APPG introduction [check against delivery]

I'm Sam from medConfidential. We look at what public bodies do with data, both in the NHS and beyond. In short, if patients and citizens are to make informed decisions about data, they need accurate information on which to base those decisions.

In his book, Lord Bingham quotes Lord Steyn saying "Parliament must be presumed not to legislate contrary to the rule of law. And the rule of law enforces minimum standards of fairness, both substantive and procedural." Those standards should apply to data processing like anything else, and in data processing, I include all different names for AI.

The rule of law already applies to all decisions by public bodies, including those that are supported by any form of data processing.

Whenever you fill in a form, whatever happens next is data processing. Whether a reply is written with a fountain pen, with a typewriter, or a computer, the only real difference is how many people's lives can be made a misery by a single act of bureaucratic indifference.

Such failures will happen more often as we are moving into an increasingly automated world of machine learning and artificial intelligence. This direction of travel is reflected in the Framework for Data Processing by Government which was snuck into the Data Protection Bill, and also from the budget which gave DCMS money for AI work. The Lords AI Select Committee report, published this morning, recognises this, and suggets only that liability issues are clear.

Government processes data on citizens, residents, customers, etc. Yet those people are often an abstraction when decisions are made - it is a bureaucratic necessity. A previous Government tried to release raw data to assess teachers' performance. But what they tried to release was the linked lifetime history of around 20 million school children, tracked from preschool to university, at 400 data items per child per school year. They just hadn't thought about it. Lord Lucas has been vocal about the damage done to the National Pupil Database by poor processing choices. Steph covered other failures.

The principles of the rule of law are about stating what should be done, explaining it, and then showing how what was done followed policy.

The principles apply to the worlds of data processing and artificial intelligence just as much as the world of pens and filing cabinets. Whether it can be applied is not subject to debate - the question is whether it will be applied, or whether we rush into a new thing forgetting all the rules of the world, and why things were that way.

I'm sure MoJ would like to replace barristers with AIs, not just because they're cheaper, but because they don't express quite such strong views on how the criminal justice system should be run. The Home Office funded an AI to detect ISIS videos, but had no explanation on how it made decisions; the framework will allow this behaviour across Whitehall

Our focus is not 'will data processing be used?', that is unavoidable. But what standards do we wish to require of those systems and the organisations that build and use them? What are the safeguards? Last year's Digital Economy Act said safeguards were all in the Data Protection Act. Now, not so much.

Those looking to make money, to move fast and break things, would like the standard to be ethics. There are many groups and centres having money poured into them, with names like data and society, ethics and society, and DCMS's own centre for data ethics. Between the latter being led by a Minister in a Government with priorities, and with recent news about facebook, the consequences of the incentives to lower standards are clear. A focus on ethics exacerbates this.

The principles of the Rule of Law are how we avoid what in retrospect will be the clear failures of the future. They do not say what to do, or not, in any particular circumstance, but give clarity on the process.

AI and data processing is simply about informing and making decisions, as are Lord Bingham's principles and all the work derived from them - they are a robust standard that public bodies must meet to explain their decisions. The rule of law is a clear standard, which already applies to every public body. As public bodies run towards AI, those who wish to help them will have to meet that standard, or admit they're lowering it, and the harms of that commercial choice must be understood.