



# **Reforming the law around the use of automated and assisted decision making by public bodies**

Report from a technical legal workshop

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## Background

### About this report

This report is a summary of a technical legal workshop held online on Thursday 17 June 2021 under the Chatham House rule. The workshop was hosted by The Legal Education Foundation (“TLEF”), as part of their Fairer Systems and Smarter Justice work programmes. The aim of the workshop was to support the Law Commission of England and Wales in their ongoing consultation on their [14th programme of law reform](#). *This report summarises discussions held at the technical legal workshop and does not necessarily represent the views of The Legal Education Foundation or the invited speakers.*

### Acknowledgements

We are grateful for the contributions of the following people in making this roundtable and report possible:

#### Speakers:

Nicholas Paines QC, Law Commission of England and Wales

Henni Ouahes, Law Commission of England and Wales

Professor Lilian Edwards, Newcastle University

Professor Rebecca Williams, University of Oxford

Stephen Bonner, Information Commissioner's Office

Hetan Shah, British Academy

Robin Allen QC, Cloisters Chambers

Jeni Tennison, Open Data Institute

Carly Kind, Ada Lovelace Institute

Organisations represented at the workshop included, the Alan Turing Institute, Brooklyn Law School, Careful Industries, the Centre for Data, Ethics and Innovation, the Equality and Human Rights Commission and the Royal Statistical Society.

#### TLEF event team:

Dr Natalie Byrom, Tracey Gyateng, Clare Killeen and Emily McCarron

## About The Legal Education Foundation

The Legal Education Foundation (“TLEF”) is an independent charitable foundation established in 2012. TLEF awards up to £6m per year in grants to organisations that support people to understand and use the law as a tool for positive change. Under our Fairer Systems programme we support organisations who work to improve transparency, accountability and the protection of rights. Since 2018, we have developed a focus on the public and human rights law implications of the increasing use of automated and assisted decision-making technologies (“ADM/ASDM”) by public bodies. We have funded organisations working in the access to justice space<sup>1</sup> to develop work to understand and respond to the challenges presented by the rapid expansion in the use of these tools in areas such as welfare benefits and immigration. We have also funded experts in equality law to examine the issues raised by<sup>2</sup> particular uses of automated and assisted decision making in the public sector.

To complement our existing work, and as part of our strategy for 2020-25 we are keen to identify positive regulatory and legislative solutions that would:

- I. ensure that automated and assisted decision making is deployed appropriately and lawfully from the outset across the public sector and
- II. strengthen options for seeking redress where this is required.

## About The Law Commission consultation

The Law Commission of England and Wales is an independent statutory body with a remit to make recommendations to Parliament on areas of law in need of reform. The Law Commission aims:

- to ensure that the law is as fair, modern, simple and as cost-effective as possible
- to conduct research and consultations in order to make systematic recommendations for consideration by Parliament, and
- to codify the law, eliminate anomalies, repeal obsolete and unnecessary enactments and reduce the number of separate statutes.

In March 2021, The Law Commission [launched a consultation on their 14<sup>th</sup> Programme of law reform](#). The responses to this consultation will shape the work of the Commission over the next few years and determine the areas of law considered for reform. As part of this consultation The Law Commission have expressed an interest in developing projects around emerging technology and the use of AI in decision making.

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<sup>1</sup> Such as Public Law Project, Immigration Law Practitioners Association, Open Rights Group and Child Poverty Action Group

<sup>2</sup> See [counsel’s opinion](#) commissioned by TLEF to explore the human rights and public law implications of: (i.) the use of automatic checks within the EU Settled Status application process and (ii.) the risk based verification process utilised by Local Authorities in relation to Housing Benefit and Council Tax Benefit applications:

## Report

Automated Decision Making (“ADM”) and Assisted Decision Making (“ASDM”) systems are widely used to support decision making across the public sector. Proponents of their use have argued that the adoption of these technologies offers the potential to improve the speed and consistency of decision-making whilst generating significant savings for the taxpayer. However, recent experiences in [immigration](#), [welfare](#) and [education](#) have highlighted the risks and limitations associated with the use of ADM/ASDM systems. These risks, if unaddressed, can undermine rights, damage trust in public sector bodies and generate costly litigation. As such, it is important that positive regulatory and legislative solutions are in place to govern the use of these systems and provide swift and effective routes to redress.

