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IC-380151-P4M3

Request

In summary, you asked us:

"I am requesting a list and summary of any breaches in GDPR regulation of personal data, protection and usage; data losses; or other data security incidents caused by Generative AI chatbots reported to your department from 01/01/22 and the date this request is processed.

When referring to confidential or sensitive government information I am referring to any documentation or information placed into an AI Chatbot that was not intended or not cleared for publication.

I also note that when referring to Generative AI Chatbots I am referring to any software application that uses machine learning and natural language processing to interact with users through text or speech.

Please could I received the following:

1. The number of times confidential or sensitive government information placed into an AI Chatbot has caused a data breach or cyber security incident between 01/01/22 and the day this request is processed.
1a. If possible, please include the ministerial or non-ministerial department where the incident occurred, the nature of each incident, the number of individuals affected (if applicable), and any outcomes or remedial actions taken.
2. The number of times personal or private information placed into an AI Chatbot has caused a breach in GDPR regulation between 01/01/22 and the day this request is processed.
2a. If possible, please include the ministerial or non-ministerial department where the incident occurred, the nature of each incident, the number of individuals affected (if applicable), and any outcomes or remedial actions taken.
3. Which AI Chatbot tool the departments allows civil servants and ministers to use, or if applicable any bespoke AI Chabot the department uses."

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

Our response

We have interpreted your request as referring to breaches reported by Ministerial and Non-ministerial departments. We have defined these as the organisations listed as such by the government.

It may be helpful to explain that the ICO regularly disposes of information in line with our Retention and Disposal Policy. Records of Personal Data Breaches (PDBs) are typically held for 2 years following case closure. This means that we do not hold records relating to PDBs dating back to 1 January 2022. However, we have searched all of the relevant records that we do hold.

We will answer each part of your query in turn.

1. The number of times confidential or sensitive government information placed into an AI Chatbot has caused a data breach or cyber security incident between 01/01/22 and the day this request is processed.

The ICO is not responsible for breaches for confidential or sensitive government data. This is not something that organisations report to the ICO or is tracked by the ICO, except in cases where it relates to personal data.

This means that for the purposes of FOIA, our response is that no information is held within the scope of this part of your request.

1a. If possible, please include the ministerial or non-ministerial department where the incident occurred, the nature of each incident, the number of individuals affected (if applicable), and any outcomes or remedial actions taken.

As explained above, this is not information the ICO tracks or possesses, and so no information is held within the scope of this part of your request.

2. The number of times personal or private information placed into an AI Chatbot has caused a breach in GDPR regulation between 01/01/22 and the day this request is processed.

We have interpreted this part of your request as referring to breaches of personal data (PDBs) reported to the ICO.

We have searched all records held by the ICO of PDBs reported by Ministerial and Non-ministerial departments. Of these, 0 of the PDBs related to personal data being placed into an AI chatbot.

This means that no information is held within the scope of this part of your request.

2a. If possible, please include the ministerial or non-ministerial department where the incident occurred, the nature of each incident, the number of individuals affected (if applicable), and any outcomes or remedial actions taken.

As above, no information is held within the scope of this part of your request.

However, it may be helpful to you to know that the ICO regularly publishes data sets showing information about all PDBs reported to us. The data sets are typically updated quarterly and are published on our website.

We also publish an interactive Data security incident trends tool, which allows you to more easily sort PDB information depending on what information you are interested in.

3. Which AI Chatbot tool the departments allows civil servants and ministers to use, or if applicable any bespoke AI Chabot the department uses.

This is not something that the ICO is responsible for tracking and so no information is held within the scope of this part of your request.

The ICO has a bespoke chatbot tool that members of the public can use to access ICO information, and is currently developing a policy for internal use of AI. This was previously disclosed on our website.

The Government also publishes a register of algorithmic tools used in public organisations that may be useful to you. The Scottish Government has also recently launched a Scottish AI Register.

We hope this information is useful to you. This concludes our response to your request.

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 here.

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 set out your rights. Our retention schedule can be found here.

Yours sincerely

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