

REVIEW ARTICLE

Algorithmic Decision-Making in Public Administration

Fereniki Panagopoulou

Assistant Professor, Panteion University Ph.D. (Humboldt), M.P.H. (Harvard), LL.M., Ph.D. (National and Kapodistrian University of Athens)

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Corresponding Author: Fereniki Panagopoulou, Assistant Professor, Panteion University Ph.D. (Humboldt), M.P.H. (Harvard), LL.M., Ph.D. (National and Kapodistrian University of Athens).

Abstract

The present study addresses the impact of algorithmic decision-making in public administration. Following some brief clarifications on terminology, it analyses several examples of its application in public administration and discusses the issue of automated administrative acts. It then examines whether algorithmic decision-making conforms to the fundamental principles of administrative law and moves on to propose certain revised fundamental principles to be applied when implementing algorithmic decision-making in public administration before drawing its concluding remarks.

Keywords: Public Administration, Algorithmic Decision-Making, Artificial Intelligence, General Principles, Automated Administrative Act, Transparency, Legality, Public Interest, Good Administration, Equality, Transparency, Proportionality.

1. Introduction

The present study addresses the impact of algorithmic decision-making in public administration. Following some brief clarifications on terminology, it analyses several examples of its application in public administration and discusses the issue of automated administrative acts. It then examines whether algorithmic decision-making conforms to the fundamental principles of administrative law and moves on to propose certain revised fundamental principles to be applied when implementing algorithmic decision-making in public administration before drawing its concluding remarks.

Artificial intelligence is the branch of computer science that deals with the design and implementation of computer systems that simulate elements of human behavior that assume at least a rudimentary level

of intelligence: learning, adaptability, inference, contextual understanding, problem-solving, and so on (McCarthy, 2017). Artificial intelligence refers to systems that demonstrate intelligent behavior by analyzing their environment and taking steps to achieve their goals with a certain degree of autonomy (European Commission, 2018). In this sense, artificial intelligence systems are designed by humans and are capable of perceiving and interpreting data from their environment, making optimal decisions, and reproducing human cognitive functions such as learning, planning, and decision-making.

The scientific discipline of artificial intelligence comprises several approaches and techniques:

- a) machine learning, of which deep learning and reinforcement learning are specific examples;
- b) machine reasoning, which includes planning,

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scheduling, knowledge representation and reasoning, search, and optimization; and

c) robotics, which includes control, perception, sensors, and actuators, as well as the integration of all other techniques into cyber-physical systems (European Commission, 2018).

Machine learning is divided into supervised and unsupervised. In the first case, algorithms have been ‘trained’ to draw conclusions based on data that have been input by their programmers (ICO, 2017). On the reverse, under unsupervised machine learning, the algorithms have not been input and are left without guidance/pointers in drawing inferences (Aplaydin, 2000). In the context of algorithmic decision-making in public administration, we can have an algorithm based on linear programming (for example, $\text{income} \times 15\% \times \text{family status variable} = \text{amount of tax}$). In this case, an algorithm using artificial intelligence techniques is not applied. Artificial intelligence operates independently from its creator, making a prediction/estimation (Vlahopoulos, 2023). The algorithm uses existing data to predict human behavior, for instance in order to determine whether a citizen has committed a violation. In such cases, algorithms are not linear (in the sense described above) and they are usually not interpretable, either: therefore, it is not always easy – or even possible – to know how each variable has made its contribution. This is more common in cases where the deep learning technique is used. In this context, artificial intelligence comes into existence when it is possible to go beyond the application of the rules set by the programmer for the algorithmic analysis of a large volume of data, with the program creating new rules from the correlations it identifies within the data provided (Menéndez Sebastián & Mattos Castañeda, 2022).

