

# ICO Data Analytics toolkit

SPA / Police Scotland Conference on  
Artificial Intelligence and Machine Learning in  
Policing (Oversight and Governance)

26 February 2021

# Who is the toolkit for?

- Organisations at the start of a data analytics project
- Aims to help them recognise some of the central risks to the rights and freedoms of individuals created by data analytics solutions
- Intended as a starting point for the considerations they will need to take

For the purposes of the toolkit, we're defining data analytics as "the use of software to automatically discover patterns in data sets (where those data sets contain personal data) and use them to make predictions, classifications or risk scores."





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ICO launches tool to help police forces using data analytics

## ICO launches tool to help police forces using data analytics



Date **09 December 2020**

Type **News**

The Information Commissioner's Office (ICO) is urging police forces to build in data protection from the start when considering data analytics projects.

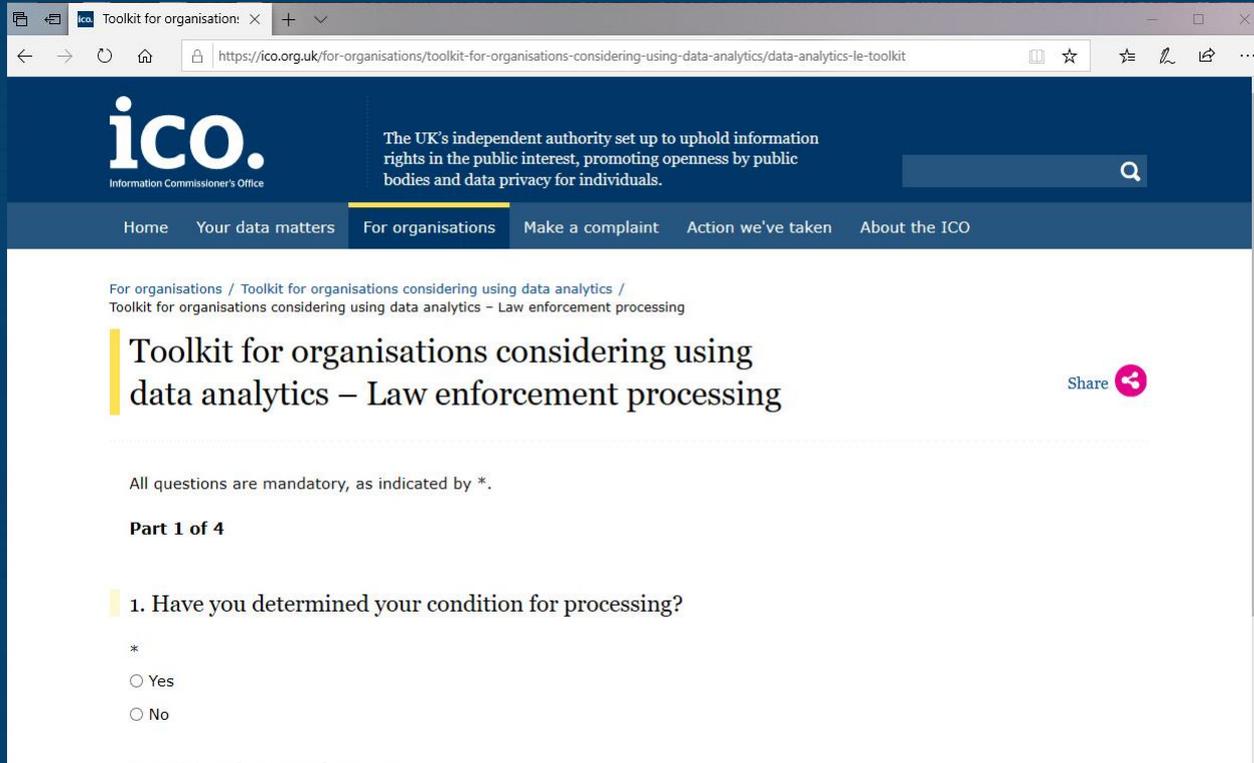
A toolkit designed to help the law enforcement sector comply with data protection law when using data analytics has been created by the ICO and is launched today.

The toolkit comes after the ICO undertook a project as part of its AI priority work to explore the use of data analytics in the law enforcement sector in order to develop an understanding of current activity.

