

30 November 2023

IC-268312-P1R9

Request

You asked us:

1. Is the Information Commissioner's Office using any algorithms and/or artificial intelligence software in the process of undertaking your statutory duties?

2. If Yes, please provide details:

(a) Of the algorithms or artificial intelligence software you use;

(b) Of the purposes for which the algorithm and/or artificial intelligence software is used;

(c) Of the decisions the algorithm and/or artificial intelligence software is asked to make or assist;

(d) Of the process by which you inform an individual that they have been subject to a decision made or aided by an algorithm and/or artificial intelligence software.

We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Our response

Is the Information Commissioner's Office using any algorithms and/or artificial intelligence software in the process of undertaking your statutory duties?

We can confirm that the ICO uses two algorithmic tools in the undertaking of our statutory duties. These are of a chatbot service on the ICO website and a machine learning tool for the purpose of reviewing the content of emails sent to the ICO.

We can confirm that we hold details of the algorithmic software that the ICO uses and the purposes thereof.

As detailed in the [ICO privacy policy](#):

"Our Chatbot service allows site visitors to ask, and get answers to, questions from a 'bot' (or automated service).

If you use the chatbot, the chatbot will share the contents of your chat with Microsoft Azure cognitive services, Google natural language processing services, Bing search and Bing spellchecker services, which are used to allow the bot to interpret and answer questions. The third party services only process your data during your chat session. It isn't necessary for you to share your personal data with us when using this service, but if you chose to do so then your information would be shared with those services.

The ICO retains the contents of chats for 12 months, for training and analysis. We also hold statistical information about the Chatbot service, but this does not contain any personal data.

The ICO uses a third party, ICS.AI, to provide technical support for the chatbot."

The machine learning tool is an algorithmic tool that helps to categorise emails sent to the ICO's registration inbox and sends out auto-replies in specific cases s i.e. changing addresses. The tool has not been designed to automatically change addresses on the requester's behalf, or to categorise other types of requests sent to the inbox.

Regarding the machine learning tool, the [ICO privacy policy](#) states:

"We use machine learning tools to review the content of emails sent to us. We use this information to train our systems, gain insight into demand for our services and to improve how we operate. You may receive an automatic reply, your original email request will remain unaltered and will be processed by ICO staff."

In developing the machine learning tool, the ICO participated in the Pilot of the Algorithmic Transparency Standard. As part of this, we published information on the machine learning tool in question. The algorithm uses a Naïve Bayes classifier to determine the context of a request. The algorithm was developed by ICS.AI and Microsoft and uses Azure ML Studio Services.

You can find a more in-depth [summary](#) on the Central Digital & Data Office (part of the Cabinet Office) website, as well as a [full copy of the transparency standard document](#), which includes the above information.

As the information above is already accessible to you, technically it is withheld under Section 21 of the FOIA. Section 21 states that we don't need to provide you with a copy of information when you already have access to it.

I can confirm that s that we do not hold information about either the decisions that algorithms and/or artificial intelligence software are asked to make or assist with, or of the process by which the ICO informs an individual that they have been subject to a decision made or aided by an algorithm and/or artificial intelligence software.

This is because neither the chatbot nor the machine learning tool make decisions, and as such, no individuals are subject to a decision made based on solely automated processing due to these tools.

However, as quoted above, we do provide general information to data subjects on the use of algorithmic software in our privacy policy.

This concludes our response to your request.

Further advice and assistance

You can find a [previous disclosure on this topic](#) on our website, in the ICO disclosure log.

You can also find the [ICO's response to the House of Commons Science and Technology Committee inquiry into the governance of artificial intelligence](#), which includes some information on the Pilot of the Algorithmic Transparency Standard.

Next steps

You can ask us to review our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days.

You can read a copy of our full [review procedure](#) on our website.

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority.

You can [raise a complaint](#) through our website.

Your information

Our [privacy notice](#) explains what we do with the personal data you provide to us, and sets out [your rights](#). Our [Retention and Disposal Policy](#) details how long we keep information.

Yours sincerely



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