

Microsoft Ireland Operation Limited
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By email: [REDACTED]@microsoft.com)

15 June 2023

Dear [REDACTED]

I write further to our recent discussions on Microsoft's development and deployment of generative AI-based services, and in light of your 23 April response to the ICO's April blogpost, "Generative AI: eight questions that developers and users need to ask".

As part of our ongoing work to monitor data protection compliance in the context of generative AI, we are requesting the following information relating to the new AI-powered version of Microsoft's Bing service, underpinned by OpenAI's GPT-4:

1. Copies of any Data Protection Impact Assessments (DPIA) you have produced in relation to the new version of Bing (as referenced in your correspondence of 23 April). If any of the information requested in points 2 to 9 is included in DPIAs, please provide references to the relevant section(s).
2. In respect of any personal data processed on the basis of legitimate interests (as referenced in your correspondence of 23 April), copies of any Legitimate Interests Assessments (LIAs) undertaken by Microsoft. If LIAs have not been conducted, please describe how you conducted and documented the requisite purpose, necessity, and balancing test for any processing which relies upon legitimate interests as a lawful basis.
3. A list of the sources of personal data used to fine tune GPT-4 ahead of launching the new Bing, including:

- a. Any personal data that was collected via any other service provided by Microsoft.
 - b. Any open-source datasets.
 - c. A complete list of any third parties and sources you have obtained personal data from.
4. A description of any re-identification testing (e.g. intruder testing) you carry out to assess the risk of personal data being obtained from model outputs.
5. A description of any output filtering you perform to identify and remove personal data from model outputs.
6. A description of the steps taken to ensure personal data that is used to fine tune GPT-4 is accurate and steps taken to ensure inaccurate personal data that is part of the training data is erased or rectified without delay, in line with the accuracy principle of UK data protection law.
7. A description of any technical and organisational measures taken to mitigate the risks of security attacks targeted at the new Bing, including:
 - a. Model inversion
 - b. Membership inference and
 - c. Data leakages in the model's outputs
8. Confirmation of the number of data protection requests or complaints received by Microsoft from UK data subjects in relation to processing of personal data in the context of the new Bing since 1 January 2023. Please also include a summary of the overarching issues covered by any requests or complaints.
9. Details of any assessment carried out on the likelihood of users under the age of 18 accessing the new Bing and, where required,

any assessment of the service's conformance with the ICO's Children's code.

I would be grateful if you could provide the requested information by 6 July 2023.

For awareness, the Commissioner may consider the use of an Information Notice, as per Section 142 of the Data Protection Act 2018 (DPA18), in the event that Microsoft fails to provide the information requested in this letter. Failure to comply with an Information Notice is an offence and can result in:

- A fine, and / or
- An Information Order through the courts, as per Section 145 of the DPA18.

Should you wish to discuss this request, please do not hesitate to contact me.

Yours sincerely

Stephen Almond

Executive Director - Regulatory Risk

Information Commissioner's Office

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