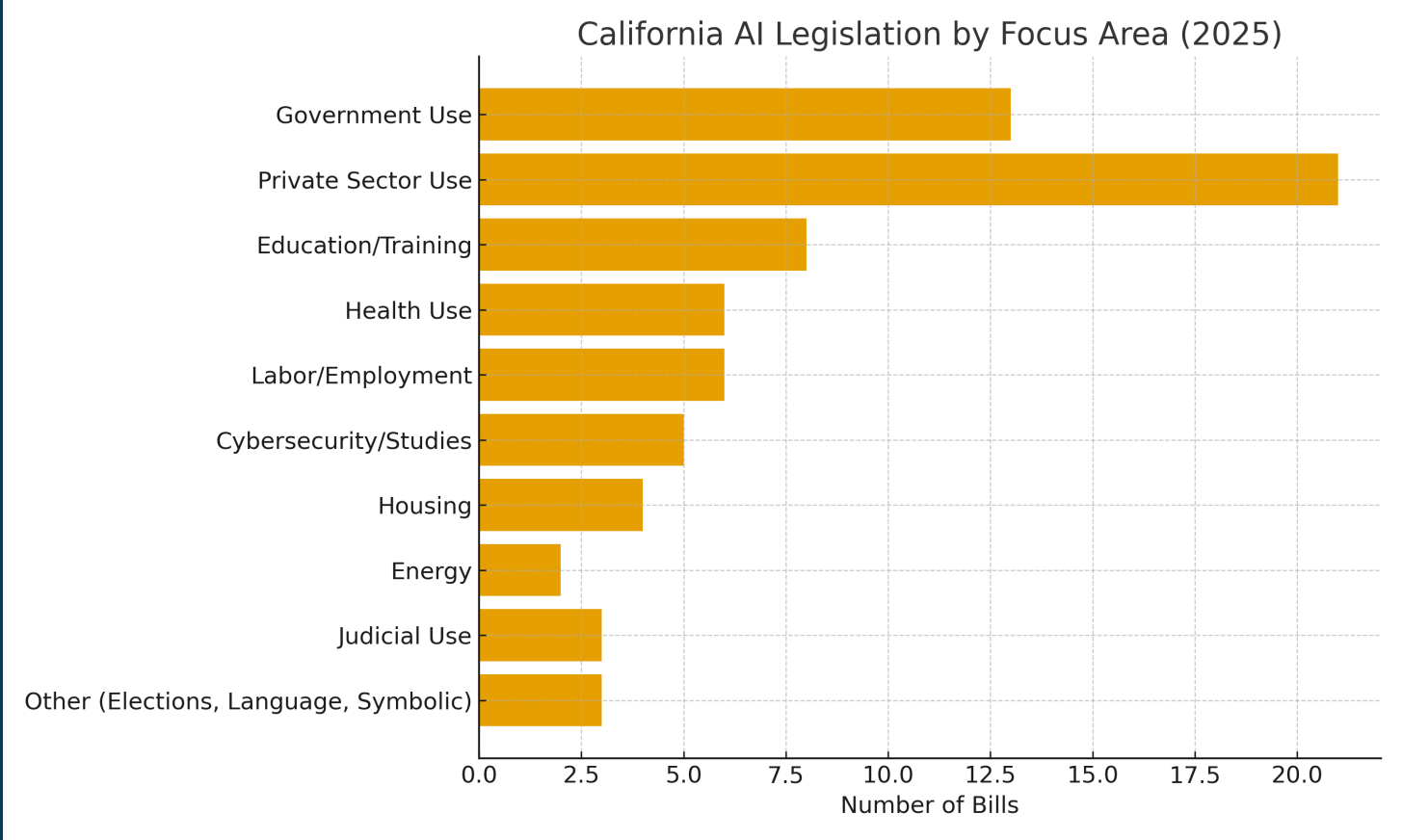
California Law: Public Information and Privacy

- California Constitutional Right to Privacy
- California Public Records Act
- California Invasion of Privacy Act
- California Consumer Privacy Act
- Others: Health, Children's Data, Etc.





AI Related Legislation



Proposed/Pending CA Legislation Related to AI

SB 430 (In Cmte.)

Doesn't create binding rules yet—it declares the Legislature's intent to pass future laws using AI/machine learning to reduce bureaucratic burdens on local government staff, particularly in reporting and permitting.

