

27 June 2023

ICO Case Reference IC-238039-R5B4

## Request

On 9 June 2023 you requested the following information:

- *Is your "Live Chat" service powered by AI or humans?*
- *How many FTEs do you have working on: (i) your helpline; (ii) your live chat service; and (iii) data subjects complaints?*
- *Do you use AI for any of these services or is there any live project or recommendation to use AI for these services?*

*Please note this just relates to the Information Commissioner's functions under the GDPR and PECR (not FoIA).*

We have dealt with your request in accordance with the Freedom of Information Act (2000).

## Response

We hold information that falls within scope of your request.

*Is your "Live Chat" service powered by AI or humans?*

Responses on our live chat services are provided by humans.

*How many FTEs do you have working on: (i) your helpline; (ii) your live chat service; and (iii) data subjects complaints?*

Parts (i) and (ii) do not reflect the way we record information about the staffing of live services, which is subject to variability and managed across several different teams. Most of the staff who are trained to work on live services do not do so full time, but instead contribute to these as part of their role. More information about this can be found under the Advice and assistance section below.

In response to part (iii) data protection complaints are handled by our Public Advice and Data Protection Complaints Service (PADPCS). The staff who handle these complaints are Case Officers (88.04 FTE) and Lead Case Officers (45.51 FTE).

*Do you use AI for any of these services or is there any live project or recommendation to use AI for these services*

As explained in our guidance, (<https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/artificial-intelligence/guidance-on-ai-and-data-protection/about-this-guidance/#whatdoyou>), data protection law does not use the term 'AI' and it is not defined in the legislation. AI can have a variety of meanings and has become a standard industry term for a range of technologies. As a result, it can be hard to give a clear definition of AI, as it can mean different things to different people. However, for the purposes of our guidance, our understanding of AI includes:

- In the AI research community, it refers to various methods '[for using a non-human system to learn from experience and imitate human intelligent behaviour](#)'; or
- in the data protection context, '[the theory and development of computer systems able to perform tasks normally requiring human intelligence](#)'.

### ICO's use of Chatbot technology

The ICO implemented its chatbot solution in conjunction with supplier ICS.AI in 2021. The solution was procured to support the Business Services team in providing automated responses to our customers based upon a pre-defined set of questions and answers, its outputs providing responses to defined links or pages on the ICO's website. This was to assist in driving a level of automation to reduce call handling and generate efficiency.

This phase of work has also seen the implementation of an algorithmic tool which was designed to inspect emails sent to the ICO's registration inbox and send out auto-replies in specific cases i.e. changing addresses. The tool has not been designed to automatically change addresses on the requester's behalf. Furthermore, the tool has not been designed to categorise other types of requests sent to the inbox.

The registration inbox generally receives queries from organisations or sole traders who are registered, or are looking to register, with the ICO.

Typical queries may be about registering with the ICO, how to make a payment, or how to change or update details about a registration.

The identified key benefits of the solution included

- Improved efficiency in answering requests sent to the registration inbox
- Helps to avoid a backlog of emails
- Improves the digital user experience
- Provides case officers with more time to respond to more complex requests

The algorithm takes into account the content of the email being sent to the inbox and detects whether it is a request about changing a business address. In cases where it detects this kind of request, the algorithm sends out an autoreply that directs the customer to a new online service and further information required to process a change request. Only emails with an 80% certainty of a change of address request will be sent an email containing the link to change of address form. Further information can be found here:

<https://www.gov.uk/government/publications/information-commissioners-office-registration-inbox-ai>

ICS.AI act as data processors which means that they cannot do anything with information we provide them unless we have instructed them to do it. They will not share information with any organisation apart for us. They will hold it securely and retain it for the period we instruct.

The algorithmic tool does not make any decisions, but instead provides links in instances where it has calculated the customer has contacted the ICO about an address change, giving the customer the opportunity to self-serve. There is no manual intervention in the process.

