

Consultation – Automated decision-making, including profiling

Opened 30 March 2026

Closed 29 May 2026

Overview:

The Information Commissioner’s Office (ICO) is consulting on [draft guidance about automated decision-making, including profiling](#). This guidance serves as an update to existing guidance on automated decision-making and profiling.

The updates to our guidance follow the introduction of the [Data \(Use and Access\) Act 2025](#). Your responses will help us provide any further clarity needed in the final guidance update.

The guidance focuses on the provisions specific to automated decision-making. It isn’t intended to cover every data protection concept and provides links to more information on our website. This guidance is aimed at data protection officers, compliance professionals, and technical leads with oversight of your organisation’s use or procurement of ADM systems. Despite this, we are happy to receive submissions from everyone, including members of the public.

In due course, we will also update the “in brief” guidance, which provides a shorter overview: [Rights related to automated decision making including profiling](#), and guidance for the public: [Your rights relating to decisions being made about you without human involvement](#).

Your responses will help us to improve our guidance and we welcome your feedback to the questions set out in this survey. They’re split into the following sections:

- Section 1: About you
- Section 2: About your organisation
- Section 3: Your general views on our draft guidance
- Section 4: Your specific views on our draft guidance
- Section 5: Your experience
- Section 6: Your views on the draft impact assessment

- Section 7: Your views on the costs and benefits of the draft guidance to your organisation

Responding to the consultation:

You can respond to the consultation by [completing our online survey, available through Citizen Space](#).

You can also respond to the consultation by sharing your submission to ai@ico.org.uk.

A PDF file showing all of the consultation questions is available below.

The consultation will remain open until **23:59 (GMT) on 29 May 2026**. We may not consider responses received after this deadline.

Privacy statement

For this consultation, depending on your preference, we may publish in full the responses received from organisations or a summary of the responses. If we do publish any responses, we will remove email addresses and telephone numbers from these responses. Please do not share any information in your response which you would not be happy for us to make publicly available.

Should we receive an FOI request for your response we will always seek to consult with you for your views on the disclosure of this information before any decision is made. For more information about what we do with personal data please see our [privacy notice](#), and the section on [responding to our consultations and surveys](#).

Please note that we are using the platform Citizen Space to gather this information on our behalf. Citizen Space is provided by a UK supplier, Delib. You can read [Delib's privacy policy here](#).

Section 1: About you

1. Name:
2. Email address:

3. I am responding on behalf of:
- a. Myself as a member of the public
 - b. A legal / consulting / advisory service
 - c. A professional body / trade association
 - d. A private-sector organisation
 - e. A public-sector organisation
 - f. A civil society / non-profit / NGO
 - g. An academic institution / research group / think tank
 - h. International organisation
 - i. Other (please specify)

If you answered "other", please specify what best describes your organisation here:

4. Are you happy for us to contact you regarding further opportunities for engagement with the ICO, including on our statutory code of practice on AI and ADM?
- a. Yes
 - b. No

Section 2: About your organisation (for everyone except "members of the public")

1. What is the name of your organisation?
2. Does your organisation develop automated decision-making tools, procure them, or both?
 - a. We develop ADM systems in house
 - b. We procure ADM systems from third parties
 - c. We do both
 - d. Not applicable
 - e. Unsure/don't know
3. To what extent does your organisation carry out solely automated decision-making?
 - a. Extensive use – significant decisions are made in high volume

- b. Frequent use – significant decisions are made regularly
- c. Limited use – significant decisions are made in specific contexts
- d. Low use – significant decisions are rarely made
- e. No current use – we don't make solely automated significant decisions
- f. Unsure/don't know

Section 2: About you (for "members of the public" only)

1. In which part of the UK do you live?
 - a. England
 - b. Northern Ireland
 - c. Scotland
 - d. Wales
 - e. I live outside the UK
 - f. Prefer not to say

2. What is your age group?
 - a. Under 18
 - b. 18-24
 - c. 25-34
 - d. 35-44
 - e. 45-54
 - f. 55-64
 - g. 65+
 - h. Prefer not to say

