

Using Generative Artificial Intelligence (GenAI) Policy and Procedure



EAST RIDING
OF YORKSHIRE COUNCIL

Lead Directorate and Service:	Corporate Resources – Digital, Change and Technology
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Using Generative Artificial Intelligence (GenAI) Policy and Procedure

Aim

The aim of this Policy is to ensure that staff are fully aware of the rules concerning the use of Generative Artificial Intelligence (GenAI) Large Language Models (LLM) and the actions that could result should there be any misuse.

The Policy provides a framework for the use of GenAI LLM. It is designed to ensure that the Council's use of GenAI is ethical, complies with all applicable laws and regulations and complements its existing data protection and ICT security policies.

Scope

This Policy applies to all Councillors and employees of the Council. It also applies to school-based employees if it has been adopted by the respective school Governing Body. Furthermore, it applies to third parties carrying out work on the Council's behalf or accessing its information systems.

Definitions for the purpose of this Policy

- **Generative Artificial Intelligence (GenAI)** - a form of artificial intelligence (AI) that generates text, images, or other media in response to prompts.
- **Large Language Models (LLM)** - refers to the number of parameters the model can change autonomously as it 'learns'.
- **GenAI LLM** - is a combination of GenAI and LLM presented in a single solution.
- **Author** - the individual who has requested output from a solution which provides GenAI content, analysis, or processing.
- **Application Programming Interface (API)** - a set of definitions and protocols that enables data transmission between software solutions.
- **Plugins** - a software component that adds a specific feature to an existing solution.
- **Data Protection Impact Assessment (DPIA)** - the process carried out on

projects/changes involving personal data to help ensure compliance with data protection legislation and embed 'privacy by design'.

Generative Artificial Intelligence Large Language Models

Generative Artificial Intelligence (GenAI) Large Language Models (LLM) is developing at pace and its applications are still being understood. Recognising the opportunities this emerging technology will bring, the Council will embrace its use where it is suitable but within the framework of this Policy.

This technology has seen rapid growth with the advent of solutions including Open AI ChatGPT, Amazon LaMDA, Microsoft Bing Enterprise, and Google BARD.

GenAI and LLM, whilst two separate technologies, when used together provide the capability to automatically analyse vast quantities of data and content that can be presented in human-like language.

Whilst this inevitably will bring significant operational benefits, it remains essential that information is shared appropriately, both ethically and in compliance with the Council's existing policies and legislation.

Roles and Responsibilities

All Executive Directors, Directors, Senior Managers and Delegated Managers will be responsible for ensuring that the Policy is applied consistently.

As part of the induction process, an employee must be made fully aware of the Policy. Your manager will discuss the Policy with you to ensure that you understand its content.

You are responsible for reading the Policy at the start of your work and should ensure any concerns or queries are raised with your manager prior using GenAI systems.

Usage

The use of GenAI must be in a manner that promotes fairness, avoids bias to prevent discrimination, promote equitable treatment and is aligned to the Council's vision, priorities, and values.

GenAI may be used for work-related purposes (including tasks such as generating text or content for reports, emails, presentations, images, and all correspondence) providing you take into consideration the following:

Accountability and Governance

To ensure the continued security and protection of council data, before accessing or commissioning new GenAI technology or services, a Data Protection Impact Assessment (DPIA) and security review must be completed, as outlined in existing council policies and procedures. In line with these procedures, approval may be required from the Council's Information Governance Management Board (IGMB) prior to the use of any GenAI.

Details of council approved GenAI tools will be published on the Council's website under the Privacy section.

Accuracy

All information generated by GenAI must be reviewed and edited for accuracy prior to use. If there is any doubt about the accuracy of the GenAI generated output, it must not be used. It is your responsibility as the author to ensure that the output is accurate.

Confidentiality

Confidential or personal information can only be entered into secure GenAI tools.

Under no circumstances should confidential or personal information be entered into GenAI tools without prior approval as outlined under accountability and governance.

All applicable data privacy laws and organisational policies must be followed when using GenAI. If you have any doubt about the

confidentiality of information, you should not use GenAI.

Ethical Use

GenAI must be used ethically and in compliance with all applicable legislation, regulations, and organisational policies.

GenAI must not be used to generate and publish content that is discriminatory, offensive, or inappropriate and careful checking of any content created must be undertaken.

