**AI and Ethics: Call for Evidence**

**Introduction**

The purpose of this Call for Evidence is to gather first hand insights from industry professionals, academics, and members of civil society on standards and regulation for the ethical use of Artificial Intelligence (AI) in the public, private and third sectors. We will use your insights, including any practical case studies, to make recommendations to the government on how, in very practical terms, AI should be regulated in the UK so as to achieve responsible AI use. Our recommendations will for example be used to feed into the government’s forthcoming White Paper and consultation.

**Background**

The tech, data and AI industry is rapidly accelerating, and digital transformation is becoming an integral part of business growth.

The speed of developments in a global environment means policy and regulation on data and AI struggles to keep pace. Policy Connect’s two previous inquiries identified some practical measures to embed transparency, openness and accessibility within public services and the private sector.[[1]](#footnote-1),[[2]](#footnote-2) The list of relevant recommendations from the two previous reports are at Annex, and include:

* Strengthening parliament’s scrutiny role,
* Adding ethical AI and data use into Company Director responsibilities so as to build in accountability at Board level,
* The use of a user-friendly means such as kitemark to show when the interaction is with machine intelligence not a human, and
* The involvement of the user and citizen at the start of AI development, especially at the local level where citizens can best engage, to ensure issues around the transparency of data exploitation are built in from the start.

With the emphasis of the two main political parties on growth, and with the government having published several strategy documents on Data, AI, and Innovation, this is the right time to determine what this environment means in practice for AI and data regulation that will assist the private sector to grow through building trust and transparency. Industry stakeholders have reinforced their need for clarity about the regulation and rules that will apply to AI and data.

The government has established several bodies such as the Central Digital and Data Office (CDDO), created within Cabinet Office to consolidate policy responsibility and improve government use of data for public sector innovation, and the AI Standards Hub within the Alan Turing Institute. The Digital Regulation Cooperation Forum has been created to bring together the Competition and Markets Authority (CMA), the Information Commissioner’s Office (ICO), the Office of Communications (Ofcom), and more recently the Financial Conduct Authority, to ensure greater cooperation on online regulatory matters.

The Office for AI, established in 2018, is heavily engaged in the AI standards work, and the government has indicated it will publish a White Paper on AI regulation in the coming months. In the meantime, the EU in April 2021 published the Artificial Intelligence Act. This sets out a cross-sectoral, horizontal regulatory framework which is intended to encompass any AI system that touches the single market, whether the provider is based in the EU or not. It uses a risk-based approach and sets up a series of escalating legal and technical obligations depending on whether the AI product or service is classed as low, medium, or high-risk. A number of AI uses are banned outright.

Against that background the aim of this inquiry is to determine practical and implementable elements of a UK governance, standards & regulatory system (standards system in short-hand) for the ethical use of data and AI. The design of this standards system needs to provide transparency and accountability to users and citizens while helping business to innovate and grow within the UK and across jurisdictions.

**Instructions**

Policy Connect will gather evidence through a series of roundtable sessions, interviews with expert stakeholders, and this written call for evidence. Please find the questions below. We appreciate that you may prefer to respond only to the questions in your area of expertise.

Please include wider insights into this topic area. We are particularly keen on papers, data, or reports that you or your organisation have completed, including **case studies** which **show what works and what does not**.

The deadline for submission of evidence is Friday 24th February 2023 at 11:59pm.

Evidence should be submitted to: [Alainah.Amer@policyconnect.org.uk](mailto:Alainah.Amer@policyconnect.org.uk)

For more information about Policy Connect or the inquiry, please [visit our website](https://www.policyconnect.org.uk/appgda) or contact Alainah Amer.

**Research Questions**

1. Where is the UK now in the ethical use of data and AI to drive innovation? Are there existing sectoral approaches to AI and data governance & regulation that you would recommend, and why? Are these approaches replicable across other sectors and if so, how?
2. Are there sectors that are struggling with the impact of AI and data governance & regulation? Please describe, and what are the barriers they are facing?
3. Do you know of AI governance & regulation case studies by industry sector, e.g., food retailers, financial sector, insurance? What do these case studies tell you in terms of what regulation is working/not working well?
4. Do you know of examples of cross-sectoral AI and data governance & regulation that works well - please describe?
5. Do you know of examples of cross-sectoral AI and data governance & regulation that does not work well, please describe?
6. What are the key current developments in the UK on creating governance & regulation to support ethical AI innovation? Where are the gaps?
7. What is happening in other jurisdictions (e.g., EU/USA) and what opportunities/risks are there for the UK, e.g.,
   1. What are the opportunities/risks around achieving the equivalence and adequacy needed to support business across jurisdictions, and how can these be best addressed?
   2. Are there case studies to show the conundrums and risks/benefits to UK organisations and businesses on international alignment issues?
8. What governance & regulatory issues are there around third-party/supply chain standards – lessons, problems?
9. Where should we be in five years’ time in term of a well-run AI governance & regulatory system that builds in transparency, accountability and accessibility/fairness from the start and will deliver innovation and growth?
10. What should be the key features of this governance & regulatory system to deliver the ambition? Include role for Parliament/Government/Industry itself. Should it be cross-sectoral, sector-by-sector. Or should it be a combination, and if so what combination – i.e., what types of governance & standards should apply across sectors, and what types should be sector-based?
11. What tools will help organisations and businesses achieve governance & regulatory requirements easily and consistently?
12. What do you think are the three key things that need to happen in 2023?

