

Data Protection and Digital Information Bill

AMENDMENT
TO BE MOVED
IN GRAND COMMITTEE

After Clause 14

LORD CLEMENT-JONES

After Clause 14, insert the following new Clause –

“Safe and responsible automated decision systems: public sector duty and algorithmic impact assessments

- (1) A public authority must, in the exercise of its functions, have due regard to ensure any automated decision systems it uses, procures, or otherwise exercises control over, are responsible and minimise harm to individuals and society at large.
- (2) The duty in subsection (1) involves, in particular, the need for the systems –
 - (a) to be safe, secure and robust, including compliance with data protection law,
 - (b) to be transparent and adequately explainable,
 - (c) to be fair, including being non-discriminatory within the meaning of the Equality Act 2010,
 - (d) to be accountable and subject to sufficient governance,
 - (e) to be contestable and enable individuals to seek and obtain redress,
 - (f) to be proportionate,
 - (g) to give effect to individuals' human rights and freedoms, and
 - (h) to safeguard democracy and the rule of law.
- (3) Compliance by public authorities with subsections (1) and (2) must include, but is not limited to, completion of an algorithmic impact assessment, which must be –
 - (a) completed prior to use or procurement of an automated decision system,
 - (b) reviewed and updated on a scheduled basis, including when the functionality or scope of the automated decision system changes, and
 - (c) released in an accessible format.
- (4) The Secretary of State must by regulations prescribe the form of an algorithmic impact assessment framework with the aims of ensuring public authorities –
 - (a) procure and develop automated decision systems in conformity with subsections (1) and (2),

- (b) better understand and reduce the risks associated with automated decision systems,
 - (c) introduce the appropriate governance, oversight, reporting and auditing requirements that best match the risks associated with the application envisaged, and
 - (d) communicate the risks, mitigations, benefits, governance mechanisms and impact assessment in a transparent and accessible way to affected individuals and to the wider public.
- (5) Such framework as prescribed by regulations made under subsection (4) must include the requirement for –
- (a) a detailed description of the automated decision system,
 - (b) an assessment of the relative benefits and risks of the system including the risks to the particular requirements in subsection (2),
 - (c) an explanation of the steps taken to minimise those risks,
 - (d) independent external scrutiny of the efficacy and accuracy of the system, and
 - (e) independent external scrutiny of the impact assessments and their compliance with subsections (1) and (2).
- (6) In this section, “automated decision system” –
- (a) means any tool, model, software, system, process, function, program, method and/or formula designed with or using computation to automate, analyse, aid, augment, and/or replace human decisions that impact the welfare, rights and freedoms of individuals, and
 - (b) includes systems which are partly automated, and systems which incorporate multiple automated tools and models.
- (7) A person who is not a public authority must comply with this section and any regulations made under it –
- (a) when exercising public functions, or
 - (b) when using data collected or held by a public authority.”

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