Open Rights Group

Space4, 113-115 Fonthill Road,

London, N4 3HH

Rt Hon. Peter Kyle MP

Secretary of State for Science, Innovation and Technology

Department for Science Innovation and Technology

6 December 2024

Dear Minister,

We are a group of trades unionists, academics, CEOs, NGOs and campaign organisations that work in fields impacted by automated decisions, such as Artificial Intelligence and profiling technologies; which is to say, nearly every area of our lives.

We work on data policy, and digital, policing, children, racial justice, employment, health, and disability rights. We have academic expertise in the areas of AI ethics, Computing, Law and Human Rights, run tech companies, and represent workers with expertise in technology.

We recognise that there are benefits to be gained from Artificial Intelligence. We also see that there are risks. Where we hope both we and the government can find consensus is that Artificial Intelligence technologies, in order to succeed, need to maintain the confidence of the public. The public must be able to trust the way that these technologies are employed.

Yet there are concerns. Data can be biased. Models can be wrong. The potential for discrimination and for deepening inequalities is known and significant. Important machine decisions can be wrong and unjust, and frequently Artificial Intelligence providers are unwilling or unable to address shortcomings.

The core of the necessary public trust relies on accountability. Decisions, whether made by humans or machines, are sometimes incorrect.

To this end, we are worried by the potential for measures in the Data (Use and Access) Bill to change the way that "Automated Decision Making" is governed under Article 22 UK GDPR. We respectfully ask that these clauses be reexamined to ensure that people are not simply subjected to life changing decisions made solely by machines.

The debacle over A-level results when they were algorithmically assigned in 2020 is an example of the kind of automated decision which could be challenged by an individual under the current legal framework, but would not be open to challenge under the changes proposed. Hire and fire decisions by Uber have been successfully challenged under these rights in the Netherlands.[1]

We respectfully ask that these clauses be reexamined to ensure that people are not simply subjected to life changing decisions made solely by machines, and forced to prove their innocence when machines get it wrong. The government should extend AI accountability, rather than reduce it, at this critical moment.

Signatories

Organisations

5Rights

Amnesty International UK

Big Brother Watch

Bristol Copwatch

Child Rights International Network (CRIN)

Connected by Data

Data, Tech & Black Communities CIC

Defend Digital Me

Foxglove

Keep our NHS Public

Medact

Open Rights Group

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1   Workers Info Exchange, Historic digital rights win for WIE and the ADCU over Uber and Ola at Amsterdam Court of Appeal, at: https://www.workerinfoexchange.org/post/historic-digital-rights-win-for-wie-and-the-adcu-over-uber-and-ola-at-amsterdam-court-of-appeal

[Public Law Project](#)

[Privacy International](#)

[Scottish Law and Innovation Network](#)

[Statewatch](#)

[Stopwatch](#)

[The Traveler Movement](#)

[Workers Info Exchange](#)

Individuals

Wes Auden, Trades unionist, health sector

Professor Subhajit Basu FRSA, Chair in Law and Technology, Co-Director Post Graduate Research Studies, University of Leeds

Tim Bannister, IT Consultant

Paul Bernal, [Professor of Information Technology Law](#) University of East Anglia

Dr Claire Bessant, [Associate Professor](#), Northumbria Law School

Joanna J Bryson, [Professor of Ethics and Technology](#), Hertie School

John Chadfield, National Officer for Technology, Communication Workers Union

Dr Benjamin Clubbs Coldron, [Post-doctoral researcher](#), University of Strathclyde

Dr Aysem Diker Vanberg, [Senior Lecturer in Law, Goldsmiths,](#) University of London

Stef Elliott, [Six Serving Men](#)

Dr Maria Farrell, [writer and speaker on tech policy](#)

Wendy Grossman, [technology journalist](#)

Dr Edina Harbinja, [Reader in Media and Privacy Law](#), Aston University

Dr Jeremy Harmer, Independent privacy researcher

Dr. Adam Harkens, [Lecturer in Public Law](#), University of Strathclyde

Colin Hayhurst, CEO at [Mojeek](#)

Ben Hawes, Technology Policy Consultant

Douwe Korff, [Emeritus Professor of Insternational Law](#), London Metropolitan University

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Dr Wenlong Li, [Lecturer in Law,](#) Aston Law School

Derek McAuley, [Emeritus Professor of Digital Economy, University of Nottingham](#)

Professor Annelize McKay, [Professor of International Law & Bioethics, Dundee Business School](#), Faculty of Design, Informatics and Business, Abertay University.

Miranda Mowbray, Honorary Lecturer in Computer Science, University of Bristol.

Andrew Murray, [Professor of Law and Technology and Director of the Law, Technology and Society Group](#), The LSE Law School, London School of Economics.

Guido Noto La Diega, [University of Strathclyde, Professor of Law,](#) Technology and Innovation; Co-Convenor of the Socially Progressive AI

Ralph T O'Brien, REINBO Consulting Ltd, Institute of Operational Privacy by Design, UK Data Protection forum

Andy Phippen, [Professor of Digital Rights,](#) Bournemouth University

Dr Tom Redshaw, [Lecturer in Digital Society,](#) University of Salford.

Dr Birgit Schippers, [Lecturer in Law, University of Strathclyde](#)

Adam Leon Smith, Chair, BCS Fellows Technical Advisory Group

Professor Tom Stoneham, [Ethics Lead for the UKRI Centre](#) for Doctoral Training in Safe AI Systems, University of York

Dr. Dan McQuillan, [Lecturer in Creative & Social Computing](#), Goldsmiths, University of London

Dr Ben Williamson, [Senior Lecturer, Centre for Research in Digital Education University of Edinburgh](#)

Richard Wingfield. [Director, Technology and Human Rights](#) BSR