

Consultation on the ICO’s AI and data protection risk toolkit

The ICO is consulting on a beta version of its AI and data protection risk toolkit. This toolkit is designed to assist risk practitioners identify and mitigate risks to data protection that AI systems that process personal information create or exacerbate.

We are looking for a wide range of views from organisations across all sectors and sizes. We are looking to hear from people in compliance focused roles and technical roles who are responsible for the development, deployment and maintenance of AI systems that process personal data.

If you would like further information about the consultation, please email [AI@ico.org.uk](mailto:AI@ico.org.uk)

Please send us your response by 01/12/2021 by filling in this form and sending it to [AI@ico.org.uk](mailto:AI@ico.org.uk)

**Privacy statement**

Please note, your responses to this survey will be used to help us with our work on the toolkit only. The information will not be used to consider any regulatory action, and you may respond anonymously should you wish. For more information about what we do with personal data [see our privacy notice](https://ico.org.uk/global/privacy-notice/).

**Question one: What is your job role?**

|  |  |
| --- | --- |
|  | Technologist (eg data scientist, data engineer, software developer, etc.) |
|  | Compliance (eg data protection officer, legal counsel, risk officer, etc.) |
|  | Other (please state:) |

**Question two: How easy is the toolkit to implement into your existing workflows?**

|  |  |
| --- | --- |
|  | Very easy |
|  | Fairly easy |
|  | Neither easy nor difficult |
|  | Fairly difficult |
|  | Very difficult |

**What changes would you like to see to make the toolkit easier to fit into existing workflows?**

**Question three: Are there any risk statements that you would change or remove?**

|  |  |  |
| --- | --- | --- |
| **Risk Statement** | **Change?** | **Remove?** |
| Failure to take a risk-based approach to data protection law when developing and deploying AI systems because of an immature understanding of fundamental rights, risks and how to balance these and other interests. This may result in a contravention of individual's rights and freedoms, and the principle of accountability. | Please specify: |  |
| Choosing to rely upon the same lawful basis for both the AI development and deployment stages because of a failure to distinguish the different purposes in each stage may lead to unlawful processing and a contravention of the purpose limitation principle. | Please specify: |  |
| Inaccurate outputs or decisions made by AI systems caused by insufficiently diverse training data, training data that reflects past discrimination, design architecture choices or another reason. This leads to adverse impacts on individuals such as discrimination, financial loss or other significant economic or social disadvantages. | Please specify: |  |
| Failure to explain the processes, services and decisions delivered or assisted by AI to the individuals affected by them where AI systems are difficult to interpret. This can lead to regulatory action, reputational damage and a disengaged public. | Please specify: |  |
| Unauthorised or unlawful processing, accidental loss, destruction, or damage caused by AI systems that do not have the appropriate levels of security. This can lead to financial loss, identity fraud and reputational damage. | Please specify: |  |
| Excessive collection of personal data caused by a default approach by data scientists when designing and building AI systems, leading to a breach of the data minimisation principle. | Please specify: |  |
| Failure to respond adequately to information rights requests caused by a lack of awareness that data subject rights apply throughout the lifecycle of an AI system wherever personal data is used. | Please specify: |  |
| Tokenistic human review of outputs from AI systems may inadvertently lead to solely automated decision-making with legal or similarly significant effects. This could lead to prohibited processing taking place without a valid exemption and inaccurate decisions being made about individuals, which have legal or similarly significant effects. | Please specify: |  |
| Inappropriate procurement of AI systems is caused by a lacked of due diligence by data controllers. This can lead to contraventions of data protection law and exposure to regulatory action. | Please specify: |  |

**Please give any further feedback:**

**Question four: Are there any risk statements you would add?**

**Question five: How actionable are the practical steps?**

Very easy to action

Fairly easy to action

Neither easy nor difficult to action

Fairly difficult to action

Very difficult to action

**Do you have any suggested improvements to the practical steps?**

**Question six: How likely is it that you would use this toolkit?**

|  |  |
| --- | --- |
|  | Very likely |
|  | Fairly likely |
|  | Neither likely nor unlikely |
|  | Fairly unlikely |
|  | Very unlikely |

**What changes would increase this likelihood?**

**Question seven: How has this toolkit impacted your level of confidence in complying with data protection law?**

|  |  |
| --- | --- |
|  | The toolkit has increased our confidence significantly |
|  | The toolkit has increased our confidence slightly |
|  | The toolkit has had neither increased nor decreased our confidence |
|  | The toolkit has decreased our confidence slightly |
|  | The toolkit has decreased our confidence significantly |
|  |  |

Please expand upon your answer.

**Question eight: Are there any other comments you would like to make?**