

Usage of Machine Translation (MT) Software for Websites, Mobile Apps, and Oral Interpretation Devices and Services

Background and Purpose:

The District of Columbia Language Access Act of 2004 (“Language Access Act” or “Act”) requires that Limited English Proficient (“LEP”) and Non-English Proficient (“NEP”) individuals be able to participate in government services, programs, and activities at a level “equal to” English proficient individuals. D.C. Code § 2-1931(1). Specifically, the Act requires that covered entities provide LEP/NEP individuals with oral language services as well as translations of “vital documents,” *i.e.*, documents that inform individuals about their rights or eligibility requirements for benefits and participation. D.C. Code §§ 2-1932(a) & 2-1933(a). The Office of Human Rights’ Language Access Program (“LAP”) recognizes that government agencies’ websites contain much of the necessary information about their services, programs, and activities, and that these websites thus constitute “vital documents.” The LAP also recognizes that agencies may be utilizing Machine Translation (“MT”) software to translate their websites or to provide oral language services during customer service interactions.

The LAP has compiled this set of best practices to better inform agencies of how they can avoid a finding of non-compliance under the Language Access Act when using MT Software. As outlined in full below, if agencies utilize MT software to translate their websites or orally communicate with LEP/NEP customers, they should develop and implement a “quality assurance plan” to avoid a potential violation of the Language Access Act and ultimate finding of non-compliance. In addition, agencies should contact the Chief Technology Officer at the Office of the Chief Technology Officer (“OCTO”) for consultation on the development of the agency’s website translation. Please contact OCTO by email at webteam@dc.gov or through OCTO’s website at webteam.dc.gov.

MT Software Background and Deficiencies

It is important to understand how MT software functions. MT software algorithms save words and their relative positions to determine the probability that they may occur together, creating a statistical estimate of the translations of similar sentences. However, MT software currently suffers from several deficiencies.

First, the algorithmic systems do not interpret words’ meaning, context, and intention with the same accuracy as a human translator or interpreter. Second, recent research reports indicate that MT

software, particularly Google Translate, often produces materially less accurate results when translated from English into several other languages, particularly non-European languages or languages that do not use Roman characters. As discussed in detail below, MT software also contains some specific deficiencies when used to translate websites or provide oral language services.

Website and Mobile Apps -Specific Deficiencies:

It has been noted that automated translations fall short in understanding social media posts, which may impede translation of covered entities' social media sites and posts. In addition, many MT software features (such as those found on Google Translate, WeGlot, ChatGPT, DeepL, GTranslate) do not extend to embedded/linked documents, creating a barrier to equitable access to crucial information for the LEP/NEP community. Therefore, when agencies bypass the professional human translation of embedded translated documents and instead placed the original English-only content on their website to maximize MT software/AI function, there could be insufficient and inaccurate translations.

Oral Interpretation Devices and Services-Specific Deficiencies:

With oral interpretation devices (such as Vasco Translator, Pocketalk, etc.), there may be a risk of overconfidence in the accuracy of the interpretation, potentially leading to misunderstandings by the LEP/NEP customer. In addition, environmental factors such as background noise may impact the quality or accuracy of the translation.

Recommendation and Quality Assurance:

Websites and Mobile Apps:

To avoid the above deficiencies, which might lead to inaccurate or erroneous translations and a finding of non-compliance with the Language Access Act, the LAP recommends that agency websites are either: (1) professionally translated by a human translator; or (2) translated using MT software with a "quality assurance" check before the website is published.

While the best practice is to use materials professionally translated by human translators, the LAP recognizes that MT software is often the most efficient and cost-effective method to provide multilingual access with most agencies' limited resources. However, in order to provide LEP/NEP individuals with legally sufficient translations of agencies' websites and avoid a finding of non-

compliance with the Language Access Act, agencies should incorporate the following “quality assurance” measures:

- Ensuring high visibility of MT software icon (for example, Google translate icon) across all web pages
- Using a human validation process – i.e., qualified bilingual staff members or professional human translators – to review language that has been translated using MT software, per the Department of Justice’s December 2021 guidelines¹
- Conducting a “quality control check” with the Constituency Offices within the Mayor’s Office of Community Affairs to confirm the accuracy of the translation.
- Using professional human translators when MT software is unable to translate materials (for example, materials with embedded/linked documents, PDFs, or graphics)
- Addressing feedback from LEP/NEP individuals about potentially inaccurate website translations in a timely manner
- Identifying the title of the embedded/linked vital document in the target language, along with English, for example:
 - Solicitud en Español (Spanish online application)
 - Renovate Right! Tip Sheet for Preventing Lead Exposure
¡Pinte correctamente! Consejos para prevenir la exposición al plomo²
- Using effective disclaimers – The LAP recommends the below disclaimers, which should be translated into the languages most encountered by the agency:

The text of this website was prepared in English and has been translated using Google Translate. No automated translation is perfect. This translation is provided "as is." The DC government makes no warranty of any kind, either express or implied, as to the accuracy, reliability, or correctness of this translation. Some content (such as images, videos, Flash, etc.) may not be accurately translated due to the limitations of the translation software.

¹DOJ December 2021 Publication: Improving Access to Public Websites and Digital Services for LEP person.

² Spanish (Español). Accessed September 19, 2023. <https://doee.dc.gov/node/714902>.

- In addition, the attribution requirements for Google Translate require that agencies utilizing Google Translate provide the following additional disclaimer language, which must remain in all caps:

THIS SERVICE MAY CONTAIN TRANSLATIONS POWERED BY GOOGLE. GOOGLE DISCLAIMS ALL WARRANTIES RELATED TO THE TRANSLATIONS, EXPRESS OR IMPLIED, INCLUDING ANY WARRANTIES OF ACCURACY, RELIABILITY, AND ANY IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE AND NONINFRINGEMENT.

Oral Interpretation Devices and Services:

To avoid the above-referenced deficiencies, which might lead to inaccurate or erroneous interpretations and a finding of non-compliance with the Language Access Act, the LAP recommends that agency oral language services are either: (1) provided by a professional human interpreter or bilingual staff; or (2) translated using an oral interpretation device or service in conjunction with the below “quality assurance” measures.

While the best practice is to use human interpreters, the LAP recognizes that oral interpretation devices and services are often the most efficient and cost-effective method to provide multilingual access with most agencies' limited resources. However, in order to provide LEP/NEP individuals with legally sufficient oral language services and avoid a finding of non-compliance with the Language Access Act, agencies should incorporate the following “quality assurance” measures:

- Using oral interpretation devices and services only in low-stakes, high-volume customer service interactions involving frontline employees where it would be impractical to secure a professional interpreter or bilingual staff.
 - Examples of these low-stakes, high volume interactions include frontline employees’ providing directions to customers, answering general questions, or conducting security screenings to enter a building.
- Oral interpretation devices or services should **not** be used in high-stakes interactions. Examples of high-stakes interactions include conversations discussing legal rights or advice, medical rights or advice, informed consent, discipline (or threat thereof), and confidential or privileged matters. Training frontline employees prior to using oral interpretation devices or services.

Frontline employees should be trained to speak in plain, complete sentences and to avoid idioms or culturally specific phrases.

- Requesting feedback on the accuracy of the oral interpretation from LEP/NEP customers and securing a professional human interpreter when a customer indicates that the interpretation is not accurate.

Conclusion:

The best practice is for agencies to use materials professionally translated by human translators and human professional interpreters for oral communication. However, if agencies utilize MT software to translate their websites, or use oral interpretation devices to provide oral language services, they should develop and implement a “quality assurance plan” in line with the above recommendations.