The model was trained on a dataset that was collected from emails being sent to the ICO's registration inbox. We provided information about this purpose in our privacy notice on our website. Data collected includes:

- Email address
- Subject title
- Contents of the email, which may contain information relating to registrations queries around address of trader/trading name/contacts for the registrations/payment categories or any other information they input in the email body.

Email header information is removed and not processed by a machine learning text classification service.

The ICO is currently evaluating various potential use of new and emerging technologies and as we implement these, we will provide updates on our website.

### **Advice and assistance**

At present we do not record the exact FTE for any given service on a specific date (or date range), as some staff cover both services, others only cover one, and the departments involved contribute different amounts of staff and time, subject to demand. Even if we were able to produce a figure for a specific day or week, for example, this would not necessarily reflect the typical staffing levels for these services over time. While rotas are used, actual FTE figures may be affected on an ongoing basis by absence, extra staffing during busy periods, and/or the inclusion of staff who are undergoing training (and may participate to varying degrees depending on the level of training they have received).

We have summarised below the roles and departments that may work on live services, FTE figures for relevant job roles, and, where available, details about staffing levels for each service.

#### Public Advice and Data Protection Complaints Service (PADPCS)

Within this department Case Officers (88.04 FTE) and Lead Case Officers (45.51 FTE) are trained to staff the helpline and live chat. Approximately 10-12 staff operate the helpline and two are available for live chat at any one time between 9am and 5pm.

#### Personal Data Breach Team (PDB)

Staff in this team receive calls transferred from front facing lines. They do not work on live chat. Only selected Case Officers (2.6 FTE) and Lead Case Officers (5.75 FTE) are trained to work on the helpline. The reporting line is usually staffed by one person between 9am and 5pm, and another two staff join between 4pm and 5pm as this is usually the busiest time. This totals approximately 1.35 FTE per week for the helpline only.

#### Data Protection Fees

Staff from this team work on the helpline and live chat. This consists of Case Officers (25.5 FTE), Lead Case Officers (12.5 FTE), Registration Officers (13.2

FTE) and one temporary Registration Officer (1 FTE). Some of these staff do not regularly work on live services but are able to do so if required.

### Business Advice Service (BAS)

Staff from this team may work on the helpline, live chat, or both, and may assist PDB colleagues (mentioned above) with the PDB advice line. This includes Case Officers (14.58 FTE), Lead Case Officers (12.40 FTE) Senior Engagement and Policy Officers (2 FTE) and one Customer Services Officer (1 FTE) who works on the telephone lines on a full-time basis.

New staff are currently being trained in the above services therefore these figures will likely be subject to change.

If you are interested in exploring this topic further, it is worth noting that we can consider requests for the number of staff working in specific roles or teams, or FTE figures for these, but we may not be able to provide figures for specific tasks or services as these can vary over time and according to demand.

This concludes our response to your request.

### **Next steps**

Please come back to us in the first instance if you would like a clarification or a review of the way your request has been handled. If you remain dissatisfied you can then request a review of our decision under the FOIA or make a complaint about how your request has been handled by writing to the Information Access Team at the address below or email [icoaccessinformation@ico.org.uk](mailto:icoaccessinformation@ico.org.uk).

Your request for internal review should be submitted to us within 40 working days of receipt by you of this response. Any such request received after this time will only be considered at the discretion of the Commissioner.

If having exhausted the review process you are not content that your request or review has been dealt with correctly, you have a further right of appeal to this office in our capacity as the statutory complaint handler under the legislation. To make such an application, please write to our FOI Complaints & Appeals Department at the address below or visit our website if you wish to make a complaint under the Freedom of Information Act.

A copy of our review procedure can be accessed from our website [here](#).

## Your rights

Our [privacy notice](#) explains what we do with the personal data you provide to us and what your rights are, with a specific entry, for example, for [an information requester](#). Our retention policy can be found [here](#).

Yours sincerely,



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