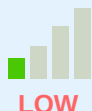


**Review Sheet****Last Reviewed**
14 Jan 2025**Last Amended**
14 Jan 2025**Review Interval**
Annual**Business Impact:****Reason for this Review:**

New Policy

Changes Made:

Yes

Summary:

This policy has been reviewed with no significant changes. Underpinning knowledge and further reading references have been checked and updated.

Relevant Legislation:

- General Data Protection Regulation 2016
- Data Protection Act 2018

Underpinning Knowledge:

- Author: Information Commissioner's Office, (2025), Controllers and Processors [Online] Available from: <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/controllers-and-processors/> [Accessed: 14/01/2025]
- Author: Information Commissioner's Office, (2025), What needs to be included in the contract? [Online] Available from: <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/accountability-and-governance/contracts-and-liabilities-between-controllers-and-processors-multi/what-needs-to-be-included-in-the-contract/> [Accessed: 14/01/2025]

Suggested Action:

- Encourage sharing the policy through the use of the QCS App

Equality Impact Assessment:

QCS have undertaken an equality analysis during the review of this policy. This statement is a written record that demonstrates that we have shown due regard to the need to eliminate lawful discrimination, advance equality of opportunity and foster good relations with respect to the characteristics protected by equality law.



1. Purpose

1.1 The purpose of this policy is to ensure Corton House takes appropriate steps when determining whether to use AI software or other services, applications or systems provided by third parties.

1.2 This policy sets out the issues and considerations for Corton House to bear in mind when using AI and third party processors.

1.3

Key Question	Quality Statements
WELL-LED	QSW5: Governance, management and sustainability QSW7: Learning, improvement and innovation QSW8: Environmental sustainability – sustainable development
WELL-LED	QSW3: Freedom to speak up QSW5: Governance, management and sustainability
WELL-LED	QSW5: Governance, management and sustainability QSR3: Providing information
WELL-LED	QSW5: Governance, management and sustainability QSR3: Providing information
WELL-LED	QSW5: Governance, management and sustainability QSR3: Providing information
LEADERSHIP-AND-MANAGEMENT	
LEADERSHIP-AND-MANAGEMENT	
LEADERSHIP-AND-MANAGEMENT	
LEADERSHIP-AND-MANAGEMENT	
LEADERSHIP-AND-MANAGEMENT	
LEADERSHIP-AND-MANAGEMENT	
LEADERSHIP-AND-MANAGEMENT	
WELL-LED	QSW5: Governance, management and sustainability
WELL-LED	QSW5: Governance, management and sustainability
WELL-LED	QSW5: Governance, management and sustainability



Corton House
City Road Norwich Norfolk NR1 3AP

WELL-LED	QSW5: Governance, management and sustainability
WELL-LED	QSW5: Governance, management and sustainability
WELL-LED	QSW5: Governance, management and sustainability

1.4 Relevant Legislation

- General Data Protection Regulation 2016
- Data Protection Act 2018



2. Scope

2.1 Roles Affected:

- Registered Manager
- Other management
- Administrator
- Manager

2.2 People Affected:

- Residents

2.3 Stakeholders Affected:

- Family
- Advocates
- Representatives
- Commissioners
- External health professionals
- Local Authority
- NHS

© Quality Compliance Systems
AALdrige, Corton House
Policy Download: 19 maart 2025
aahete@cortonhouse.co.uk



3. Objectives

3.1 This policy will ensure Corton House takes appropriate steps when considering whether to use AI and third party processors.

3.2 Corton House will understand the documents that it should have in place if it chooses to use AI and/or contract with third party processors.

3.3 Compliance with this policy will assist Corton House's overall compliance with UK GDPR and associated legislation.



4. Policy



4.1 Artificial Intelligence (AI)

The use of AI is becoming more prevalent. Some AI systems do not capture or use any personal data in which case use of those systems is not affected by UK data protection laws. If Corton House uses AI software that requires the inputting of personal data (whether by Corton House or anybody else) or that produces or otherwise processes personal data, Corton House understands that such use will need to comply with UK GDPR and the DPA 2018.

4.2 Corton House understands that it should conduct due diligence when determining whether or not to use AI software that processes personal data. Such due diligence should include consideration of:

- The extent to which it is necessary for Corton House to use AI to achieve its purpose
- The extent to which it is necessary for the AI software to use personal data to achieve Corton House's purpose
- The reputation and stability of the company that will provide the AI software
- Whether Corton House should conduct a DPIA in relation to its proposed use of AI software
- The documentation that Corton House will enter into with the provider of the AI software, including the contract that governs the provision of the AI
- The impact on Corton House's policies and processes of its use of the AI software, including any required updates to, for example, Corton House's privacy policies to reflect processing of personal data by the AI software

4.3 Corton House recognises that when considering whether to use AI it should consider "allocative harms" and "representation harms" which are frequently linked to the use of AI. Corton House understands that allocative harms are the result of a decision to allocate opportunities among a particular group, which could result in loss of financial opportunity, livelihood, freedom or potentially loss of life. For example, an AI system used for recruitment purposes may disproportionately classify applications from male candidates as suitable compared to female. Corton House understands that "representational harms" occur when systems reinforce subordination of particular groups for example by stereotyping, under-representation or denigration. For example, an AI system assigns labels that reflect racist stereotypes to a photograph uploaded of an individual belonging to an ethnic minority group.

4.4 As Corton House is operating within the care sector and is therefore likely to be dealing with a number of vulnerable individuals and processing a significant volume of special categories of data, Corton House recognises that the risk associated with the use of AI systems (and processing of personal data more widely) potentially increases and this should be reflected in its due diligence and any DPIA.