AB 1337 (In Cmte.)

Expands Information Practices Act to cover local governments, requiring protection of more types of personal data, limit use and disclosure, track disclosures for three years, and face accountability even for negligent violations.

AB 1018 (Inactive)

Aims to regulate how automated decision systems (ADS) are developed and used, particularly when they make or facilitate “consequential decisions”—such as employment, housing, education, healthcare, elections, utilities, etc.

AB 1242 (Held in Submission)

Requires agencies to survey language needs every two years, create Language Access Plans, and ensure services are accessible — allowing AI tools but requiring human oversight for accuracy.



Public Data Collection

AI systems rely on large amounts of data, including personal information from the public.

- Web Scraping
- Social Media Content
- Public Archives & Repositories



Intellectual Property



- Many AI design tools are trained on vast datasets of images, fonts, and creative works. If those datasets include copyrighted works (without license), outputs could be considered derivative.
- AI-generated designs (flyers, newsletters, social media posts) may include copyrighted elements unintentionally. If reused without modification, the city could face claims.
- Ex. Canva's AI Terms generally state they **don't guarantee exclusivity** of AI outputs and disclaim responsibility if outputs resemble third-party works.

DATE: May 1, 2024
TO: All NARA
SUBJECT: May 6: ChatGPT Blocked for NARA Usage



Employee Communications

NARA will block access to commercial ChatGPT on NARANet and on NARA-issued laptops, tablets, desktop computers, and mobile phones beginning **May 6, 2024**. NARA is taking this action to protect our data from security threats associated with use of ChatGPT. Several other federal agencies have already taken similar measures.

In [NARA Notice 2024-015](#), we warned NARA users about the risks of using NARA data in public generative Artificial Intelligence (AI) tools, such as ChatGPT. ChatGPT, in particular, actively incorporates information that is input by its users into other responses, with no limitations. Like other federal agencies, NARA has determined that ChatGPT's unrestricted approach to reusing input data poses an unacceptable risk to NARA data security.

Various media reports indicate there is a growing amount of personally identifiable information and corporate proprietary information showing up in ChatGPT and other AI services. Employees who want to use AI to help them in their jobs often don't realize that these types of AI services keep your input data for further training of the AI. If sensitive, non-public NARA data is entered into ChatGPT, our data will become part of the living data set without the ability to have it removed or purged.

NARA understands the benefits of using AI tools to help you with work products. To ensure the responsible use of these tools, we are exploring the use of other AI solutions, such as Microsoft Copilot and Google Gemini, which provide services similar to ChatGPT, but in a more controlled environment. These tools differ from ChatGPT because they protect data input by federal agencies placing it in a private repository that is not shared with others.

We will provide additional updates on AI options for NARA. Thank you for your support and understanding as we make this change to keep NARA's data secure.

KEITH DAY
Chief Information Security Officer
Cyber Security and Information Assurance Division
Information Services