In March 2021, the Law Commission announced a public consultation to support the development of plans for their 14th Programme of Law Reform. As part of this consultation, they have [proposed a project](#) exploring whether a new legal framework should be developed to support the increased automation of decision-making by public bodies. In order to support the Law Commission’s consultation, The Legal Education Foundation convened a technical legal workshop and commissioned leading academic experts Professor Lilian Edwards, Professor Rebecca Williams and Reuben Binns to produce a [briefing paper](#) summarising the gaps in the existing legal frameworks governing the use of automated and assisted decision making technologies by public bodies.

The technical legal workshop was held online on 17 June 2021. The workshop brought together expert stakeholders from government, civil society, academia and the legal profession. The aims of the workshop were as follows:

- To test support amongst expert stakeholders for the Law Commission’s proposal to develop work in this space and contribute ideas and feedback to the Law Commission as part of their ongoing consultation
- To discuss the practical issues that are raised when ADM and ASDM systems are used in the public sector
- To examine and explore gaps in the existing legal frameworks governing the use of ADM/ASDM systems by public bodies in England and Wales, and the implications of these gaps
- To consider whether these gaps indicate the need for a new legal framework, or the further development of existing law and regulation
- To highlight emerging local and international approaches to regulating the use of ADM/ASDM systems.

The technical legal workshop began with a presentation from The Law Commission who provided an overview of the [ongoing consultation process](#). Professor Edwards and Professor Williams then summarised the findings of their briefing paper, which highlighted gaps in the existing legal frameworks governing the use of ADM/ASDM systems. Respondents and attendees were invited to discuss the sufficiency of current legal frameworks governing the use of ADM/ASDM in terms of their ability to protect rights and prevent harm, deliver redress and support innovation. International approaches to regulating the use of ADM/ASDM systems by public bodies were also discussed.

## Should the Law Commission develop work in this space?

Participants expressed unanimous support for the Law Commission’s proposal to develop work in this space. In explaining the need for immediate action, participants noted both the increase in successful legal challenges to public sector use of ADM/ASDM systems, and emerging developments in regulation of ADM/ASDM internationally. In relation to the latter, participants argued that it was vital that work on developing new legal frameworks for England and Wales begin immediately, in order to ensure that England and Wales is able to engage and keep pace with these developments.

## What issues are raised by the use of ADM/ASDM systems?

ADM/ASDM systems have a number of well recognised limitations which have the potential both to cause harm and generate legal challenges when deployed to supplant or augment decision making in the public sector. These are as follows:

### Error

ADM/ASDM systems never work perfectly and often do not work as well as is claimed by their vendors<sup>3</sup>. To some extent, all decision making processes are prone to error. However ADM/ASDM systems, by virtue of their design, are susceptible to generating particular types of error. Rule-based ADM and ASDM systems often lack the ability to exercise the discretion needed to deal with particular cases and extenuating circumstances. Errors in the Universal Credit system due to the way monthly income is calculated, which failed to account for differences between HMRC salary data and DWP calendars, are [one high-profile example](#).

ADM/ASDM systems based on statistical models draw generalisations from data which are mostly true. They aim to capture general trends, not exceptions. In addition- statistical models are designed to be the best fit for the data they have been trained on. This presents problems where the population is heterogeneous; if two groups differ in size and in their distributions of features, a statistical model will typically sacrifice accuracy on the smaller group in favor of better performance on the larger group, to achieve higher overall accuracy. As a result, the statistical ‘majority’ population are more likely to receive the correct result.

This issue is exacerbated when the design and development of ADM/ASDM systems is outsourced, as is increasingly the case across the public sector. In a scenario where the ADM system is developed in-house, using training data drawn from existing services and operations, the system can be tested on data from the same source. This means that an in-house digital team can be more confident that the level of accuracy reported in testing will match accuracy in live deployment. However, when part or all of the ADM development process is outsourced, it becomes harder for the customer to assess how accurate the system will be when deployed in their context. ADM providers might not report the results of their own testing, or only report accuracy in aggregate and not provide a breakdown of different types of error. Moreover, the results of any testing that the

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<sup>3</sup> Edwards, L, Williams, R. and Binns, R (2021) “[Legal and Regulatory Frameworks Governing the Use of Automated and Assisted Decision Making by Public Sector Bodies: Briefing paper for The Legal Education Foundation’s Technical Legal Workshop 17th June 2021– Reforming the law around the use of automated and assisted decision making.](#)”

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ADM provider undertakes may not apply when deployed in the customer's context, if the data used to train and test the ADM system differs statistically from deployment context. For instance, the reported accuracy of a facial recognition system trained on a given population, and tested under a given set of conditions (e.g. passport gates), may not hold when the system is deployed on a different population under different conditions (e.g. CCTV footage).

