techUK Briefing on Automated Decision Making in the Data (Use and Access) Bill

This briefing outlines techUK's position on the changes proposed by the Government to the automated decision making (ADM) regime, as outlined in Clause 80 of the Data (Use and Access) Bill. The briefing also highlights the potential benefits of ADM for the broader economy. techUK supports these reforms.

techUK is the trade association representing the UK tech sector, with over 1000 member organisations from both the technology sector but also the wider economy, the majority of which are SMEs.

Background

The DUA Bill introduces a risk-based approach to ADM, distinguishing between low-risk and high-risk applications. This will empower organisations to implement ADM more widely, particularly in low-risk scenarios which make up the majority of ADM uses – such as service personalisation, faster logins, or initial credit eligibility checks.

At the same time, the Bill sets clear safeguards for high-risk ADM applications that could have legal or similarly significant effects on individuals, such as mortgage reviews, or employment decisions. These include requirements to inform individuals about automated processing, and give them rights to contest and seek human intervention on these decisions.

Importantly, for sensitive personal data, ADM will remain prohibited unless either explicit consent has been given, or the processing is both necessary for a contract / required by law AND serves a substantial public interest.

This approach is supported by the ICO, which has assessed that the new approach '…*strikes a good balance between facilitating the benefits of automation and maintaining additional protection for special category data.*'

The potential benefits of ADM

ADM offers transformative potential across both public and private sectors and, when combined with other provisions of the Bill, such as recognised legitimate interest, it can create significant societal benefits. By streamlining routine processes and enabling consistent service delivery, ADM helps organisations operate more efficiently and scale their services effectively.

For government services, this means faster processing times, better citizen experiences, and more responsive public services. It can also help reduce fraud, for instance, the Department for Work and Pensions estimates its algorithmic models for detecting Universal Credit fraud could save around £1.6bn by 2030-31.

ADM systems can also support consistent application of rules and policies across an organisation, reducing variability and increasing transparency in decision-making. This, in

turn enables organisations to systematically review and refine their decision-making frameworks, fostering fair and equitable outcomes.

- **Combatting fraud:** ADM could be used when analysing large amounts of data, including transaction history, device information, and customer behaviour, to identify patterns that are indicative of fraud and help identify suspicious transactions before they are processed. This could significantly bolster the government's anti-fraud strategy by enabling organisations to proactively identify and address fraudulent activities, protect consumers, and safeguard the integrity of the wider economy. This underscores the importance of incorporating ADM into the broader regulatory framework to ensure its responsible and ethical use.

- **Personalising services:** A recent report from Microsoft has revealed nearly 60% of companies see providing more personalised customer experience as a relevant future application of AI, with ADM able to greatly improve the quality of the services they are providing. For example, Intuit's TurboTax Live and QuickBooks Live use ADM to match customers with tax specialists or bookkeepers most relevant to their field. This gives businesses extra support to guide them through the process, address their unique financial situations and review and discuss documents together.

- **Supporting and augmenting UK public services:** ADM can be used to improve the operation of public services. For example, the US Department of Veterans Affairs uses ADM to sort through and digitise paper letters, reducing turnaround time of this process by 90% and reducing the number of errors in doing so. Without ADM streamlining the process, employees would have to spend less time on helping veterans and more time inputting information themselves.

Automated decision making is an essential part of these very beneficial uses of data. With the reforms in the Bill, projects like these can be expanded and new ones created to boost the social value of UK data.

However, we also recognise the closely connected risks of AI technologies in amplifying existing inequalities and the role that a right to human review must play in significant decisions. This is essential to ensure that individuals have confidence that rigorous balancing tests are being conducted when decisions with significant or legal consequences are being made.

Learn more

We would be happy to send a full briefing outlining our full position on the Data Bill. We would also welcome the opportunity to meet to discuss the potential benefits of this legislation and how we can ensure that it delivers for the UK. For more information, or to arrange a meeting, please contact Audre Verseckaite at audre.verseckaite@techuk.org or Alice Campbell at alice.campbell@techuk.org.