Data Collection: Public Records

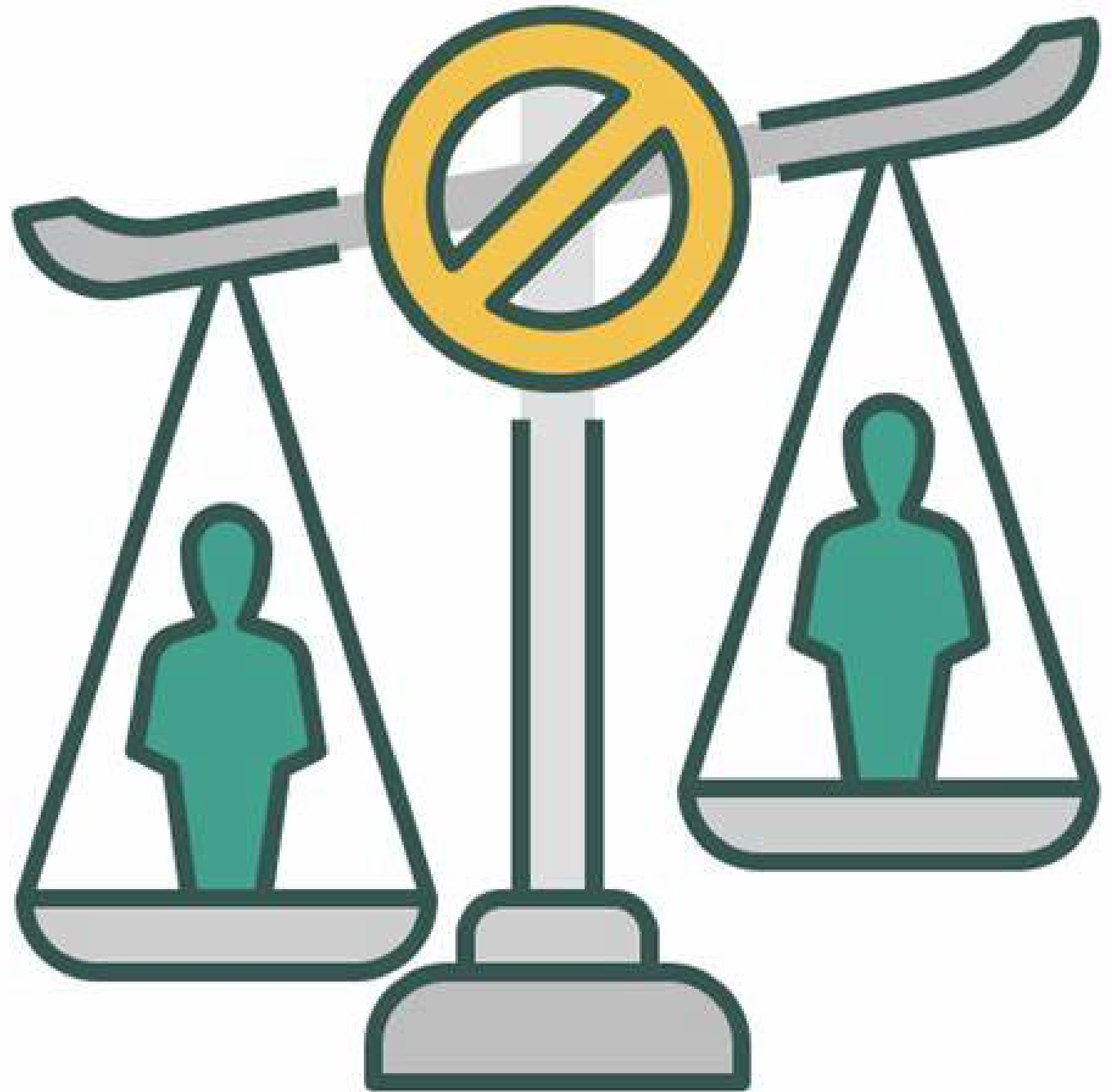
- Online Accessible Public Archives
- Public Records Requests
- Public Use of AI Tool
- Public Information Inadvertently Shared (& Stored) in AI Platforms

Security Risks

- Data = value for hackers
- AI needs training and operational data — which often includes sensitive PII (personally identifiable info), PHI (protected health info), or law enforcement data.
- Attractive ransom targets: Hackers expect cities will pay to avoid release of sensitive records (police reports, housing data, payroll).
- Ex: Los Angeles Housing Authority was hit with ransomware that exfiltrated hundreds of gigabytes of data .



Bias and Preconceived Ideas



Public Trust Relies on Fair Technology

- With AI's benefits comes risks of bias, discrimination, and liability
- If AI is not fair, then related City decisions are unjust
- Bias can lead to disparate outcomes and perpetuate inequalities instead of correcting them



Novel Technologies → Novel Biases



- Historical Bias
- Representational Bias
- Algorithmic/Model Bias
- Measurement Bias
- Evaluation Bias
- Aggregation Bias

Legal Considerations with AI Biases

- Civil rights laws
 - Equal protection
 - ADA
 - Employment
- Due process
 - Substantive
 - Procedural
- Privacy



BIAS TYPE	EXAMPLE
Historical	“Predictive” policing
Representational	Meeting transcription
Algorithmic	Employee screening
Measurement	Code enforcement
Evaluation	Facial recognition
Aggregation	Traffic modeling

Transparency and Accountability



Transparency

Will the public be informed
when AI tools may affect them?



Automated Decision Systems

ADS are being increasingly deployed in a multitude of contexts, including employment, housing, education, and health care. Major transparency and fairness concerns have been raised about the use of ADS to make consequential decisions, essentially determinations with significant legal or other material effect on people's lives.

See AB 1018

AB 1018 calls for transparency on the usage of ADS by requiring notice to consumers by deployers before and after a consequential decision.