## Bias and discrimination

ADM/ASDM systems based on statistical models are most accurate when based on statistical majorities- as such, they have the potential to generate less accurate outcomes for individuals from minority groups. In addition, ADM/ASDM systems are trained on data from the real world, which reflects underlying social and structural inequalities. Unless extreme care is taken, and effective mitigation put in place, these biases can become embedded in ADM/ASDM systems that are trained on this data. See for example, the ADM system used by the Home Office to triage Visa applications. This system took information provided by visa applicants, including nationality, and automatically processed it to give each person a colour code based on a traffic light system. Lawyers from FoxGlove who brought a successful legal challenge against the use of this system, alleged that the Home Office kept a "[secret list of suspect nationalities](#)" which would automatically be given a red rating. These people were likely to be denied a visa. Visa decisions rates from this process were then used to decide which countries were on the suspect nationality list, perpetuating and amplifying existing biases.

## Opacity, transparency and explainability

ADM/ASDM systems, when properly described, offer the potential to increase the transparency and explainability of decision making. However, the way in which they are currently designed and deployed often mitigates against transparency. The procurement of training data, the modelling of processes, the incorporation of models into software, and the incorporation of software into organisations, is often undertaken by dispersed teams between and within organisations<sup>4</sup>, creating practical barriers to both explainability and transparency.

In addition, the absence of a public register of ADM/ASDM systems currently in use across the public sector, undermines the ability of the public to understand when a decision about them has been made by an ADM/ASDM system. The recent [Post Office Horizon scandal](#) highlights the importance of transparency in the operation of software systems.

## Correlation vs causation

ADM/ASDM systems based on statistical models work on the basis of statistical inference, rather than causation. Even the simplest statistical models are a causal black box<sup>5</sup>- observers can point to the correlations such systems have observed in the data, but not explain why these correlations exist. This both undermines explainability and represents a significant departure from established approaches to legal reasoning.

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<sup>4</sup> Ibid p54

<sup>5</sup> Ibid p55

## Robustness, generalisation and feedback loops

The way in which ADM/ASDM models are currently procured generates particular problems, especially when models are developed for one context or on a particular training set, and then applied to different or wider contexts. In addition, poor selection of data points to be incorporated into systems can lead to problematic outcomes- one system used by a local authority to identify children who might need to be taken into care, incorporated data on “criminality” into its model. The system defined criminality as both “likelihood of reoffending” and/or “likelihood of being a victim of crime.” As such, the system treated perpetrators and victims as the same.

## Limits to prediction and individual level accuracy

Many commercial applications of AI simply cannot predict what they claim to be able to predict with sufficient accuracy. This is particularly true when it comes to predicting major life outcomes of individuals over time, such as a child’s performance at school, whether a household will be evicted, or whether someone will be made unemployed. A study published in 2020 and led by researchers at Princeton recruited 160 teams of data scientists and social scientists, and gave each team the same set of detailed, longitudinal data about families over a 15 year period. Despite the high quality data, expertise and resources available to the teams, none were able to create models which could predict life trajectories with a high level of accuracy<sup>6</sup>.

In addition, the accuracy of statistical models is typically only measurable at a population or group level. It is typically impossible to assess individual-level accuracy from the data alone, unless multiple repeated predictions are made of an individual, and their subsequent outcomes are observed. Uncertainties about [individual level accuracy of a statistical model](#) were one of the issues which led to [the abandonment of the Ofqual algorithm](#) originally proposed to award A-level grades to students in England and Wales in summer 2020.

## Automation bias, rigidity and over-delegation

The term ‘automation bias’ describes the phenomenon where human decision-makers come to defer to the outputs of what was intended to be merely a decision-support tool. This phenomenon was implicated in the [Post Office Horizon scandal](#). Between 2000 and 2014, the Post Office prosecuted 736 sub-postmasters and sub-postmistresses - an average of one a week - based on information from a recently installed computer system called Horizon. The system was later found to be faulty, and the convictions of sub-postmasters and sub-postmistresses overturned.