3. Before reading this guidance, how aware were you that some decisions affecting you might be made solely through automated processes?
 - a. Very aware
 - b. Somewhat aware
 - c. Not very aware
 - d. Not aware at all
 - e. Unsure

Section 3: General views on the draft guidance

1. To what extent do you agree with our content on:
 - a. What constitutes a decision
 - b. What constitutes a 'significant decision'
 - c. What constitutes a 'solely' automated decision

Scale for each:

- a. Strongly agree
- b. Agree
- c. Mixed
- d. Disagree
- e. Strongly disagree

2. To what extent do you agree with the lawful basis content (including the examples) on:
 - a. Consent
 - b. Contract
 - c. Public task
 - d. Legitimate interests

Scale for each:

- a. Strongly agree
- b. Agree
- c. Mixed
- d. Disagree
- e. Strongly disagree

3. To what extent do you agree with the safeguards content on:
 - a. The 'information about decisions' safeguard
 - b. The 'make representations' safeguard
 - c. The 'human intervention' safeguard
 - d. The 'contest' safeguard

Scale for each:

- a. Strongly agree
- b. Agree
- c. Mixed
- d. Disagree
- e. Strongly disagree

5. To what extent do you agree with the content on 'what rights do people have' on:

- a. The right to be informed
- b. The right of access

Scale for each:

- a. Strongly agree
- b. Agree
- c. Mixed
- d. Disagree
- e. Strongly disagree

Section 4: Specific views on the draft guidance (all questions optional)

In this section, we ask for your views on several specific issues within the draft guidance that we explored during its development. The questions here target particular definitions and regulatory interpretations that are important for getting the ADM framework right.

1. **Terminology:** The guidance uses "ADM" to refer to automated decision-making as set out in article 22A of the UK GDPR. We considered whether "ADM" is a more general term used in the market to refer to automated decisions that may or may not fall under article 22A (i.e. ADM that doesn't have a legal or similarly significant effect, or is not 'solely' automated). Do you agree with using "ADM"?
 - a. Yes
 - b. No
2. If no, what term would you suggest we use?

3. **Definition of decision:** In the draft guidance, we explain that a “decision” refers to a conclusion or outcome reached after consideration or analysis, where that conclusion may either:

- (i) impact or influence actions taken; or
- (ii) engage a person’s rights.

We welcome views on whether organisations have identified types of decisions that would not fall within one or both of these categories. Please provide any examples or scenarios from your organisation’s experience, if applicable.

4. **Similarly significant effect list:** The guidance includes a list of impact areas for which decisions are likely to constitute a “similarly significant effect”. This list includes “behaviour” and “choices”, with an example relating to online gaming. Are there any further examples or information that would provide additional clarity?

5. **Meaningful human involvement:** We define criteria for what constitutes “meaningful human involvement”. Do our criteria fully capture what meaningful human involvement should require in practice?

- a. Yes
- b. No

6. If not, how should the criteria be modified?

7. **Safeguards:** What practical considerations or challenges arise when individuals exercise their rights (i.e. make representations, obtain human intervention, and contest decisions) after an automated decision has already been made?

8. **Multi-stage systems:** Is any further information required to provide clarity on the application of the guidance to multi-stage decisions? For example, using ADM to rank or screen-out job applicant CVs, even if the final decision to hire a candidate is made by a human.

9. Do you have any other feedback you'd like to share with us?

Section 5: Your experience (for everyone except "members of the public")

1. How frequently does your organisation receive requests from data subjects in exercising their ADM-related rights (i.e. to obtain human intervention, contest)
 - a. High volume – requests are frequent and resource-intensive
 - b. Moderate volume – requests occur regularly but are manageable
 - c. Low volume – requests occur infrequently
 - d. No volume – we do not receive such requests
 - e. Unsure / don't know

We are also developing guidance on recruitment and selection. As part of this consultation, we would like to understand your organisation's experience with automated or algorithmic tools in hiring processes.

