

From: Roger Gough, Leader of the Council
Amanda Beer, Interim Chief Executive

To: Policy and Resources Cabinet Committee, 19 September 2023

Subject: KCC's Artificial Intelligence Policy

Classification: Unrestricted

Past Pathway of report: Corporate Management Team

Future Pathway of report: N/A

Summary:

This report summarises the reasons for developing a policy about KCC's use of Artificial Intelligence.

Recommendation:

The Policy and Resources Cabinet Committee is asked to note KCC's Artificial Intelligence Policy, attached as Appendix A.

1. Introduction

- 1.1 Artificial Intelligence (AI) is a field of technology that is rapidly growing as it becomes increasingly integrated into many aspects of personal and industrial use. AI is not a new technology, but its capabilities and potential applications are in a period of rapid development, with the ChatGPT model in particular garnering much recent media attention. The increased use of AI is also generating interest as to how public sector organisations are utilising the technology, its potential impact on service users or residents, and to what degree they are safeguarded.
- 1.2 With this in mind, it has been deemed timely that KCC develop a policy to set out initial parameters for staff when embarking on any internal or external activity that will utilise AI. It is intended that this will provide reassurance to the council and stakeholders that we are establishing guidelines and expectations for how AI is used in the delivery or development of KCC's services. This policy can be found in Appendix A, and was approved by CMT on the 5 September 2023. CMT agreed that it will need to be reviewed regularly, to evolve as necessary in response to developments in the national landscape and to legislation or policy introduced by central government.

2. Growing interest in KCC's use of AI

- 2.1 A number of parties have already approached KCC for information on how the council currently uses or plans to use AI, the most notable being from the **Equality and Human Rights Commission (EHRC)**, who requested substantial information on the extent to which KCC's services consider equality implications in the commissioning, procurement, designing and operation of services and projects that use AI, and our transparency on AI use with relevant communities and service users. KCC provided a comprehensive response to these questions which has led to discussions with EHRC colleagues who subsequently wish to co-produce a case study to showcase best practice for other public sector organisations. This will be on the example provided regarding KCC's Xantura project about data sharing to better identify and support those at risk of financial hardship.
- 2.2 KCC has also recently begun to receive Freedom of Information requests about AI. These have included questions asking for information about: AI-related projects; job descriptions containing references to AI skills; dedicated teams focused on management or implementation of AI; planned future use; which AI tools we are using and in which fields, and whether we have risk assessments and policies in place regarding AI.

3. Use of AI across KCC services

- 3.1 Through the work undertaken to respond to the EHRC's request, which included sending out an MS Form questionnaire across the organisation seeking information, we were able to identify a number of projects that were already using or planning to use AI. These are listed in Appendix B. This list reflects projects that we were aware of at the time of compiling the EHRC response in December 2022, and therefore not the current picture which will undoubtedly include other projects and activities.

4. KCC's Artificial Intelligence (AI) policy

- 4.1 The policy is arranged into the following sections:
- Context
 - Definition of AI and how to tell if a project uses AI
 - Risks of using AI:
 - Information Governance and Data Protection
 - Transparency
 - Equalities, including data bias, data quality, algorithm bias
 - Automated decision-making
 - Types of AI technology
 - Digital exclusion
 - What this means for staff, including procurement and seeking assurance
- 4.2 The main aim of the policy is to emphasise that all relevant existing KCC policies should apply, particularly regarding the need for Equality Impact Assessments (EqIAs), Data Protection Impact Assessments (DPIAs) and ICT Compliance and Risk assessments, but that any inclusion of AI in a project or

activity will require particular transparency from commissioning to delivery. Public scrutiny in this field of technology will only increase, and KCC's services need to be mindful of this in their approach to utilising AI. The policy provides a definition of AI, sets out the risks associated with several aspects of the technology, signposts to the relevant KCC corporate service for assurance and advice, and to government or national resources for additional guidance, where appropriate.

- 4.3 Key colleagues across Technology, Governance, Law & Democracy, Analytics, Commissioning, and HR were engaged in developing this policy. One key area considered was the significant data protection risk arising from the use of Large Language Models (LLMs) such as ChatGPT. It was deemed by colleagues that given the potential ubiquity of this technology across many applications, KCC's position should be one of advocating a safe and measured approach to using such tools, rather than imposing blanket restrictions on their use. Colleagues agreed that there should be a focus on safe use in which staff are signposted to the right technologies, preferably those in approved platforms, and that any proposed involvement of personal or commercially sensitive data must be taken through KCC's EqlA, DPIA and ICT Compliance and Risk assessment processes. It was also proposed that in the event of any dispute over significant risks regarding the use of AI, the Corporate Information Governance Group (CIGG) should act as arbitrator. The policy therefore reflects this position and other agreed points of discussion.