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<sup>6</sup> Salganik, Matthew J., et al. "Measuring the predictability of life outcomes with a scientific mass collaboration." *Proceedings of the National Academy of Sciences* 117.15 (2020): 8398-840



## What are the gaps in the existing legal frameworks governing the use of ADM/ASDM systems?

The legal frameworks governing the use of ADM/ASDM systems by public bodies include:

- Data Protection law
- Equality Law including the Public Sector Equality Duty
- The common law of judicial review, and
- Contract law - between public bodies and system developers, or between service provider and service user

Four sets of legal questions arise in the context of the design and deployment of ADM/ASDM systems by public bodies. These are:

- Can/should an ADM system be used at all? Should some types of automated decision making in particular domains simply be unlawful?
- If use of ADM is lawful, what are the constraints on its development and deployment in a particular circumstance?
- What rights do users have to challenge decisions reached using an ADM system, and when, and how?
- What remedies might be available after such a challenge?

There are a number of critical gaps in the existing legal frameworks which undermine the ability of existing law to provide satisfactory answers to these legal questions<sup>7</sup>. Key gaps explored in the workshop, and their real-world implications, are described below.

### Lack of clarity regarding when ADM/ASDM systems can be used by public bodies

In order to commission or deploy an ADM system at all, a public authority must be able to point to a specific legal basis for doing so (per GDPR Art 22(b)). Data subjects have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning them or similarly significantly affects them unless it has a legal basis. In practice there is insufficient clarity regarding the processes through which public authorities can justify their use of ADM/ASDM systems on data protection, equality and public law grounds. The courts have developed rules which prevent public authorities, themselves the delegates of power from Parliament, further delegating those powers (see *R v Adams* [2020] UKSC 19) beyond what is strictly necessary for the purposes of efficiency. This suggests that it will be difficult for decision-makers to justify relying completely on algorithms, except by enacting legislation.

In addition, under the common law of Judicial Review, public authorities are required to consider whether the deployment of an ADM/ASDM system is reasonable and proportionate. Assessing proportionality necessitates an examination of the benefits of the ADM against its impacts and potential disadvantages, such as the potential lack of transparency, or its potentially detrimental effect on particular groups of people. The choice to adopt an ADM/ASDM system must not be a “sledgehammer to crack a nut”. Augmentation may be better than

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<sup>7</sup> These are explored in detail in the workshop briefing paper available [here](#)

automation, assuming genuine human input. In terms of assessing reasonableness, there are hard choices to make between systems which are sufficiently accurate overall but perhaps have high false negative rates (what data scientists would call high precision, low recall), or which are sensitive enough to detect the target cases but also have a high level of false positives (low precision, high recall). At present administrative law has neither the technical expertise nor a developed enough account of what makes a decision reasonable in principle to be able to provide the necessary answers, guidance and protection.

## Insufficient guidance on the lawful development and deployment of ADM/ASDM systems

Rules regarding lawful delegation are under-developed and difficult to apply to systems procured from private providers

Under law, decisions about the design, development and deployment of ADM/ASDM systems must be made by public bodies themselves e.g. through specifying the rules to be applied in a rules based ADM/ASDM system, or through labelling training data. However, it is easy to mistake a key policy question for a minor implementation question, particularly where these systems are procured from private companies. For instance, without specific instruction, a data scientist might assume that different kinds of errors (e.g. false positives and false negatives) are equally problematic; or they might assume that there is no harm in aggregating two labels into one (e.g. aggregating ‘Catholic’ and ‘Protestant’ into ‘Christian’ for the purposes of discrimination analysis, which may or may not be warranted depending on the national context).

Existing law is unhelpful in assessing the procedural fairness of ADM/ASDM systems

Under the common law of judicial review, the rules of procedural fairness apply to the choice of decision making procedure. As such, it is likely that in the near future courts will be required to comment on the procedural fairness of the choice to procure one ADM/ASDM system over another. Courts currently lack the technical expertise to make these decisions. At present, courts tend to assess the fairness of decision making processes according to their resemblance to existing court procedures. This approach is insufficiently nuanced to assess the fairness of ADM/ASDM systems.

## Existing mechanisms for challenging decisions made by ADM/ASDM are under-developed

Existing legal frameworks are not fit for purpose in the context of the state as a monopoly provider of services.

The state is a monopoly provider of many services, including essential benefits and access to healthcare. As such, engagement with public sector decision making processes is not a choice but a necessity. The imbalance of power that this creates is insufficiently addressed by existing systems for seeking redress. For example, the

right to object to processing (Article 21 GDPR) or the right to request erasure (Article 17 GDPR) are of limited use in the context of the need to access essential services from the state.