4.5 Corton House understands that when using AI it may act as a controller or a processor, and that while determining whether Corton House controller or processor can be complex, it is important that Corton House understands its role, responsibilities and potential liability under UK GDPR and the DPA 2018.

Corton House will bear in mind the following guidance when determining whether it is a controller or a processor:

- If Corton House decides what personal data it wishes to process and how and why to process the data, it will be a controller
- Corton House understands that it is also likely to be a controller if it determines which individuals to collect the data about, how long to retain the data and how to respond to data subject requests

When using AI software, the following examples may indicate that Corton House acts as a controller and is therefore liable as a controller under UK GDPR in respect of personal data processed via the AI software:

- Corton House determines:
 - The source and types of data used to train the AI software
 - The intended output of the AI software
 - At a high level, the types of algorithms that will be used to create models from the data
 - Parameters around AI outcomes
 - How AI models will be tested and updated, how often they will be tested and updated, what kinds of data will be used to test and update and how performance will be measured

4.6 Corton House understands that use of AI is a complex area and varies significantly depending on the type of AI software that Corton House intends to use and the reasons for such use. Corton House will consider seeking legal advice in relation to any proposed use of AI software that uses personal data, including review of the relevant documentation.

4.7 Third party processors

Corton House understands that, broadly speaking, where it determines the means and purposes of the processing including, for example, the types of data to be processed, the reason for the processing, retention periods and so on, it will be acting as a controller. If Corton House instructs a third party to process data on Corton House's behalf where such third party is acting only in accordance with Corton House's instructions, Corton House understands that the third party is likely to be a processor.

Corton House understands that examples of third party processors may include pension providers, payroll providers, third party providers of benefits, external HR functions, hosted data centres, external IT providers, third party delivery companies or suppliers of an element of the services provided by Corton House.

4.8 Corton House understands that the contractual requirements will differ depending on whether the third party is processing personal data as a controller or processor. Corton House understands that when engaging with a third party processor it is a requirement of UK GDPR to enter into processing provisions that reflect Article 28 of UK GDPR.

4.9 Corton House understands that in addition to entering into appropriate contractual provisions with a third party processor, it must undertake sufficient due diligence in respect of the third party processor including, for example, in relation to the security measures put in place by the processor to protect the personal data that it processes on behalf of Corton House.



5. Procedure

5.1 Corton House will conduct appropriate due diligence if it is considering using AI software.



Corton House
City Road Norwich Norfolk NR1 3AP

5.2 Corton House will determine whether it is necessary for Corton House to conduct a DPIA in relation to its potential use of AI software with reference to the DPIA Policy & Procedure.

5.3 Corton House will conduct appropriate due diligence in respect of all third party processors it wishes to engage.

5.4 Corton House will ensure that it enters into appropriate contractual processing provisions with all third party processors that it engages.

5.5 Corton House will consider seeking legal advice in relation to its use of AI software and third party processors.



6. Definitions

6.1 AI

- AI means Artificial Intelligence which can be described in many ways but is defined by the ICO as an umbrella term for a range of algorithm-based technologies that solve complex tasks by carrying out functions that previously required human thinking

6.2 Controller

- The natural or legal person, public authority or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data

6.3 Data Protection Act 2018

- The Data Protection Act 2018 is a United Kingdom Act of Parliament that governs data protection and privacy in the UK and sits alongside UK GDPR

6.4 ICO

- The Information Commissioner's Office which upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals

6.5 Personal Data

- Any information that identifies, or can identify, a living person including but not limited to names, email addresses, postal addresses, job roles, photographs, CCTV, special categories of data, opinions about or given by an individual and information from which something can be learned about the individual

6.6 Process or Processing

- Doing anything with personal data, including but not limited to collecting, storing, holding, using, amending or transferring it. An organisation does not need to be doing anything actively with the personal data - at the point it collects it, it is processing it

6.7 Processor

- A processor is a natural or legal person, public authority or other body which processes personal data on behalf of the controller

6.8 Special categories of data

- Special categories of data are more sensitive than other types of personal data and include but are not limited to medical and health records and {Care_plan_name}s (including information collected as a result of providing healthcare services) and information about a person's religious beliefs, ethnic origin and race, sexual orientation and political views

6.9 UK GDPR

- The UK GDPR is the retained version of EU GDPR that forms part of English law



7. Key Facts - Professionals

Professionals providing this service should be aware of the following:

- Corton House will consider whether proposed use of AI software warrants a DPIA
- Corton House will conduct appropriate due diligence in respect of any AI software that it wishes to use or third party processors that it wishes to engage



- Corton House will enter into appropriate data processing provisions with all third party processors that it engages



8. Key Facts - People Affected by The Service

People affected by this service should be aware of the following:

- Corton House ensures personal data is properly protected and processed in compliance with data protection laws by conducting due diligence when using AI software and third party processors and ensuring appropriate contracts are in place



Further Reading

ICO - Artificial Intelligence:

<https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/artificial-intelligence/>

DPIA Policy and Procedure



Outstanding Practice

To be "outstanding" in this policy area you could provide evidence that:

- Corton House seeks legal advice each time it wishes to use AI software or engage with a third party processor
- Corton House has a template Article 28 agreement which it enters into with third party processors (except where the third party processors have their own standard terms from which they will not deviate)
- Corton House has a robust process in place that it follows each time it considers the use of AI software or the engagement of third party processors including, for example, completion of security questionnaires
- The wide understanding of the policy is enabled by proactive use of the QCS App