Anthony Luhman, ICO Director, said:



# How does the toolkit work?



The screenshot shows a web browser window displaying the ICO website. The address bar shows the URL: <https://ico.org.uk/for-organisations/toolkit-for-organisations-considering-using-data-analytics/data-analytics-le-toolkit>. The page header features the ICO logo and the text: "The UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals." The navigation menu includes: Home, Your data matters, For organisations (highlighted), Make a complaint, Action we've taken, and About the ICO. The main content area shows the breadcrumb: "For organisations / Toolkit for organisations considering using data analytics / Toolkit for organisations considering using data analytics – Law enforcement processing". The title is "Toolkit for organisations considering using data analytics – Law enforcement processing" with a "Share" button. Below the title, it states: "All questions are mandatory, as indicated by \*." and "Part 1 of 4". The first question is: "1. Have you determined your condition for processing?" with a mandatory asterisk and radio button options for "Yes" and "No".

ico.  
Information Commissioner's Office

The UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

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For organisations / Toolkit for organisations considering using data analytics / Toolkit for organisations considering using data analytics – Law enforcement processing

## Toolkit for organisations considering using data analytics – Law enforcement processing

Share

All questions are mandatory, as indicated by \*.

**Part 1 of 4**

1. Have you determined your condition for processing?

\*

Yes

No

# The report results

Have you determined your condition for processing - Yes

**Review your processing condition to ensure it is appropriate and that you have fulfilled any associated requirements**

You should consider that consent as a processing condition is rarely appropriate where a data analytics platform is used in a law enforcement context. Processing based on consent should give a person genuine choice and control over how their data is used. An individual should not suffer any detriment if they do not wish to consent to the processing. You should also be mindful that data subjects have the right to withdraw their consent at any time.

Further [guidance on consent](#) can be found in the Guide to the GDPR.

If you have determined that the processing is necessary for a law enforcement purpose you should ensure that you have clearly documented why you have identified that this is the case. This should include consideration of whether any less intrusive methods of processing could reasonably achieve the same aim, in order to meet the 'necessity' test.

We have published [guidance on fair and lawful processing under Part 3](#) of the DPA18.

Is any of the processing defined as 'sensitive processing'? - No

**You should consider the possibility of your data analytics system inferring sensitive data**

In some cases, analysis of raw data can infer sensitive personal data. Recent advances

Information Commissioner's Opinion:

# The use of live facial recognition technology by law enforcement in public places

31 October 2019

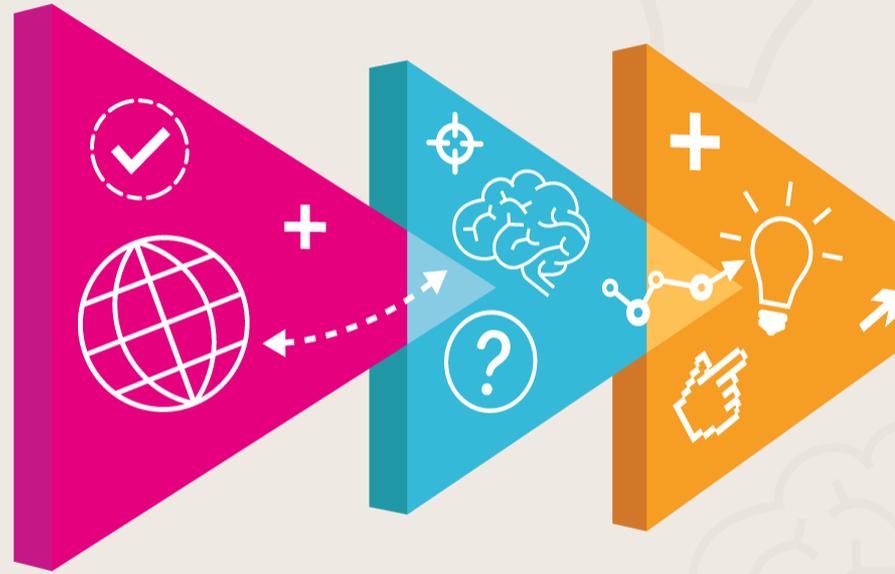
Reference: 2019/01

The cover features a solid blue background. At the top, the text 'Public and industry engagement' is written in a white sans-serif font. In the center, a large black speech bubble contains the title 'Project explain' in a white serif font, with 'explain' in a smaller size and the 'AI' in blue. Below this, the words 'Interim report' are written in a white sans-serif font. To the right of the black bubble is a lighter blue speech bubble. At the bottom left, the 'ico.' logo is displayed in white, with 'Information Commissioner's Office' written in a smaller font below it.

# Project explain

Interim report

# Guidance on AI and data protection



# Keep in touch

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