AB 1018

1. Before Decision

- Plain-language notice to individual
- Identify ADS used (name, version, developer)
- Data sources & attributes measured
- Explain outputs & how used
- Rights explained (correction, appeal, opt-out)

2. At Decision

- Human review required (if applicable)
- Opt-out opportunity for individual

3. After Decision

- Post-decision disclosure (within 5 days)
- Which data/parameters influenced outcome
- Role of ADS vs human judgment
- Contact info & rights reminder

Accountability

- Who will ultimately be accountable and responsible if the system fails to operate as intended?
- Who has the authority to stop or limit the AI system's use?
- If the AI system fails or temporarily stops working, what are the alternative options to ensure there is no loss of service?



Environmental Concerns



Data Centers Have Significant Environmental Impacts

- Massive power usage -- Data centers are some of the most energy-intensive buildings, using up to 50 times as much energy per floor space as a typical office
- Fossil fuel reliance -- Many data centers are powered by electricity from fossil fuels
- Backup generators -- To ensure 24/7 reliability, data centers rely on large diesel generators during power outages
- Use of immense amount of water for cooling to prevent servers from overheating
- Electronic waste with frequent hardware upgrades

Solutions for Mitigation of Environmental Impacts

- Renewable Energy
- Advanced Cooling Techniques
- Improved Water Management
- Responsible Hardware Lifecycle



Recommendations and Policies



Recommendations Before Policy Adoption

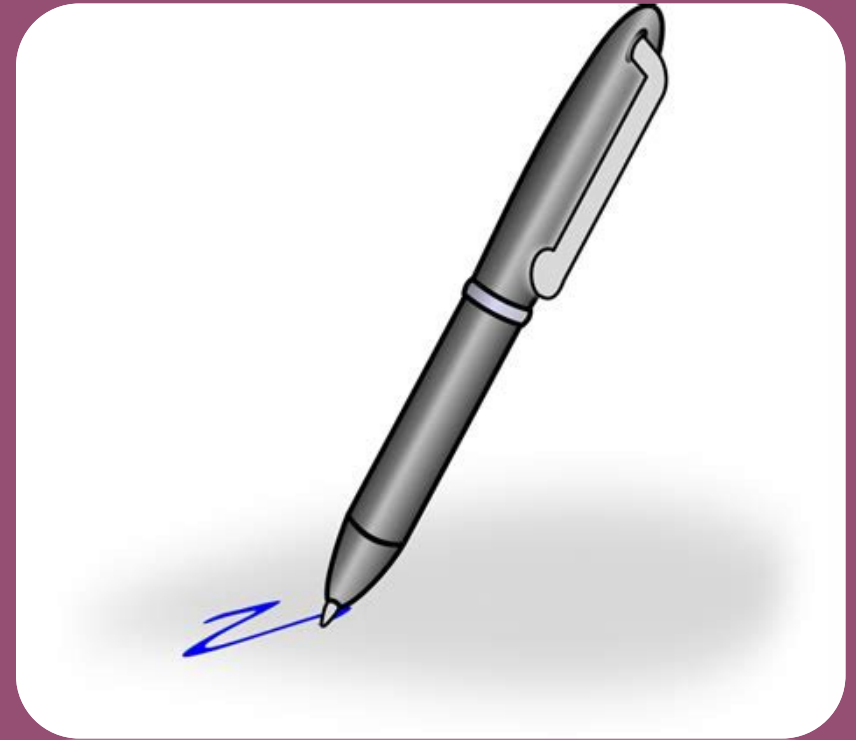
1. Conduct baseline audit
2. Determine objectives/principles
3. Create oversight (City Clerks are vital)
4. Draft interim rules
5. Check legal compliance and risk management
6. Ensure transparency and public engagement
7. Train staff with department-specific training
8. Implement and monitor
9. Update regularly

