

OFFICIAL SENSITIVE
INQUIRY CLOSURE RECORD

3.0. Key findings

Summary of the findings from the inquiry

- Algorithms are not used to the extent suggested.
- No decisions are made by the algorithm and human intervention always results. BBW initially raised concerns with RBV and claimed that automated decision making formed part of the risk scoring of claimants. We do not believe that RBV constitutes automated decision-making, including profiling, which produces legal or similarly significant effects concerning a claimant. It is our understanding that there is meaningful human involvement in the claim reviews where a risk score is created and a final decision is made.
- [REDACTED]
- We have not found any evidence to suggest that claimants are subjected to any harms or financial detriment as a result of the use of algorithms or similar technologies in the welfare and social care sector.
- [REDACTED]
- [REDACTED]
- We have been able to influence improvement and promote good practice. We have seen evidence of steps being taken to improve compliance as a result of our enquiries, [REDACTED]

OFFICIAL SENSITIVE
INQUIRY CLOSURE RECORD

- [REDACTED]
- Concerns were initially raised around necessity of the processing. The necessity aspects of the processing are to be considered by the individual authorities that procure the algorithms or similar systems – where an authority has decided that the processing would be of benefit to local constituents it seems reasonable to procure it on this basis, as long as they do so in a compliant and transparent manner.
 - The issues surrounding retention and controller processor relationships are general information governance issues that are best addressed in the ICO's wider work in the sector, and messages will be conveyed.
 - HPI acknowledge the concerns surrounding discrimination and bias of algorithms and similar systems in use within the welfare and social care sector, but we have not found evidence to support these claims during our enquiries.

OFFICIAL SENSITIVE
INQUIRY CLOSURE RECORD

5.0. Closure decision & reasoning

Summary of the outcome of the inquiry

The level of potential harm that was alleged when the case was brought to the ICO has not been found. Despite this, Operation Letton is a great example of our ability to deliver on a complex subject in a matter of months without the use of any formal powers to progress our enquiries. We have been able to promote responsible innovation while addressing some concerns throughout the course of the inquiry.

There are no remaining reasonable lines of enquiry to follow within the scope of the operation, and given the ecosystem approach to the inquiry, HPI have covered and engaged with all the relevant stakeholders identified.

A [decision was made by the Commissioner](#) to close Operation Letton based on this.

The outcome of the inquiry is an [external blog](#) published on our website on 19 January 2023 which sets out our inquiry and key guidance for local authorities. On the same date, the blog was also highlighted internally on an [IRIS blog post](#). Alongside this, guidance was issued to local authorities and the system suppliers to remind them of their data protection obligations when using such algorithms.

The following lists the initial aims and objects of the inquiry, as outlined in the TID, and how these have been satisfied:

- 1. Undertake enquiries and fact-finding with the entities listed in the section above to investigate the use of algorithms in the welfare and social care sector, and the key data protection issues involved.*

An ecosystem approach was taken during the inquiry and enquiries were issued to a range of stakeholders and entities to understand the purpose and functions of algorithms and similar systems, the processing activities of LAs and the role of central government in the processing. Each response received was reviewed by HPI to understand the key data protection issues involved in the processing.

- 2. Understand in further detail the extent to which government (including local authorities) and housing providers, use algorithms and artificial intelligence to assist with decision-making in the area of social care and welfare support.*

OFFICIAL SENSITIVE
INQUIRY CLOSURE RECORD

As referenced above, government and LAs were contacted to understand the use of algorithms in welfare and social care sector. The enquiries gave attention to and questioned the role of the algorithms on decision-making.

- 3. Develop stakeholder mapping and an engagement plan and undertake initial stakeholder engagement with relevant industry bodies, regulators, local authorities and technology providers. Both to express our interest in this matter and also to gather further evidence and information on key compliance issues.*

An engagement plan was developed during the scoping phase of the inquiry. It was decided that fact finding would start with the providers of the technology. The findings from this informed the enquiries issued to LAs and provided a solid foundation understanding of the technology provided to LAs. This allowed HPI to draft effective enquiries to the LAs to gather appropriate evidence and information on key compliance issues.

- 4. Consider information gathered to form a view on the key data protection issues, in particular the use of AI by government bodies and where Article 22 UK GDPR is engaged.*

Each response received from a stakeholder was reviewed by HPI to understand the key data protection issues involved in the processing. Advice was requested from Tech Policy colleagues (referenced in Section 4 above) during enquiries with DWP to inform a full view on the DWP's use of AI.

- 5. Clarify and engage on the ICO's position on how such technologies can be used in compliance with data protection law.*

On conclusion of the operation, closure letters were issued to each of the entities engaged. The letters included advice on how such technologies can be used in compliance with data protection law. Stakeholders were signposted to existing ICO guidance applicable to the processing.

- 6. Act on our key findings by promoting key messages and ICO guidance via the relevant stakeholder channels to improve compliance.*

Alongside issuing the above referenced closure letters, an external blog was issued which sets out the inquiry and key guidance for local authorities. This ensures that the good practice messaging is conveyed to those not engaged through Operation Letton and upholds algorithmic practice across local government.

OFFICIAL SENSITIVE
INQUIRY CLOSURE RECORD

7. Where compliance failings are identified, make use of regulatory powers as necessary.

Regulatory powers were not necessary during the inquiry.