Public law grounds for challenges to ADM/ASDM systems are underdeveloped and cannot be straightforwardly applied to technical questions arising from the adoption of ADM/ASDM systems

In reviewing the legality of decisions taken by public bodies, the common law of judicial review requires that the decision maker must: (i.) take into account the right considerations and only the right considerations (relevance) and (ii.) make a decision which is reasonable or proportionate (as appropriate). At present, there is a lack of clarity regarding the metrics which make an ADM/ASDM assessment of jurisdiction, or overall decision reasonable. The law does not contain a successful, clear and certain account of what is relevant and what is not in different circumstances. This acts as a barrier to identifying whether or not a decision made by ADM/ASDM is lawful.

### Article 22 of the General Data Protection Regulation requires reform

Article 22 of the General Data Protection Regulation (“GDPR”) confers the right to: “object to a decision based *solely* on automated processing, including profiling, which produces legal effects concerning them or similarly significantly affects them”. However, the scope of Article 22 is extremely unclear. Almost invariably, public sector ADM systems are not fully automated. As such, it is likely that many if not most public ADM systems may be easily excluded from the scope of art 22, thus minimising its perceived protections. In addition, European Court of Justice (CJEU) and UK case law on the application of Article 22 is non-existent- as a result, uncertainty persists. In the absence of reinterpretation by case law or the provision of detailed statutory definitions, Article 22 provides inadequate protection.

Even where Article 22 applies, it only provides individuals with the right to have the decision made in their case reconsidered, or to ask for a new decision to be made not using solely automated processing. As such, it only provides a procedural, rather than a substantive remedy. There is no right under existing law to secure a better, less biased or more reasonable decision or inference from ADM.

### Existing legal frameworks are insufficient to guarantee transparency regarding when and how ADM systems are used.

There is insufficient transparency regarding whether and when ASDM systems are used, and existing legal frameworks are insufficiently developed to respond to the technical challenges created by the adoption at scale of ADM and ASDM systems. Article 22 of GDPR contained the right to be informed of decisions made by solely automated decision making systems, however, there is no duty on public bodies to provide a public register of ASDM systems where they are used.

Articles 13-15 of the GDPR provide a right to “meaningful information about the logic involved” in processing by ADM systems. However, recital 63 creates an exemption for intellectual property rights- trade secrets and

copyright law. Many of the ADM/ASDM systems used by public sector bodies are procured from private companies- the impact of these arrangements on both transparency and explainability is unclear. Furthermore, the precise nature of the information to be provided is insufficiently specified- for example, is it sufficient to provide general information about the system, or are tailored explanations required? How possible is it to provide this information in opaque, non-causal systems?

In addition, [exemptions to Freedom of Information](#) laws relating to commercially sensitive information further undermine transparency in the use of ADM/ASDM systems by public bodies where these are procured from private vendors.

## Implications

Overall, the legal frameworks governing the use of ADM and ASDM systems create a legal regime that is both complex and piecemeal. The indeterminacy created by the existing legal regime has the following implications in practice:

- The absence of clarity makes it harder for public bodies to identify when the use of an ADM/ASDM system may be more or less appropriate and makes it harder for public bodies to adhere to their obligations under the law.
- Uncertainty also creates challenges for private sector suppliers of ADM and ASDM systems. Innovation is undermined when there is a lack of legal certainty about what can and can't be done. Businesses value legal clarity which decreases insurance costs and reputational risk.
- The lack of transparency regarding the design and deployment of automated and assisted decision making systems by public bodies undermines trust and confidence in public bodies. Recent [ICO guidance](#) has emphasised the critical role of transparency in promoting trust: “the more insight individuals have on the AI model that makes decisions about them, the more confident they are likely to be in interacting with these systems and trusting [your]use of them”
- Current legal frameworks mitigate against the early identification and rectification of issues at the design and development/procurement stage, focussing instead on providing remedies against unfair systems after they have been deployed. This has led to costly reversals in the use of ADM/ASDM following challenges in the courts e.g. the automated system used by [Universal Credit](#) and the successful challenge to the [Home Office](#) visa streaming tool.

## Do these gaps indicate the need for a new legal framework?

Whilst all workshop participants agreed that there was an urgent need to reform the law governing the use of ADM/ASDM systems, participants were divided on the question of whether an entirely new legal framework was required.