CHECKLIST

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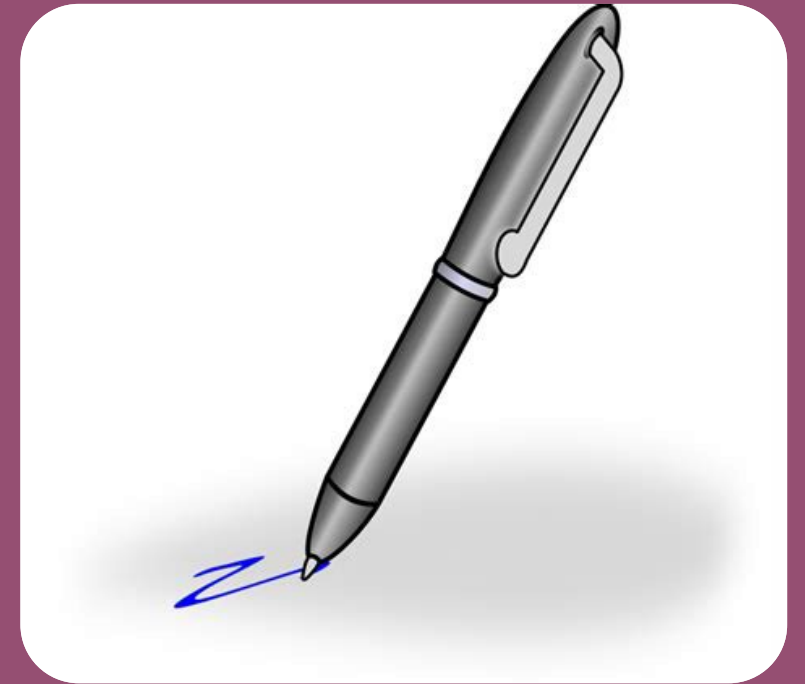
Policy Components

- Purpose and scope
 - Include guiding principles, e.g., fairness, transparency, accountability, privacy, and security
- Definitions
- Governance and oversight
 - Again, City Clerks are vital!
- Inventory and risk classification
 - Categorize systems based on risk



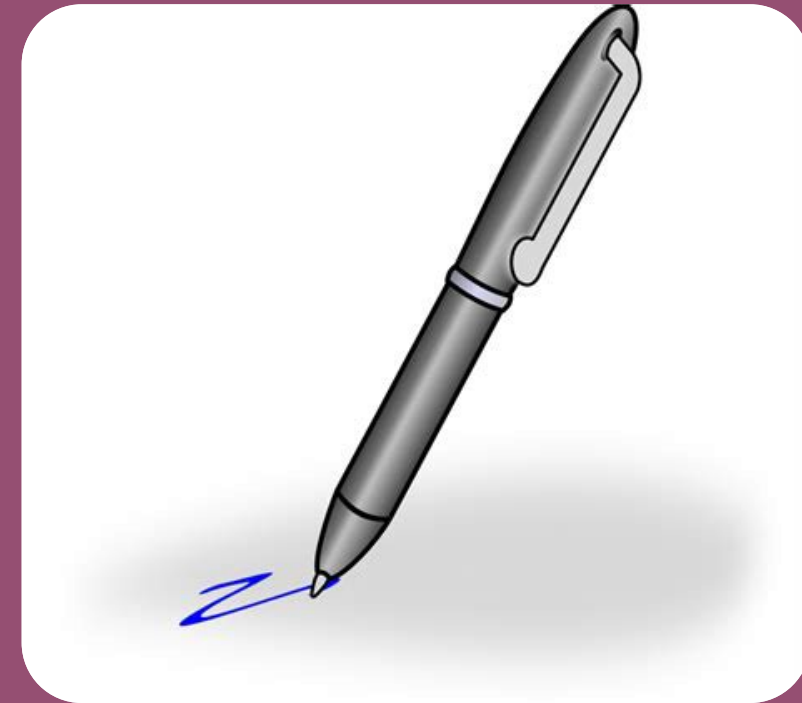
Policy Components

- Authorized and prohibited uses
 - E.g., limit use to City-authorized accounts
- Procurement and contracts
 - To keep vendors accountable
- Use standards
 - Human-in-the-loop
 - Record retention



Policy Components

- Transparency and public engagement
 - Notice to public users of City AI systems
 - Identify AI systems
 - Provide forum for complaints
- Training
- Monitoring and auditing
- Incident response and system retirement



QUESTIONS



Contact Info



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ARTIFICIAL INTELLIGENCE AND CALIFORNIA CLERKS

October 8, 2025
Marc Donohue and Randi Johl



OVERVIEW OF AI AND CORE RESPONSIBILITIES

Some Primary Functions

Open and Transparent Public Meetings, Public Noticing,
Records Retention and Destruction, Election
Administration, Campaign Disclosure and Conflict of
Interest Filings

Some Legal Framework

Government Code, Brown Act, Public Records Act, Elections
Code, Political Reform Act



“These duties are exactly where AI can assist.”