5. Financial implications

- 5.1 There are no financial implications in the development or establishing of this interim policy. Individual council projects that involve the development or use of AI technology will undoubtedly have cost implications that will be built into their respective business cases and project plans.

6. Legal implications

- 6.1 There is currently no legislation that directly refers to the use of Artificial Intelligence technology. However, the council has statutory duties under the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) which applies to anyone who handles or has access to information about individuals, and so has relevance to the use of AI in council services and projects, especially where sensitive data is involved. The council also has statutory duties under the Equality Act 2010 and Public Sector Equality Duty to prevent discrimination towards people with different protected characteristics. KCC therefore has a duty to ensure that individuals' information is used legally and appropriately by AI technology, that any such technology employed does not directly or indirectly discriminate against people due to data or algorithm bias, and that human challenge and oversight is retained in all use of AI.
- 6.2 This policy therefore seeks to set out parameters for the above and remind staff of the information governance and equality implications and considerations that will need to be undertaken for any AI-related project.

7. Equality implications

- 7.1 As mentioned in section 6 above, the council has statutory duties under the Equality Act 2010 to fulfil the requirements of the Public Sector Equality Duty (PSED), meaning that, as with any other project, council activity that involves the use of AI must first consider the potential impact upon people with protected characteristics. This policy has been developed with the key equality risk areas in mind, setting out the issues that officers using AI need to be aware of, how to make appropriate considerations, the existing council procedures that will need to be followed, and signposting to relevant guidance and information sources where relevant. It is anticipated that this will support council officers in responsible use of AI and facilitate their prevention and/or mitigation of potential negative impacts related to specific AI projects or AI use.
- 7.2 An EqlA was undertaken for the policy, which concluded that there are no potential negative impacts for the protected characteristics as a result of the policy itself. Instead, it is anticipated that the policy should have positive impacts, in guiding services to appropriately anticipate, consider and act upon any equalities risks associated with the proposed use of AI technology in a project or the delivery of a service.
- 7.3 As there is the potential for the use of AI in specific council projects or activities to have negative impacts on protected characteristic groups, officers will need to complete project specific EqlAs in order to understand and mitigate these potential impacts, and can utilise the guidelines and resources signposted in the policy to do so.

8. Next Steps

- 8.1 This policy has been brought to the Policy and Resources Cabinet Committee for information and to provide reassurance that the council is recognising the implications of the agenda. The Committee's discussion will help inform KCC's approach to management and oversight of how AI technology is used across council services. After the policy has been discussed by the Committee, it will be published on KNet and communications will go out to staff to inform them of this new policy and core messaging about what they need to know when engaging with AI technology as part of council business.

9. Recommendation:

- 9.1 **Cabinet Committee** - The Policy and Resources Cabinet Committee is asked to note KCC's Artificial Intelligence Policy, attached as Appendix A.

10. Contact details

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Appendix A: Draft Artificial Intelligence (AI) Policy

Appendix B: List of KCC projects identified as using AI

Appendix B: List of known KCC projects identified as using or planning to use AI, as of December 2022:

a. Technology Enabled Care

This is a current project to trial innovations to support independent living, and include technologies such as remote monitoring and smart technologies which can utilise sensor monitoring to generate data which shows how people interact with their environment.

b. Xantura

This project involves data sharing between KCC and district councils in Kent to enable better use of Xantura systems to identify Kent residents with risk factors that may make them vulnerable to experiencing financial hardship (specifically focusing on homelessness) in order to better identify and support individuals at risk.

c. Staff Turnover Predictive Analytics Algorithm

KCC has developed an algorithm to identify possible indicators of staff who may be likely to leave the organisation, in order to help the council better understand reasons behind turnover and improve staff retention.

d. ServiceNow Chatbot

This chatbot is used to answer simple questions and locate relevant forms or guidance regarding staff queries about ICT, Finance or HR. It can direct staff into a chat with a human adviser if it is unable to assist.

e. Road Safety Intelligence Data Collection

This involves the use of AI to read and classify anonymised vehicle movement data where installed, to highlight road sections where road users are not compliant with newly introduced speed limits in order to determine where further population-level action maybe required.

f. Road AI for Safety Inspection and Asset Management

This project uses AI to record footage of the condition of highways assets to aid highways officers in taking appropriate actions.

g. Route Reports Condition Survey

This project utilises video-based road condition monitoring AI cameras to support the identification of highways defects, such as potholes, carriageway cracks or damaged road signs or markings. This information is provided to KCC's transport planners, highways safety inspectors and engineers who use it to evaluate the highway condition and identify where further action is needed for repairs or resurfacing.

h. Unmanned Aerial vehicle (UAV)/Drone Inspection Surveys

This project is trialling the use of Unmanned Aerial vehicle (UAV)/Drones to conduct inspection surveys of vegetation and water, power or other utility facilities adjacent to roads and pavements at selected sites in Kent to determine highways maintenance requirements without the need for KCC staff to manually inspect these areas themselves.