Equality Duty

The Equality Act 2010 and associated Public Sector Equality Duty requires local authorities to have 'due regard' to eliminate discrimination and advance opportunity. This includes consideration of the barriers to access to services that may be experienced by particular protected characteristic groups. Reasonable adjustments must be provided where a disabled person is placed at a 'substantial disadvantage'. This is an 'anticipatory duty' and therefore consideration needs to be built into policies to reflect and enable required adjustments to be made for example providing face to face communication where digital access is not appropriate, or the provision of information in an alternative format or language and to ensure that language is inclusive and accessible. All use of digital applications needs to be tested for compatibility with assistive technology.

An Equalities Analysis will be required for implementations of all council solutions which use AI technology.

Human Rights

This Policy is not considered to infringe on any of the fundamental rights and freedoms as set out in the Human Rights Act 1998 conventions.

Copyright

Copyright law must be adhered to when utilising GenAI. It is prohibited to use GenAI to generate content that infringes upon the intellectual property rights of others, including

but not limited to copyrighted material. If a user is unsure whether a particular use of GenAI constitutes copyright infringement, they should contact the Council's Legal Service before using GenAI.

Disclosure

It is the responsibility of the author to ensure that all data and content produced by GenAI is accurate and edited/revised where necessary.

Where data and content has been solely produced by GenAI, whilst it is still the author's responsibility, the following disclosure statement must be included.

Note: Content generated by Artificial Intelligence (AI)

To ensure transparency, all AI solutions used to produce or analyse data and content will be detailed on the Council's website.

Integration with Other Tools

System modules, API and plug-in tools which enable access to GenAI must not be used without prior approval through the completion of the existing governance process of completing a DPIA and an Equality Analysis.

Risks

Use of GenAI will improve operational process, but also may bring inherent risks.

A DPIA and an assessment of the risks should be conducted for any project or process where use of GenAI is proposed and if deemed necessary included in service level risk registers.

The risk assessment should consider potential impacts including the following:

Legal Compliance

If you enter information GenAI, it may become publicly available. This can release non-public information and breach regulatory requirements, customer, or vendor contracts, or compromise intellectual property. Any release of private/personal information without the authorisation of the information owner could

result in a breach of relevant data protection laws.

Use of GenAI to compile content may also infringe on regulations for the protection of intellectual property rights. Authors must ensure that their use of any GenAI complies with all applicable laws and regulations and with council policies.

Bias and Discrimination

GenAI may make use of and generate biased, discriminatory, or offensive content. You should use GenAI responsibly and ethically, in compliance with council policies and applicable laws and regulations.

An Equality Analysis should also be completed on individual projects in line with existing policies and procedures. Advice on this can be provided by Corporate Strategy and Performance.

Security

Due to the complex nature of GenAI you should avoid processing personal data in GenAI. It is imperative that, unless approved, no personal data or commercially sensitive data is made available to GenAI solutions, this includes copying and pasting information into online solutions.

All GenAI solutions must be assessed technically by the Technology Service to ensure that information is protected, and security managed before use. The technical assessment will be completed using the information provided in the DPIA. If an author has any doubt about the security of information input into GenAI, they should not use GenAI.

Data Sovereignty and Protection

While a GenAI platform may be hosted internationally, information created or collected in the United Kingdom (UK), under data sovereignty rules, is still under jurisdiction of UK laws. The reverse also applies. If information is sourced from GenAI hosted overseas for use in the UK, the laws of the source country regarding its use and access may

apply. GenAI service providers should be assessed for data sovereignty practice by any organisation wishing to use their GenAI.

Data protection laws contain rules about transfers of personal data to receivers located outside the UK. People's rights about their personal data must be protected or one of a limited number of exceptions must apply. Any exemption will be managed through the DPIA process.

Environmental Sustainability

There are no direct identified impacts of the service on environmental sustainability, however as GenAI solutions, such as Microsoft Co-Pilot, require data and content to be hosted in the Cloud which will decrease the Council's direct energy consumption with the reduction of on-premises servers, it will be countered by an increased consumption in cloud processing by large scale providers, such as Microsoft.

Links with Other Policies / References Acts

Technology Strategy 2022-2026
ICT Security Policy
Data Protection Policy
Records Management and Data Quality Policy
Policy and Guidelines on the Use of Electronic Mail (Email)
Guidance on the Use of Social Media
ICT Computer Usage Policy
Mobile Device Policy and Procedure
Digital Strategy

Copyright, Designs and Patents Act 1988
UK General Data Protection Regulation
Data Protection Act 2018
Equality Act 2010 (Public Sector Equality Duty)

Trade Unions

Trade Unions have been consulted on this Policy.