Department for Science, Innovation & Technology input to the Committee on Standards in Public Life update on AI in public standards report (February 2024)

1. We welcome the Committee on Standards in Public Life's intent to provide an update on its February 2020 report into the impact of AI on public standards. This update is timely given the recent progress in AI, and the government's response to the AI White Paper Consultation published last week (Tuesday 6th February). Our response sets out our pro-innovation and pro-safety approach, including a range of actions that the government has taken, and will continue to take, that address the recommendations in your 2020 report.

2. The government's broad regulatory approach remains aligned with the committee's 2020 recommendation, i.e. that the CSPL does "…not recommend the creation of a specific AI regulator, and recommend that all existing regulators should consider and respond to the regulatory requirements and impact of the growing use of AI in the fields for which they have responsibility." (recommendation 4). Our white paper consultation response sets out how we are delivering our principles-based approach through existing regulators and the steps we are taking to make sure they have the skills, capabilities and coordination required to do so effectively. This includes:
   - **Preparing and upskilling the UK's expert regulators** – with over £100m announced to support innovation and regulation and a new commitment by UK Research and Innovation (UKRI) that future investments in AI research will be leveraged to support regulator skills and expertise. This package includes £10 million to support their capabilities, building on the £2m already provided to establish a multi-agency advice service with the Digital Regulation Cooperation Forum to support innovators navigating multiple regulatory regimes. We also commit to working with government departments and regulators to analyse and review potential gaps in existing regulatory powers and remits.
   - **Driving coordination and the coherent implementation of the AI regulation framework** – alongside the white paper response, we published new guidance to help regulators implement the principles coherently and effectively. Key regulators will also sit on a new steering committee alongside government to ensure effective coordination across the AI governance landscape. To drive transparency, we have written to a number of regulators asking them to outline the steps they are taking to respond to AI by April 2024.
   - **Effective risk monitoring** – we have already taken steps to establish a multi-disciplinary risk monitoring and assessment team and in the consultation response we set out plans to formally establish regulator coordination activities by spring, as well as conduct targeted consultations on our risk register and monitoring and evaluation frameworks.

3. This builds on the work already carried out by many UK regulators since 2020. With regards to your specific recommendation on the EHRC's role (recommendation 3), the EHRC announced a focus on "Addressing the equality and human rights impact of digital services and artificial intelligence" as one of the priority areas in their 2022-25 strategic plan. They have published guidance on applying the Public Sector Equality Duty to AI.

4. The Centre for Data Ethics & Innovation was highlighted in your recommendation as the likely body to provide central regulatory assurance. CDEI's primary role is in developing tools and techniques that enable responsible adoption of AI in the private and public sectors, in support of DSIT's broader mission to drive innovations that change lives and sustain economic growth. As announced in the white paper consultation response, CDEI has now been renamed as the Responsible Technology Adoption Unit to better reflect this mission. It continues to provide some support to regulators through this mission, for example working with the ICO and EHRC on the ongoing Fairness Innovation Challenge, which supports the development of new ways to address statistical, human and structural bias and discrimination in AI systems. The regulatory assurance role that the committee described in recommendation 4 sits with the other central functions described in paragraph 2 above.

5. Since the 2020 report, the government has launched the world-leading Algorithmic Transparency Recording Standard (ATRS), directly addressing the committee's recommendation 8. This aims to facilitate trusted and trustworthy uses of algorithmic tools in the public sector. The ATRS establishes a standardised way for public sector organisations to proactively and openly publish information about how and why they are using algorithmic methods in decision-making; specifically, those that either have a significant influence on a decision-making process with direct or indirect public effect, or directly interact with the general public. The ATRS includes information on relevant impact assessments, linking to recommendations 2 and 7 of your 2020 report.

6. Following a pilot phase, approval of the ATRS by the government Data Standards Authority, and adoption by some public authorities, we set out in the white paper consultation response that we will now be making use of the ATRS a requirement for all government departments. We plan to expand this across the broader public sector over time. We will set out further details of this policy in due course.

7. In 2020, the committee correctly highlighted the importance of public sector procurement in driving responsible and safe AI innovation. Actions to ensure good practice in procurement include the Central Digital & Data Office's recent published guidance on the procurement and use of generative AI for the UK government. In the AI white paper consultation response we announced that, later this year, DSIT will launch the AI Management Essentials scheme, setting a minimum good practice

standard for companies selling AI products and services. The government will then consult on introducing this as a mandatory requirement for public sector procurement, using purchasing power to drive responsible innovation in the broader economy.

Lord Evans
Chair of the Committee on Standards in Public Life

16 November 2023

Dear Lord Evans,

Please find below CCS's responses to the additional recommendations (5 and 6) received via email on 19 September 2023.

Please do not hesitate to contact me should you require any further information.

Yours sincerely,

S.P.Tse.

Simon Tse, CBE
CEO, Crown Commercial Service

Recommendation 5:

Government should use its purchasing power in the market to set procurement requirements that ensure that private companies developing AI solutions for the public sector appropriately address public standards.

This should be achieved by ensuring provisions for ethical standards are considered early in the procurement process and explicitly written into tenders and contractual arrangements.

Progress

The government published [guidelines for AI procurement](#) in June 2020, which recommend that public bodies should consider the 'ethicalness' of suppliers before procuring AI (for example have suppliers considered and addressed data bias issues? Do suppliers have a plan for addressing standards issues? Is the suppliers' governance approach sufficient?); and that such considerations be carried over to the terms of the contract where suitable.

CCS has collaborated with CO Policy and CDDO on the creation of a Generative AI Framework, which includes sections on 'Buying Generative AI' and 'Ethics'. This is due to be published with the Autumn Statement on 22 November.

Additionally CCS intends to:
- review its commercial agreement terms and conditions (for the AI DPS and other technology frameworks) to ensure appropriateness for purchasing AI
- create AI buyers guidance for any agreement where customers might be buying GenAI or AI powered tools
- create guidance on the use of AI in procurement (both for sourcing and in response to supplier use of it within bids)
- work with CO Commercial Policy on guidance/PPN for AI and/or AI in procurement

Recommendation 6:

The Crown Commercial Service (CCS) should introduce practical tools as part of its new AI framework that help public bodies, and those delivering services to the public, find AI products and services that meet their ethical requirements.

Progress

CCS launched a dynamic purchasing system for AI in December 2020, which established a baseline ethical standard that suppliers must meet to join their digital marketplace. The agreement also includes bespoke IPR provisions within its Public Sector Contract (PSC) terms and conditions.

This is a step forward because at the time of writing, private AI suppliers did not have to reference managing ethical standards when advertising their products or services on the marketplace. However, we said in our report that more could be done to help public bodies find AI products that meet their ethical requirements, which has not been done. As referenced above in response to recommendation 5, CCS intends to create AI buyers guidance for use across its technology frameworks, which will cover meeting ethical requirements.

The AI DPS allows new suppliers to register at any time, which remains an appropriate solution given the current rapidly evolving nature of the marketplace. A number of other CCS technology agreements also include AI within their scope, for example, the Big Data & Analytics and Cloud Compute 2 frameworks. CCS will ensure appropriate commercial agreements remain in place in the longer term, reflective of the market and customer requirements.