The distinguishment of artificial intelligence into strict intelligence, strong intelligence and superintelligence is sharper. Strict artificial intelligence focuses on solving specific problems based on purely mathematical methods. The strongest expression of artificial intelligence is modelled on the ability to mimic human beings and their inductive and cognitive capabilities. If the latter is exceeded, the outcome is a super-intelligence that is capable of surpassing humans themselves (Pica, 2022).

In the domain of public administration, algorithms based on linear computation (strict artificial intelligence) are commonly used – but we are still a long way from making decisions using strong intelligence

or superintelligence. Algorithmic decision-making in public administration must be interpretable because citizens are entitled to know which factors have a bearing on the making of a decision.

2. Applications in Public Administration

Some representative applications of artificial intelligence in public administration include citizen activation through the use of natural language text, chat applications and intelligent assistants, civil servants’ support through robotic consultants, securing of public records through the use of blockchain technologies, codification of legislation by using smart contracts, the use of large-scale data and behavioral/predictive analytics for the development of public policies, and so forth (Pica, 2022). Artificial intelligence applications are being developed for the organization of work, supervision, and evaluation of employees, as well as in selection and recruitment processes (Mitrou, 2023). Moreover, artificial intelligence technology is being applied for the detection of suspicious transactions and persons, to combat tax evasion (Michailakis, 2022).

Ever since 2021, Greece has been utilizing the process of data mining from large databases in the entire field of taxation (SAS Institute Inc.). The relevant technology is applied by the Ministry of Finance through the identification of persons with the contribution of “specific algorithms, in conjunction with the mutual assistance procedure” (Circular No.1120/27.5.2013), meaning “the exchange of information provided by foreign countries where the taxpayer is active or may have income, either by monitoring banking transactions or the flow of money” (Michailakis, 2022). The aim is to speed up the processing of cases so that officials have more time available to deal with demanding and specialized matters (Mitrou, 2023).

3. Algorithmic Decision-Making and General Principles of Administrative Law

It is essential to consider whether algorithmic decision-making conforms to the general fundamental principles of administrative law.

3.1 The Principle of Legality in Public Administration

With regard to the principle of legality, algorithmic data processing must be based on rules of law and not be arbitrary. This means that the algorithm must be regulated based on the applicable law. The question that arises, however, is whether we can control the process and outcome of the design and

implementation of automated systems in order to ensure that the tools respect the principle of legality (Mitrou, 2023). For that to be achieved, the algorithm must be published. Furthermore, we also need to address the matter of determining the rule of law that must be applied (Mitrou, 2023). Frequent changes in legislation exacerbate this issue (Fundamental Rights Agency, 2020). Nevertheless, this is a general problem relating to law and order, and mistakes can also be made by humans. The underlying question is whether anything would be different if the mistake is made because of the intervening algorithm. In the context of the present study, it is deemed that nothing changes in substance, as the mistake made by the algorithm is also attributed to human error and not to the machine (Panagopoulou-Koutnatzi, 2023). Even so, the principle of legality is very critical in this case as it determines the relevant authority, its type, as well as the criteria and procedure for exercising it. Its application in practice is carried out in the first stage through the selection of the rule and, in the second stage, through the application of the rule in question. The algorithm may intervene in the selection of the rule, and it will encounter great difficulties in cases where the administration has discretionary, rather than binding authority. Accordingly, there is a vast area within public administration, namely that of discretion, where “machines will appear awkward” and in which non-linear algorithmic processing is considered to be out of place or only suitable when used with great moderation.

3.2 The Principle of Public Interest

Administrative actions are always aimed at the direct or indirect pursuit of public interest, namely to secure benefits for the people (Ktistaki, 2023). A specific manifestation of public interest is the principle of administrative efficiency (Lazaratos, 1990), which may, at times, be subject to abusive references and can undermine the fundamental guarantees of the rule of law (Lazaratos, 1991). One can see the argument of administrative efficiency behind the plea for the automation of the procedure (Lazaratos, 1990). Therefore, the main reason for automation lies in the efficiency of the administrative process: it enables the administration to issue pensions, assess taxes, check for tax evasion and so on, more speedily and efficiently.