**Additional Evidence**

Please feel free to send any additional evidence or information that might support our inquiry but has not been covered in our research questions.

**Submission Permissions**

Kindly let us know whether we have your permission for the following:

1. Do you give permission for the report to quote your submission?
2. May we attribute the submission to the organisation you belong to?
3. May we attribute the submission to you personally, listing your job role?

**About Policy Connect**

Policy Connect is a cross-party think tank. We specialise in supporting parliamentary groups, forums and commissions, delivering impactful policy research and event programmes and bringing together parliamentarians and government in collaboration with academia, business and civil society to help shape public policy in Westminster and Whitehall.

**Inquiry Co-Sponsors**

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**Annex A: Relevant Recommendations from Trust, Transparency, and Tech (2019)**

**Recommendation 1:** To build public confidence and acceptability, providers of public services should address ethics as part of their ‘licence to operate’. A core principle should be that the public’s views on data exploitation are proactively built into an **ethical assessment at the service design stage**.

**Recommendation 2:** The **citizen should be given access to simple and meaningful information**, akin to the transparency principles underpinning Freedom of Information. This duty should apply to all those using data exploitation to deliver public services, as part of their ‘licence to provide public services’.

**Recommendation 3:** **The citizen should have a ‘right to explanation’**, via a duty on all those delivering public services to provide easy to understand information on the factors taken into account in algorithm-based ‘black-box’ decisions as they affect the individual.

**Recommendation 4:** There should be **clear lines of accountability on data and algorithm use to the top of every organisation** providing public services, including accessible complaints and redress processes. This could be achieved by extending the Data Protection Officer role and updating company director responsibilities.

**Recommendation 6:** The government [CDEI] should address the trust risks that could inhibit innovation. It should **develop a user-friendly means such as a kite-mark to show when a decision is taken by machine intelligence**, and when you are interacting with a machine not a human, and mandate its use across government and public service delivery in higher-risk areas. It should provide central guidance on ‘responsible trials’ of AI technology such as biometrics and facial recognition as well as autonomous vehicles.

**Recommendation 7:** The government should prioritise work on ‘consent’, including issues around **informed versus implied consent**, and how to ensure the consent process is fit for purpose and not a simple tick-box exercise.

**Recommendation 8:** To enhance parliamentary scrutiny, the legislation to **establish the Centre as an independent statutory body** should include the requirement for the Centre to submit their proposed annual report to parliament for **scrutiny through the current Select Committee process**.

**Recommendation 9:** Parliament should take a greater leadership role in assessing privacy issues and **consider the need for an overarching Select Committee** given the ever-growing importance for public trust and confidence of the data- driven and technology influenced world.

**Annex B: Recommendations from Our Place Our Data (2021)**

**Recommendation 1:** In order to improve the way in which data can be collated and used to develop AI and machine-learning services and products, national government needs to support and enable local government and their place-based partners.

1. To create the right blend of strategic leadership and practical, citizen-faced guidance, the **government should establish** a Cabinet Committee, to be commonly known as the **‘National Data Ethics Council’** to reflect its wider membership from the regions and nations, academia and industry.
2. This ‘National Data Ethics Council’ should be supported by the Centre for Data Ethics and Innovation, which should establish a working group for that purpose, **bringing together representatives from across the UK** to ensure that regional issues around data-driven technologies are taken into account.
3. The Centre for Data Ethics and Innovation should be established in statute and given a duty to work with local authorities to ensure that centrally provided guidance meets local needs and that local areas have enduring support.

**Recommendation 2:** The government should review **national level frameworks** to ensure that central departments and their agencies provide a coherent and consistent ethical umbrella for devolved public service delivery and public/private service partnerships. This umbrella – which should have simplicity and flexibility at its heart - should include the following principles:

1. A requirement to **‘do no harm’ equivalent to the fiduciary duty** for the highly successful UK financial sector.
2. A **requirement for citizens to be involved at the start of AI/machine-learning design**, and at regular stages thereafter.
3. A **right to explanation for citizens** from all public and private bodies using citizen data in AI- based products and services, so the citizen can have trust in the factors taken into account in decisions about them.

**Recommendation 4: Local authorities such as Combined Authorities should work in partnership with local academic institutions and business organisations to develop Data-Driven Technology Strategies**. These strategies should meet the following principles:

1. Citizen-focussed with citizens involved from the start and throughout.
2. Accessible to local SMEs so they have access to the resources and knowledge-sharing needed to make effective and ethical use of artificial intelligence and machine-learning.

**Recommendation 5: Procurement contracts** at national and local level for public services that include artificial intelligence and machine-learning technologies should formally **incorporate a specific requirement for citizen involvement** and continuous testing and monitoring over the lifespan of the product.

1. Trust, Transparency and Tech: Building Data Policies for the Public Good, 2019, <https://www.policyconnect.org.uk/research/trust-transparency-and-technology-building-data-policies-public-good> [↑](#footnote-ref-1)
2. Our Place Our Data, Involving Local People in Data and AI Based Recovery, 2021, <https://www.policyconnect.org.uk/research/our-place-our-data-involving-local-people-data-and-ai-based-recovery> [↑](#footnote-ref-2)