

# When machines decide: can we trust automated decision-making?

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& panel





# Session overview

- Introduction
- What is automated decision-making (ADM)?
- How data protection law is changing
- ICO work on ADM
- Public concerns and views about ADM:
  - Risks
  - Opportunities
- Panel discussion
- Any questions?

# What is automated decision-making? (ADM)

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Automated decision-making is the process of making a decision by automated means without any human involvement. These decisions can be based on factual data, as well as on digitally created profiles or inferred data.

Examples of this include:

- an online decision to award a loan; and
- an aptitude test used for recruitment which uses pre-programmed algorithms and criteria.

## **Benefits**

Automated decision making can be very useful for organisations and also benefit individuals in many sectors, including healthcare, education, financial services and marketing.

## **Risks**

Processing could be invisible or not align with people's expectations. People may also not understand how the process works or how it can affect them, and decisions taken may lead to significant adverse effects for some people.

# How data protection law is (and is not) changing

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Clause 80 of the Data Use and Access Act (DUAA) introduces changes to Article 22.

- Article 22 is restructured into Articles 22A-D.
- The restrictions on ADM in Article 22B will now only apply when there is “a significant decision based entirely or partly on processing described in Article 9(1)” – that is, special category data.
- For non-special category data, an Article 6 lawful basis is required.

The safeguards remain a vital part of Article 22. Under 22C, controllers must still:

- provide the data subject with information about decisions described in paragraph 1 taken in relation to the data subject;
- enable the data subject to make representations about such decisions
- enable the data subject to obtain human intervention on the part of the controller in relation to such decisions
- enable the data subject to contest such decisions



# The ICO's work on ADM

As part of our AI and biometrics strategy, we are:

- Giving organisations certainty on how they can use AI and ADM responsibly under data protection law (in the form of upcoming guidance and codes)
- Ensuring high standards of automated decision-making in central government, ensuring decisions that affect people are fair and accountable
- Setting clear expectations for the responsible use of automated decision-making in recruitment





# Public concerns about ADM

Risks





# Public concerns about ADM

## Opportunities





# Panel discussion

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Our panellists are:

Christina Tueje - founder of the Black Privacy Professionals Network (BPPN)

Dal Singh – ICO Principal Policy Advisor (Technology)

Maria McGann – ICO Group Manager for Cross-Economy Engagement

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Any questions?





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