Notwithstanding the above, the vagueness and general complexity surrounding the concept of public interest (Häberle, 2006) give rise to many issues

in its formalization for the purpose of algorithmic decision-making (Mitrou, 2023). The judgement concerning public interest is not automated because it is cumbersome, since it requires political weighing and political interpretation, meaning weighing the allocation of finite resources. This kind of exercise cannot be carried out by the algorithm – at least not yet. At the same time, the algorithm can process data and provide information that is crucial for the justification of an administrative act, even though it cannot perform a weighing of public interest.

3.3 The Principle of Good Administration

Algorithmic decision-making also raises the issue of good faith in the administration because of the questions posed on the objectivity of the judgement of the algorithm. The fact that human judgement is subject to objective and subjective limitations (Mitrou, 2023), whereas algorithmic judgement can be more objective, is set against this concern. Nevertheless, algorithmic neutrality is not something to be taken for granted, as the use of the data entered for analysis may lead to biases due to the unrepresentative nature of the input data (Mitrou, 2023). It is a fact that any algorithm bias is rooted in human partiality, as humans are the ones who create the algorithm and feed it with the data. The advantage in this regard lies in the rapid and facile processing of large volumes of data, which can enhance the efficiency of the administrative work.

3.4 The Principle of Equality

In the context of algorithmic decision-making, it is contrary to the principle of equality to arbitrarily treat those administered unequally when they find themselves under the same circumstances. This means that for the same offence in the same circumstances, the algorithm cannot impose a different sanction for each administered person. The issue is rendered complex, as the assessment is a matter of discretion that must lie out with the realm of algorithmic processing. Equal treatment of the administered appears at first sight to be tested in the case of artificial intelligence, due to the concern that a certain bias may be embedded in the decision-making process. This may occur, in particular, when individual variables in big data serve as ‘proxies’ for protected categories, such as race, gender, or age.

Notwithstanding the above, algorithms can help us eliminate discrimination inherent in human nature when it comes to sensitive areas, such as recruitment, through the adoption of algorithmic neutrality. If, for

example, there is a bias against a particular group, a program with algorithmic neutrality will not be affected by it. The same can happen with actions that are negatively colored due to their association with objectionable persons. If the algorithm makes this kind of neutral judgment, inequality can be averted. Even so, proportional rather than numerical equality requires that the specific circumstances of each case should be taken into account: for example, a person who comes from a poor country with no educational opportunities should be treated more leniently than a person coming from a country that offers great educational opportunities when evaluating his or her candidature for a post.

Considering the above, it can be concluded that artificial intelligence, depending on its use, can either lead to a violation of the principle of equality or its promotion.

3.5 The Principle of Impartiality in the Administrative Process

In the context of algorithmic data processing, the algorithm must be tuned so that it does not have a bias for or against specific population groups, such as women, refugees, people of color, and so on. This algorithm bias is one of the most challenging issues posed by artificial intelligence – and it is where the question of whether the algorithm itself is responsible for the bias comes into play. It is deemed that humans are the ones responsible for the bias, as the algorithm is based on human models. It would be more accurate to accept that the system is not biased, but since statistically, for instance, people of color from poor areas have been violating parole, the system has ‘learned’ that it should not grant parole in cases where we have a person of color who comes from Harlem. Therefore, if the big data leads to a statistical conclusion, the algorithm is not to be blamed for this; instead, we must define what is to be taken into account as a criterion. At this point, the question that also emerges is whether the algorithm can serve to make the administrative machine independent of biased human judgement.

