



Baroness Neville-Rolfe DBE CMG

Minister of State

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14 November 2022

Dear Tim,

PROCUREMENT BILL: ARTIFICIAL INTELLIGENCE

Thank you for your contribution to the debates on the Procurement Bill in Committee. I am sorry you were unable to make the recent meeting I hosted with Lord Fox and Baroness Brinton.

I would like to follow up on the points you raised about procurement and artificial intelligence during the debate on Monday 11 July 2022. At the time, Lord True confirmed that we are not legislating to enforce specific rules for certain sectors, but instead setting the legislative framework for public sector procurement. Lord True also gave an undertaking to engage further on the matter before Report stage. I have considered this subject further since my appointment as Minister of State to the Cabinet Office and want to reassure you that the UK government is committed to ensuring the highest standards for the adoption of artificial intelligence (AI) in the public sector.

Data protection and data ethics with respect to AI are at the heart of commercial decision making in government. You are right to point to the already well-established guidance on AI in procurement, which was jointly developed by the Cabinet Office and the Office of AI. This is an important tool which has established key guiding principles for the procurement and administration of AI technology and data ethics, and which has the primary aim of guarding against poor outcomes for the public sector and UK at large.

An example of this in practice is the recently established AI commercial agreement, set-up by the Crown Commercial Service, which will embed these principles once, for all contracting authorities. The agreement will provide high quality AI solutions, including medical imaging software, non-imaging diagnostic software and symptom-based software, to help accelerate the adoption of AI technologies in the health and social care sector.

This is a fast moving field, and for that reason the Cabinet Office is embedding the key principles in the latest refresh of the Digital and Data (DDaT) Playbook this year. This will provide detailed guidance and best practice in how to source and contract for digital, data and technology projects and programmes where AI and data ethics are a key factor in delivery.

However, as I think you know, my view is that we should not be legislating for specific rules for specific sectors in this Bill, but instead establish a long-lasting and comprehensive legislative framework for public sector procurement as a whole. Whilst commercial and procurement activities across the public sector provide a platform both to innovate and manage risk with respect to AI, the Procurement Bill is not the appropriate place to set a legal duty or compliance mechanisms related to AI, data ethics and data protection. To do so runs the risk of placing disproportionate burdens upon already stretched procurement teams, and introducing a heightened risk of legal challenge which would undermine value for money and efficiency in public sector procurement.

Thank you again for your engagement on this. I will deposit this letter in the House libraries.

Warm regards

Lucy

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