Bates Wells

Practical tips for deploying AI

With AI integration becoming increasingly common, it is vital that businesses deploy AI systems in a way that complies with data protection law and ensures that outcomes are legal and ethical. Top tips for responsible, lawful implementation are:

- Carry out a Data Protection Impact Assessment ("DPIA") in a thoughtful, detailed way. This will help to identify any risks.

- **Make sure that you do the DPIA** *before* **you deploy the system.** It's very challenging to change things once the deployment has happened.

- **Create a second, technical version of the DPIA** to help to explore the technical aspects and how they impact individuals. This is an ICO recommendation rather than a legal requirement, but well worth doing.

- Computer science can be complicated, and translating technical concepts into everyday language is a challenge. But if you don't **get to the bottom of how the technology works** you may be missing some very important aspects which impact people's rights and freedoms.

- If you are deploying (rather than developing) an AI system, **you need to be confident that the developer of the system is prepared to help you with this analysis**. If they are based in a jurisdiction which has very different expectations, the system may not meet UK requirements. Without proper engagement from the developer you are unlikely to be able to put together a sufficiently robust analysis which meets your needs.

- **A successful DPIA will be a collaboration** between technical experts, lawyers and those with strategic and operational responsibility in your organisation. The deployment of AI will also require **ongoing monitoring by an interdisciplinary team**.

- **Do use the ICO's AI toolkit** to operationalise the deployment of AI in a robust way. The toolkit is indispensable in creating the structures and governance you need to deploy AI safely, responsibly and legally.

- **This process is time-consuming and resource intensive.** Ask yourself whether an AI system really is the answer to the problem you are trying to solve.

- **Don't rush into using these systems** just because there is a sense that everyone else is – they may not have thought through the implications thoroughly enough and may not have put in place the appropriate governance structures.

- **Keep on top of developments.** There is no doubt that AI presents enormous and exciting opportunities. But many experts have warned users of AI about significant dangers. At the moment we are seeing these risks, such as entrenching bias and inequality and unreliability of the systems, materialising in real life cases. This is usually because the steps we have outlined above have not been taken.

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