3.6 The Principle That Administrative Acts Must State the Reasons on Which They Are Based

When considering the principle of the statement of reasons for administrative acts, it follows that a decision taken by algorithmic means must include a clear and specific statement of reasons in its body and not an abstract one. In accordance with Article 17(2)

of the Code of Administrative Procedure, said reasons must be clear, specific, adequate, and transpiring from the information on the file, unless the law expressly stipulates that they must be contained in the body of the act. The requirement of a statement of reasons is related to the issue of transparency, and particularly the impossibility of controlling the data processing procedure (Mitrou, 2023). In this case, the question of whether the person making the decision is able to follow the procedure and give reasons for the decision arises (Mitrou, 2023). The reasoning must demonstrate that both the procedure and the content of the decision are legitimate and lawful (Mitrou, 2023). This relates to the ability of the administration to explain to the person concerned how the procedure was applied in his or her case, in a way that is comprehensible and detailed (Conseil Constitutionnel, 2018). A similar obligation arises under Article 22(3) GDPR, concerning the right to human intervention. The justification of automated administrative acts in the case of full automation of the procedure consists of a standardized automated text (Lazaratos, 1990). In the case of partial automation of the procedure, additional reasoning adapted to the specificities/particularities of the circumstances is required (Lazaratos, 1990).

3.7 The Prior Hearing Principle

Another question that arises relates to how the right to a prior hearing is to be met in the case of automated acts on the part of the administration. When it comes to automated administrative acts, the automated document, such as, for example, a fine, could constitute what German theory describes as a ‘provisional’ administrative act (Schröder, 2010), given that the fully automated act is only temporary until the expiry of the time limit for exercising the right to a prior hearing, following which the final administrative act is issued. The act in question is activated after the expiry of its provisional nature. It is in this context that Article 6(3) of the Code of Administrative Procedure is applied: “If the settled situation may be changed, the administrative authority, within fifteen (15) days, invites the interested party to express his or her views according to the previous paragraphs, and makes a new settlement, if applicable. If said time limit passes and no action is taken, the measure ceases to be applied *ipso jure* without any further action.”

It is, in fact, rightly argued that fully automated administrative acts imposing a fine for, a traffic light violation, for example, must be linked to the additional definition of a suspension period indicated

in the body of the act, within which the person administered has the opportunity to appear before the administrative authority and express his or her arguments to exercise their right to a prior hearing (Lazaratos, 1990; Lazaratos, 1992). Along the same lines, an automated notice could be issued and served on the person administered, notifying him or her that an automated administrative procedure has been initiated against them (Lazaratos, 1992). In this way it becomes clear that the automation of the procedure is not undertaken to make the administration inflexible, rigid, and impersonal, but rather more efficient, just, and respectful (Lazaratos, 1990; Lazaratos, 1992).

3.8 The Principle of Proportionality

The principle of proportionality, meaning the principle of reasonable proportion between the means and the end (Korsos, 2005), constitutes the most significant mechanism for controlling the restriction of constitutional rights (Koutnatzis, 2009). This principle provides that whenever the administration exercises its power of discretion, the specific measures it adopts must be reasonably proportionate to the objectives pursued (Ktistaki, 2023). In this context, it has been found that facial recognition technology intended for the general and indefinite monitoring of those administered is in violation of the principle of proportionality¹(Chistakis & Lodie, 2022). On the other hand, the French Council of State has held that in cases where the detection of criminal activities is

1. If, however, it concerns the detection of criminal activities, the French Council of State (Judgment 442364, 26.4.2022) held that the use of facial recognition technology is proportionate. See the commentary on the ruling by Theodore Christakis, Alexandre Lodie, *The Conseil d'Etat Finds the Use of Facial Recognition by Law Enforcement Agencies to Support Criminal Investigations "Strictly Necessary" and Proportional*, *European Review of Digital Administration & Law - Erdal 2022*, Volume 3, Issue 1, pp. 159 et seq. The European Data Protection Board is also moving towards the same direction. See European Data Protection Board, *Guidelines 05/2022 on the use of facial recognition technology in the area of law enforcement*, Version 1.0, 12 May 2022, available at: https://edpb.europa.eu/system/files/2022-05/edpb-guidelines_202205_frtlawenforcement_en_1.pdf.

