ADDENDUM TO RESPONSE TO FEEDBACK ON PUBLIC CONSULTATION ON PROPOSED ADVISORY GUIDELINES ON USE OF PERSONAL DATA IN AI RECOMMENDATION AND DECISION SYSTEMS

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PART I: INTRODUCTION

1   Introduction

1.1   The Personal Data Protection Commission (**the "Commission"**) launched a public consultation on 18 July 2023 on proposed Advisory Guidelines on the Use of Personal Data in AI Recommendation and Decision Systems (**the "Advisory Guidelines"**).

1.2   In the consultation, the Commission sought views on the proposed Advisory Guidelines for situations where the design and/or deployment of systems that embed machine learning models (**"AI Systems"**) involve the use of personal data in scenarios governed by the Personal Data Protection Act (**the "PDPA"**).

1.3   The Commission has received feedback that the closing note did not sufficiently address or reflect some responses that had been given as part of the consultation. The Commission therefore issues this addendum to provide additional responses by the Commission to these comments.

1.4   This addendum should be read in conjunction with the finalised Advisory Guidelines, as well as other advisory guidelines and technical guides referenced within it.

PART II: ADDITIONAL RESPONSES TO FEEDBACK RECEIVED

2   Inclusion of rule-based AI systems into definition of AI systems

2.1   Some respondents noted that the definition of "AI systems" in the Advisory Guidelines would exclude from its scope rule-based systems.

2.2   The Commission would like to clarify that the intention is to give guidance on the use of personal data in machine learning models, which are more commonly used for autonomous decision-making and are trained using personal data.

2.3   The Commission understands that rule-based models are also used for automated decision-making. The PDPA, as broad-based legislation, would also apply to such systems should personal data be used, but such systems are not the focus of the Advisory Guidelines.

3   Use of synthetic data

3.1   Some respondents recommended that the Commission include guidance on the use of synthetic data as an alternative to using personal data to train AI models.

3.2   The Commission has noted the feedback on the usefulness of synthetic data, particularly in AI training, and will be further studying this area.

4   Use of personal data to train AI

4.1   Some respondents noted that the use of personal data to debias datasets may not necessarily be a best practice by itself, as it is not generally possible for developers to access personal data that is representative of all values of parameters that are likely to lead to bias. In addition, industry standards on the use of personal data in training and testing AI are still developing.

4.2   The Commission understands that in this nascent space, best practices for debiasing data is ongoing work, and that the use of personal data would need to be accompanied by other measures relating to data quality, such as making sure sources are credible. Nevertheless, our understanding is that the use of personal data remains important and valuable to the debiasing process and is also the general practice for companies.

4.3   The Commission further notes that international standards bodies are continually working on developing standards for AI development and deployment. The Commission will take reference from these as and when they crystallise, and they remain a relevant point for industry to take note of.

5   General feedback on personal data protection

5.1   Some respondents have provided feedback on areas with a broader relationship to personal data protection e.g., cybersecurity and making Data Protection Impact Assessments compulsory.

5.2   The Commission notes that while this feedback has been useful, it goes beyond the scope of the current Advisory Guidelines. The Commission will be studying these issues.

5.3   Respondents also queried whether it is acceptable to apply principles and technical tools developed by sectoral regulators.

5.4   The Commission notes that the PDPA establishes a general data protection law and that sectoral regulations will prevail in the event of an inconsistency. The Advisory Guidelines do not preclude organisations from using tools created by sectoral regulators where they deem it relevant.

PART III: CONCLUDING REMARKS

6   Conclusion

6.1   The Commission thanks all respondents for their input and support for our work. AI is a rapidly evolving technology. We will continue to assess the need to provide guidance on the application of the PDPA to other types of AI systems.

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