

AI and Data Protection – 1 year on.....

Your one stop shop on what has happened and
what might be happening in the near future....



What AI Says

- Prompt:

Please can you give me an overview of significant changes that have happened in data protection legislation or suggested bills within the last 12 months?

Over the past 12 months, there have been several significant developments in data protection legislation and proposed bills, both in the UK and internationally. Here's an overview of the key changes:

UK Data Protection Reforms

Data (Use and Access) Bill

The bill is currently progressing through Parliament and is expected to be finalized in spring 2025

EU AI Act

In December 2023, the Council of the European Union and the European Parliament reached an agreement on comprehensive AI regulation, marking the world's first AI legal framework

Other Notable Developments

- The European Data Protection Board (EDPB) opened a public consultation on guidelines for the "legitimate interests" processing basis
- The UK National Cybersecurity Centre published guidance for organizations on communications strategy during and after a cyber-incident
- The ICO launched an audit framework for data protection, allowing organizations to self-assess their compliance.

Data (Use and Access) Bill

This bill replaces the Data Protection and Digital Information Bill

- Improve public services and boost the UK economy
- Modernize and strengthen the Information Commissioner's Office (ICO)

Key Changes

- Replacement of the Data Protection Officer (DPO) requirement with a Senior Responsible Individual (SRI) who must be a member of senior management
- Changes to the handling of subject access requests (SARs), placing the burden on controllers to prove a request is vexatious or excessive
- **New requirements for explaining automated decision-making processes**
- Potential power for the government to require financial institutions to provide information about benefit recipients' accounts

EU AI Act

- Risk Based Classification System – 4 different classifications (Unacceptable, High-Risk, Limited-Risk, Minimal-Risk)
- Obligations for High-Risk AI Systems
- Transparency & Accountability
- Governance & Enforcement
- Implementation Timeline
 - Most provisions will apply 24 months after the Act's entry into force (The EU AI Act entered into force on 1 August 2024)
 - Rules on prohibited AI systems will apply after 6 months
 - High-risk AI system rules will apply after 36 months

Penalties for Non-Compliance

- **Up to €35 million or 7% of global annual turnover for prohibited AI practices**
- **Up to €15 million or 3% for non-compliance with high-risk AI system rules**



European Data Protection Board (EUPB)

- We're not directly bound by EDPB decisions but maybe relevant if you process data of people outside the UK?

Cyber Security

- 66% of Charities with an annual income of £500K+ experienced some form of cyber security breach or attack in the last 12 months.

ICO Data Protection Audit Framework

9 toolkits for:

- Accountability
- Records management
- Information & cyber security
- Training and awareness
- Data sharing
- Requests for data
- Personal data breach management
- Artificial intelligence
- Age-appropriate design

<https://ico.org.uk/for-organisations/advice-and-services/audits/data-protection-audit-framework/toolkits/>

<https://ico.org.uk/for-organisations/advice-and-services/audits/data-protection-audit-framework/toolkits/artificial-intelligence/>

What we talked about last year

2024	2025	Notes / Comments
Data Privacy and Consent	Data Bill (Use and Access)	This bill replaces the Data Protection and Digital Information Bill
Data Security	Increased Cyber Threats and Incidents	Cyber Assessment Framework (CAF) for Local Government
DPIAs	Changes in personnel and legislation means these will need to be revisited	Replacement of the Data Protection Officer. Derbyshire county council have standardized DPIA templates and checklists.
Data Quality Framework	Information standards in Health and Adult Social Care. Data Maturity Assessments	Client Level Data (CLD) Implementation by Mar 2025
National AI Framework	The (LGA) has established a Local Government AI Network and an AI practitioners network to facilitate peer learning and sharing of best practices	"AI Opportunities Unit" to implement recommendations from the "AI Action Plan"
ICO and AI	Modernisation of the ICO	The government has committed £10 million to boost regulators' AI capabilities

News Stories for Local Government and AI from AI

- Swindon Council's AI Tool Dramatically Reduces Assessment Time - <https://www.communitycare.co.uk/2024/10/04/ai-could-be-time-saving-for-social-workers-but-needs-regulation-say-sector-bodies/>
- Buckinghamshire Pioneers Microsoft Copilot for Local Government - <https://lga.moderngov.co.uk/documents/s49185/241206%20people%20and%20places%20board%20update%20on%20AI%20and%20local%20government.pdf>
- Liverpool City Region Hosts Successful AI Summit - <https://www.liverpoolcityregion-ca.gov.uk/news/minister-hails-liverpool-city-regions-leadership-in-harnessing-ai-to-improve-lives-and-grow-the-economy>
- Many Local Governments Unprepared for Safe AI Use - <https://www.themj.co.uk/fearing-tread-longing-learn>
- Delivery: <https://www.capita.com/our-thinking/keir-starmers-ai-vision-four-point-plan-for-better-public-services>



Questions?



Thank you



Feel free to stay in touch

Note:

This presentation is intended for informational purposes only and does not constitute professional advice. It is strongly recommended to thoroughly research and evaluate AI tools before integrating them into your strategies.