According to the Council, such tools should be used in strict compliance with the applicable legal framework and only in cases that fulfil the requirements of necessity and proportionality. The Council specifies the conditions under which a facial recognition system used for investigative purposes may be considered lawful. More specifically, it states that "[t]he national law must be sufficiently clear so as to provide data subjects with adequate indication of the circumstances and conditions under which data controllers are authorized to resort to any such measures".

concerned, the use of facial recognition technology is proportionate (Conseil d'Etat. 2022), this being the direction in which the European Data Protection Board also seems to be moving towards (European Data Protection Board, 2022). The same applies to other methods of perpetual evaluation of the administered solely through algorithmic processing without the input of human intervention.

3.9 The Principle of Transparency

Transparency is put at risk when there is no substantive access to the data, criteria, and modus operandi of artificial intelligence applications (Vlahopoulos, 2023 & Vorras, 2023). In this respect, transparency can be classified as external (in which areas artificial intelligence is applied) and internal (how artificial intelligence is applied) (Martín Delgado, 2023). Algorithms may be involved in the making of decisions concerning the selection, recruitment, evaluation, dismissal, and management of personnel (Council of Europe, 2018). In these kinds of evaluations, there is a risk of gender, class, and race biases, as well as a lack of transparency in the decision-making process (Council of Europe, 2018). Many decisions are based on data obtained through online platforms, for the processing of which the subjects have not granted their consent, when the legal basis for doing so is consent or even when they are still not aware of the processing. The most dangerous aspect in this respect is that the purpose of the data processing changes, meaning that the data were provided for one purpose but are processed for another. Furthermore, (prospective) employees are deprived of the possibility to challenge the respective decisions. Hence, questions arise as to the rights of (prospective) employees regarding self-determination.

The selection and evaluation of employees through artificial intelligence applications gives rise to many questions regarding the right of employees to human intervention, in accordance with Article 22(3) GDPR, as transparency in algorithmic decision-making is often rendered technologically challenging. It is true that artificial intelligence has two weaknesses: the lack of knowledge as to how machines behave, on the one hand, and the lack of information as to why a prediction was made, on the other (Mitrou, 2023). These two disadvantages stand in the way of the fulfilment of the principle of transparency. Consequently, for automation to work, the algorithm must be made public so that everyone can check the algorithm. At the same time, it would be desirable to

have an independent authority that will control the algorithm – with the problem emerging when the algorithm exceeds human capabilities.

3.10 The Presumption in Favor of Discretion on the Part of the Administration

Under this principle, when no clear and compelling statutory obligation is in place for the administration to act, we defer to the administration's discretion (Korsos, 2005). This presumption applies to acts adopted for the benefit of the person administered, provided that the relevant provisions do not expressly confer on him or her a legal right to have them adopted (Prevedouros, 2020). It does not apply in cases where it concerns a restriction of an individual right (Prevedouros, 2020). Can an artificial intelligence system be based on values, assessments, and weightings? (Mitrou, 2023) Do we trust the assessment of a human being more, even if that person is carrying subjective judgements, which may even be emotionally charged at times? On this point, it is proposed that automation does not, as a rule, belong in the realm of discretion, but rather in the domain of binding competence (Vlahopoulos, 2023). The algorithm should therefore not assess and decide but should instead assist the administration. This is because the exercise of discretion on the part of a civil servant who is accountable to the competent minister, who is, in turn, accountable to parliament, is a structural element of the parliamentary political system (Vlahopoulos, 2023).

3.11 Does Artificial Intelligence Disrupt the Traditional Principles of Administrative action?

A further question that emerges is whether algorithmic decision-making disrupts the traditional principles of administrative action. From the foregoing discussion, it is evident that the traditional principles of administrative law are capable of setting the boundaries of algorithmic decision-making. What this means is that the algorithm must be founded on the law, pursue the public interest, serve good administration, not lead to biases, be impartial, provide reasons for its actions, not interfere with the right of the person administered to a prior hearing, and abide by the principle of proportionality. This may be achieved if the algorithm is specific, definitive, comprehensible, and of assistance to civil servants without replacing them. In this way, there will be trust in the algorithm on the part of the person administered.