### Arguments for strengthening existing frameworks in preference to creating new models for regulating the use of ADM/ASDM systems

Some participants argued that existing legal frameworks already contained the tools necessary to effectively govern public sector use of ADM/ASDM. It was observed that the common law of judicial review is entirely capable of providing [ex-ante guidance to public authorities](#) as well as ex-poste challenge. Participants recognised that development of the law would require closer collaboration between lawyers and computer scientists and judicial training. Working in this way could confer benefits beyond the immediate example of regulating ADM/ASDM by encouraging the law and legal practitioners to become more interdisciplinary in their approach.

In addition, participants argued that presumptive publication of [Data Protection Impact Assessments](#) for “high risk” ADM/ASDM systems (as defined in the proposed [EU AI Regulation per para 5.23](#)) could address some of the issues around transparency created by existing legal frameworks.

On the question of whether a new regulator was needed to address public sector use of ADM/ASDM, workshop participants questioned whether an overarching regulator would be best placed to cope with sector specific issues relating to the adoption of ADM/ASDM. Closer collaboration between regulators was raised as an alternative- participants noted the steps that were already being taken by regulators to work together on these issues. The newly formed [Digital Regulators Cooperation Forum](#) was referenced as an example of good practice- notably the first set of work contemplated by the forum relates to [ADM](#). Participants suggested that an ADM/ASDM Ombudsman might be useful in helping the public to bring complaints to the correct regulator.

### Arguments for creating new models for regulating the use of ADM/ASDM systems

Participants argued that new legislation and governance is needed to support the law to keep pace with the ongoing and rapid adoption of ADM/ASDM systems by public bodies. Case law is, by its nature, backward looking and therefore unable to commit in advance to the types of forward looking rules needed to provide certainty to those developing and deploying ADM/ASDM systems. Further to this, participants noted that debates about the utility of the common law for addressing the challenges posed by ADM/ASDM did not take place in a vacuum. In order to adequately review legal challenges to ADM/ASDM brought under the common law of judicial review, judges are and will continue to be required to adjudicate on factual issues, rather than points of law. The recent report of the [Independent Review of Administrative Law](#) criticised judges for undertaking extensive views of empirical evidence, of the kind that would be required for courts to determine

these issues effectively. In addition, the courts are an expensive mechanism for seeking redress- new procedures are needed to enable individuals to challenge inappropriate uses of ADM/ASDM.

In addition, some participants suggested that new legislation was the only way to adequately address the issues with the data protection law framework that is currently relied on to govern the use of ADM/ASDM. Participants suggested that the lens of “data” was too narrow to adequately address the range of issues created by the adoption at scale of ADM/ASDM and suggested instead that regulating ADM/ASDM as a product/service was likely to result in more satisfactory governance and redress mechanisms.

In terms of the content of any new legal framework, strong support was expressed by many participants for the development and publication of registers of ADM/ASDM systems to support transparency and oversight. These registers should contain information on the provider, the ADM/ASDM system trade name and any additional unambiguous reference allowing identification of the ADM/ASDM system as well as a description of the intended purpose of the system adopted. A number of participants argued that where ADM/ASDM systems are adopted by public bodies, the law should ensure that the underlying algorithms and data are owned by the public body- to build trust, support transparency and ensure that the public sector can move more readily to alternative suppliers where this is required. Participants also highlighted the importance of suppliers of ADM/ASDM systems documenting where the data used to develop their products comes from and the processes and methods used to acquire it (data provenance). Examples provided of how this might be achieved in practice include [Model cards](#) and [Data Sheets for Data sets](#).

## International approaches to regulating the use of ADM/ASDM systems.

Participants identified numerous examples of emerging good practice in regulating ADM/ASDM systems internationally. Examples include:

- The [draft AI Regulation](#) published by the EU Commission and the work of the Council of Europe [Committee on Artificial Intelligence](#). Participants emphasised the importance of proposals contained within the draft regulation that would mandate human oversight of ADM/ASDM systems.
- Adoption by Amsterdam, Helsinki and Nantes of [registers of public sector ADM systems](#)
- The use of risk assessments such as Canada’s [Algorithmic Impact Assessment](#)

In addition, in March 2021, the Ada Lovelace Institute in partnership with AI Now and the Open Government Partnership launched the [first major global study](#) of the impact of AI accountability policies. The findings of this study will be published in summer 2021.



**The Legal Education Foundation**

**Registered office**

Suite 2, Ground floor  
River House  
Shalford, Guildford  
Surrey GU4 8EP

[www.thelegaleducationfoundation.org](http://www.thelegaleducationfoundation.org)

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