PRACTICAL USE CASES FOR AI IN THE CLERK'S OFFICE

Public Meetings: agendas, transcription, staff reports

Public Records: records requests, redactions, indexing

Elections & Filings: deadlines, candidate filings,

Community Engagement: multilingual access, surveys

Archiving & Retention: OCR, retention schedule tracking



Use Case	Description	Legal / Risk Considerations
Automated Agenda / Packet Drafting	AI tools can assemble meeting packets by pulling relevant staff reports, past minutes, and required statutory notices. It can flag missing items or possible Brown Act compliance issues.	Requires staff review. Brown Act compliance is critical; errors could lead to legal challenges.
AI-assisted Transcription & Summarization of Meetings	AI can generate transcripts, summaries, and extract action items from council/commission meetings.	Accuracy must be verified; closed-session confidentiality must be maintained.
Public Records Request Automation	AI can classify, search, and redact documents responsive to CPRA requests.	Redactions must meet legal exemptions; staff oversight required.

Use Case	Description	Legal / Risk Considerations
Legal Compliance Monitoring	AI can track state law changes (Elections Code, FPPC rules, Brown Act case law) and alert staff.	Must rely on authoritative legal sources; cannot replace legal counsel.
Campaign & Disclosure Filings Assistance	Guided portals or chatbots can help candidates file FPPC forms and disclosures correctly.	Errors could lead to compliance issues; staff must ensure accuracy.
Municipal Code / Ordinance Codification Support	AI can match ordinances with municipal code sections and identify conflicts or inconsistencies.	Final codification must be reviewed by legal staff.

Use Case	Description	Legal / Risk Considerations
Brown Act / Open Meeting Law Compliance	AI can verify agenda postings, deadlines, and required notices.	Mistakes can invalidate council actions; human redundancy needed.
Elections Cycle Management & Monitoring	AI-based systems can track candidate filing deadlines, petition signature thresholds, and election dates.	Accuracy is critical to avoid nullifying measures or candidate filings.
Public Engagement & Access	Chatbots can handle FAQs, multilingual translations, and improve website search of records.	Must ensure ADA compliance and provide disclaimers for legal questions.

Use Case	Description	Legal / Risk Considerations
Archiving & Historic Records Preservation	AI can digitize, OCR, and classify historical documents for easier retrieval.	Need to ensure chain of custody and authenticity of legal records.
Records Retention & Disposal Automation	AI can track records retention schedules and flag documents for disposal.	Destruction must comply with retention laws; mistaken deletions pose risks.
Insights from Public Comments / Feedback	AI can analyze sentiment and recurring issues in public comments.	Bias and misinterpretation possible; best for internal planning only.
Cost & Budget-related Analytics	AI can forecast costs for elections, ordinances, staffing, and other clerk functions.	Forecasts are estimates only; must be transparent about assumptions.

GROUP EXERCISE

Each group pick one scenario below and spend 5 minutes discussing how AI could assist, what risks to watch for, and what staff oversight would still be needed

Scenarios

- A resident files a CPRA request for all city emails about a new ordinance — 1,200 messages
- Council agenda packet is 400 pages long and must be posted in 72 hours
- Three candidates file late campaign disclosure forms, and the clerk's office needs to check them for completeness
- The city has 75 years of handwritten resolutions in storage, but residents are starting to request them



ROADMAP FOR IMPLEMENTATION

Phase 1 (Quick Wins): Deadline/calendar alerts, AI-assisted agenda preparation, document indexing

Phase 2 (Moderate Investment): Meeting transcription, automated redactions, campaign filing tools, compliance monitoring

Phase 3 (High Investment): municipal code codification automation, public engagement analytics, historical record digitization



“Start small, always pair AI with human review.”

RISKS AND CHALLENGES

- Legal compliance is strict under the Brown Act, CPRA, Elections Code
- Transparency & auditability: AI processes must be traceable
- Accuracy & bias: errors in transcription, classification, or redactions can create liability
- Data security & privacy: sensitive personal information must be protected
- Costs & staff training: resources are needed for implementation and oversight
- Interoperability with existing municipal systems



Thank you very much!

AI = time saver + compliance helper, not a replacement.

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