Nevertheless, the above question may very well be reversed: is the administrative law that is currently

applicable able to cope with the requirements of new technologies or does it represent an 'issue' for new developments? (Dellis, 2020) The answer to this question is complex. The fact is that the traditional principles of administrative action are currently being questioned. At the end of the day, administrative law needs to evolve and be modernized. What is needed is "a shift from traditional theories, concepts, and principles – those that served the administrative law of 'legality' – towards a new law that will combine compliance with the law with the effectiveness and successful operation of public institutions; in other words, what is required is a move towards an administrative law of 'effectiveness'" (Dellis, 2020).

Particular attention must be paid to ensuring that the principle of efficiency should not end up serving as an excuse for the violation of fundamental rights. New technologies and economic development, in general, call for administrative law to be enhanced with tools of economic origin, in particular, such as cost-benefit analyses, documenting the correctness of public choices, ensuring that administrative decisions are taken by qualified persons through transparent and participatory procedures (Dellis, 2020) and, above all, gauging the risks of using new technologies by carrying out an impact assessment of the effects of artificial intelligence on the rights of those being administered (Law 4972/2022; Law 4961/2022). To achieve all this, the digitalization of the state and the development of digital intelligence are essential, but not without engaging in a debate on ethics.

4. Towards the Establishment of Fundamental Principles (Council of Europe, 2018)

It is deemed that the introduction of algorithmic decision-making in public administration needs to conform to the following fundamental principles:

4.1 The Principle of Respect for Human Rights by Design

The processing of the data of administered persons should be aimed at explicitly stated purposes and should respect the fundamental rights protected by the European Convention on Human Rights (ECHR) and the Convention for the Protection of Personal Data (Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, ETS No 108, as amended under CETS Protocol No 223) (GDBR, Article 25).

4.2 The Principle of Non-discrimination

Due to the capacity of artificial intelligence systems

to reinforce existing biases by grouping or classifying data relating to individuals or sets of individuals, the persons involved ought to ensure that the processing methods do not reproduce or reinforce such biases and that they do not contribute to deterministic analyses or uses (the algorithm is not biased but relies on the statistics that it reproduces) (Kostis, 2023). Special attention must be paid both during the design and development, especially when the processing relies directly or indirectly on special categories of data ('sensitive' data).

The relevant authority is called to address one of the major weaknesses of artificial intelligence systems, which is related to both the reproduction and the mitigation of discrimination in the processing of data. It is therefore up to the designers of the systems to ensure that they lead to unbiased decisions and that they do not reproduce existing discrimination. In this regard, it is crucial that periodic audits of the systems are carried out and that control and security mechanisms are put in place (Vorras & Mitrou, 2023). To this end, the data used by the system must be interpretable and available to third-party independent experts in the fields of law, information technology, statistics, and so on, so that they can review whether they are in line with the principle of lawful and fair processing.

4.3 The Principle of Quality and Safety

Ensuring data quality is of utmost importance. The developers of machine learning systems must be enabled to make extensive use of the specialized knowledge of the relevant professionals in the field of management and of researchers/academics in the fields of law and social sciences (for example, economists, sociologists, and philosophers). It is recommended that the data, which is generated from the administrative action and entered into software processed by a machine learning algorithm, should be generated from sources that have been certified by accrediting bodies, and that they should not be modified until they are actually used by the machine learning mechanism.

Accordingly, the process should be verifiable in its entirety, in such a way as to ensure that there exists no modification that could alter the content or meaning of the decision being processed. Models and algorithms must also be capable of being stored and executed in secure environments so as to ensure the integrity and inviolability of the system. The adoption of adequate organizational and technical security measures, such as pseudonymization, adherence to an established code

of conduct and so on, is also of particular importance in this respect.

