

16 November 2023

IC-265987-B9S3

Request

We received your request on 24 October.

In response to an ICO social media post as follows:



You made the following request:

"How and when is the ICO enforcing this therefore when it comes to scraping and using personal data to develop commercial products such as OpenAI, Microsoft and Google's Large Language Models?"

Your request has been handled as a general enquiry.

Our response

In response to your question about enforcement around data scraping and using personal data pulled from social media for the development of products, we have outlined our position in a joint statement with eleven other data protection and privacy authorities from around the world calling for the protection of people's personal data from unlawful data scraping taking place on social media sites: <https://ico.org.uk/about-the-ico/media-centre/news-and-blogs/2023/08/joint-statement-on-data-scraping-and-data-protection/>.

As you mentioned data enforcement action in relation to the creation of commercial AI products, we would like to highlight the preliminary enforcement notice we issued to SNAP for their potential failure to assess the privacy risks posed by its generative AI chatbot: <https://ico.org.uk/about-the-ico/media-centre/news-and-blogs/2023/10/uk-information-commissioner-issues-preliminary-enforcement-notice-against-snap/>.

For more examples of our work in monitoring AI risks, please see these blogs by ICO Executive Director of Regulatory Risk, Stephen Almond:

- <https://ico.org.uk/about-the-ico/media-centre/news-and-blogs/2023/06/don-t-be-blind-to-ai-risks-in-rush-to-see-opportunity/>.

<https://ico.org.uk/about-the-ico/media-centre/news-and-blogs/2023/04/generative-ai-eight-questions-that-developers-and-users-need-to-ask/>

We have handled this request as a general enquiry rather than under FOI as it does not appear that you are looking for copies of specific recorded information that we hold. If you do require further information about the topics touched upon in this response, please make a further request and this will be handled in the appropriate manner.

Your information

Please note that our [Privacy notice](#) explains what we do with the personal data you provide to us and what your rights are.

This includes entries regarding the specific purpose and legal basis for the ICO processing information that people that have provided us with, such as an [information requester](#).

The length of time we keep information is laid out in our retention schedule, which can be found [here](#).

Yours sincerely



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