

Data Protection and Digital Information Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

After Clause 14

LORD CLEMENT-JONES

After Clause 14, insert the following new Clause –

“Obligation to use the Algorithmic Transparency Reporting Standard

- (1) The Secretary of State must, by regulations, make provision requiring Government departments using algorithmic tools to process personal data to use the Algorithmic Transparency Recording Standard (“the Standard”).
- (2) The Standard is that published by the Central Digital and Data Office and Centre for Data Ethics and Innovation.
- (3) Subject to subsection (4), the Secretary of State must, by regulations, make provision requiring public authorities that are not Government departments using algorithmic tools to process personal data, and all persons using algorithmic tools to process personal data in the exercise of a public function, to use the Standard.
- (4) The Secretary of State is not required to introduce regulations under subsection (3) while the following conditions are met –
 - (a) the Secretary of State does not consider it appropriate to do so, and
 - (b) within the preceding six months, the Secretary of State has, in either House of Parliament, made a statement explaining their reasons for not considering it appropriate to do so, including –
 - (i) what efforts the Secretary of State has taken to make appropriate regulations which would satisfy the duty in subsection (3) since their previous statement,
 - (ii) when the Secretary of State expects to be able to introduce regulations under subsection (3), and
 - (iii) the results of any pilot schemes undertaken since their previous statement.
- (5) Until regulations under subsection (3) are introduced, the Secretary of State must keep the consideration in subsection (4)(a) under continual review.
- (6) Regulations under subsections (1) and (3) must require the publication of the information required by the Standard.

- (7) Regulations under subsection (1) and (3) may provide for exemptions to the requirement for publication where necessary –
 - (a) to avoid obstructing an official or legal inquiry, investigation or procedure,
 - (b) to avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties,
 - (c) to protect public security, or
 - (d) to safeguard national security.
- (8) Regulations under subsections (1) and (3) are subject to the affirmative resolution procedure.”

Member's explanatory statement

This new clause puts a legislative obligation on government departments using algorithmic tools that have a significant influence on a decision-making process with direct or indirect public effect, or directly interact with the general public, to publish reports under the Algorithmic Transparency Recording Standard. This new clause would put the position set out by Government in its response to the AI Regulation White Paper consultation response on a legislative basis.

After Clause 15

LORD CLEMENT-JONES

After Clause 15, insert the following new Clause –

“Reporting framework for transparency in the public use of algorithmic tools

- (1) The Secretary of State must by regulations require Government departments, public authorities and all persons in the exercise of a public function in using algorithmic tools to complete and publish algorithmic transparency reports.
- (2) The report shall contain at least –
 - (a) a detailed description of the algorithmic tool, what it does, how it works and how it fits into the wider decision-making process or wider public service and rationale for using it;
 - (b) information about the owner and responsibility;
 - (c) information on the wider decision-making process and human oversight;
 - (d) information on the technical specifications and datasets to both train the model and which the model is or will be deployed on; and
 - (e) information on impact assessments conducted, identified risks and mitigation efforts.
- (3) Regulations under subsection (1) may provide for exemptions to the requirement for publication and the requirement for all information under subsection (2) where necessary –
 - (a) to avoid obstructing an official or legal inquiry, investigation or procedure,
 - (b) to avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties,
 - (c) to protect public security, or
 - (d) to safeguard national security.

- (4) Regulations under subsection (1) are subject to the affirmative resolution procedure.”

Member's explanatory statement

This amendment requires the Secretary of State to introduce regulations that place an obligation on government departments, public authorities and all persons in the exercise of a public function to complete and publish algorithmic transparency reports that contain a base level of information about algorithmic tools in use.

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