4.4 The Principles of Transparency, Impartiality, and Fair Treatment

It is essential to strike a balance between the protection of intellectual property rights over certain processing methods and the need for transparency (access to the design process), impartiality (absence of biases), fair treatment and integrity of judgement (giving public interest priority) when tools that are likely to produce legal consequences or have a decisive impact on the lives of citizens are applied.

When the algorithm is used for serving the public administration, it should be accessible for inspection. Nevertheless, it is not always feasible in practice to have an open-source code and associated documentation, as there are very few 'open' applications in existence. Moreover, it is also necessary to present the applications in simple and comprehensible language, which will render the nature of the services provided, the tools developed, the performances, and the risks of errors accessible. Independent certification bodies or experts may be entrusted with the certification and testing of processing methods or with the provision of advice. It can also be envisaged that specific organizations will provide certification in accordance with established international standards (for instance, ISO), which will be periodically reassessed for any updates. This provision for certification introduces a de facto dynamic control and re-inspection of systems on a regular basis, and the lawful use of only those systems that have been certified.

4.5 The Principle of 'User Control'

Keeping users adequately informed and in control of their choices is considered necessary. User autonomy must be enhanced in every way possible through the use of artificial intelligence tools and services. Those working in public administration must be able to review administrative acts and data that have previously served as the basis for producing an outcome but not necessarily be bound by them, each time taking into account the specific characteristics of the case at hand. The information provided to users on whether the solutions offered by the algorithmic decision support tools are binding or non-binding, concerning the available options, should be presented in clear and comprehensible language.

5. Concluding Thoughts

In view of the above, the following conclusions may be drawn:

1. The algorithm should provide assistance to civil servants, but not replace them. Final decisions should be made by a human being (GDBR, Article 22 (3)). In general, algorithmic decision-making is not appropriate when the administration has discretionary authority. But even with this model of assistance, there is a risk that human beings may get carried away by the algorithm, rely on it for the benefit of brevity and avoid personal judgement, or falsely claim that it was the official who made the decision when, in fact, it was the machine that did so. The truth is that the human mind has a propensity towards automation. It is therefore essential that the administration should have control of the software used by the administration to issue the automated administrative acts (Lazaratos, 1990).

2. For algorithmic decision-making in the public administration to work, it is necessary to achieve prior digitization of the state, as well as to proceed to the development of digital intelligence. Nevertheless, the transition to the digital age must not lead to a “distancing from critical guarantees of the rule of law” (Mitrou, 2023) and the neglect of the fundamental principles of public administration.

3. The person administered must be able to control and contest the process, so as not to undermine his or her trust in the institutions. To contest it, the process must be transparent, and the reasons for the decision taken must be provided. The problem is that artificial intelligence sometimes exceeds human beings, while the machine acts autonomously from human beings. That being said, it is also true that we cannot fathom artificial intelligence replacing publicity and public consultation (Vlahopoulos, 2023).

4. Should we exorcize technology? Should we demonize it? The answer is clearly “no”; we should not think in a way that is technophobic. Technology is an ally of public administration, as it enhances its effectiveness. Nevertheless, artificial intelligence cannot be regarded as a given and a ‘must’ in all areas of public administration, and its use should be considered on a case-by-case basis (Martín Delgado, 2022). In this respect, it is of paramount importance to evaluate and classify (Kriari-Katrani) risks (Artificial Intelligence Act, Article 6 et seq.) into acceptable and unacceptable ones, notwithstanding the difficulties involved in classifying them; to reject applications when the risks involved are not acceptable; and to take advance measures to address acceptable risks. This, however, should not take place without holding

an ethical debate, as this is the field within which each society is called to make a decision on which path it wishes to follow, and which to abandon, among those open to it.

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