2. If applicable, can you explain what lawful basis you use or plan to use to allow you to use ADM for your context, including recruitment purposes?
3. If applicable, can you explain what technologies, tools, or systems you use to support automated decision-making (ADM) for your context, including recruitment purposes?

Section 5: Your experience (for "members of the public" only)

1. Have you ever been significantly affected by a solely automated decision?
 - a. Yes
 - b. No
 - c. Unsure
 - d. Prefer not to say
2. If yes, please briefly describe the situation.
3. Have you ever challenged an automated decision?

- a. Yes
 - b. No
 - c. Unsure
 - d. Prefer not to say
4. How confident do you feel challenging an automated decision?
- a. Very confident
 - b. Confident
 - c. Neither confident or unconfident
 - d. Unconfident
 - e. Very unconfident
5. What information do you need or think you would need to contest an automated decision about you?
6. How would you expect to receive this information?
7. How much do you trust organisations to use automated decision-making responsibly?
- a. A great deal
 - b. Somewhat
 - c. Not very much
 - d. Not at all
 - e. Unsure
8. Do you think the guidance would improve how organisations treat you when ADM is used?
- a. Yes
 - b. No
 - c. Unsure / don't know

Section 6: Your views on the draft impact assessment

This section asks for your views on our draft impact assessment (add link)

Q1. Do you agree that the draft impact assessment adequately covers the main affected groups?

- Yes
- No
- Unsure/don't know

Q2. If no or unsure/don't know, please provide examples of any affected groups you think we have missed or require further consideration.

Q3. Do you agree that the draft impact assessment adequately outlines the main impacts?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Unsure/don't know

Q4. If you disagree, strongly disagree or are unsure/don't know, please provide details of any impacts we have missed or that require further consideration.

[Open text box]

Section 7: Your views on the costs and benefits of the draft guidance to your organisation

This section contains questions about the costs and benefits your organisation may experience as a result of the draft guidance.

Q5. Do you think the draft guidance presents additional: (Please tick all that apply)

- Benefit(s) to your organisation
- Cost(s) or burden(s) to your organisation
- Both
- Neither
- Unsure / don't know

Q6. What, if any, are the benefits of draft guidance? Please tick all that apply.

- Better understanding of what my organisation must, should and could do to comply with the legislation
- Increased confidence that we're providing a compliant service/ product
- Saves us time and/ or money
- Reduced legal or advisory costs
- Better able to support my customers
- Better able to address data protection complaints in a timely manner
- Improved reputation from using the regulator's resources
- Improved reputation from putting a compliant process in place
- Increased confidence when doing my job
- Opportunity for training and upskilling
- None of these
- Other (please specify) [open text box]

Q7. What, if any, are the costs of draft guidance? Please tick all that apply.

- Time taken to read and understand the resource
- Staff time to attend additional training
- Increased time to meet regulatory requirements
- Loss of customers
- Less efficient business processes
- Hiring external consultants or legal advisers to advise on implementation or understanding of the guidance
- Losing business to competitors
- None of these
- Other (please describe any other additional costs your organisation might incur as a result of [regulatory activity]) [open text box]

Q8. How does your organisation currently assure itself that automated decision making (ADM) deployment complies with data protection requirements? Please tick all that apply.

- Internal data protection/compliance team
- Internal legal team
- External legal advice
- External non legal consultancy (e.g., technology or process consultants)
- Industry standards / best practice frameworks

- Peer benchmarking
- Informal or ad hoc approaches
- We do not currently use ADM
- Not sure

Q10. How many staff in your organisation will need to read and understand the new guidance?

- 1
- 2-5
- 6-10
- 11-20
- >20

Q11. Which of the following areas (if any) do you expect will require updates in response to the draft ADM guidance?

Tick all that apply

- Internal policies and procedures
- ADM system documentation (e.g., model cards, technical logs, risk logs)
- Data protection documentation (e.g., DPIAs, risk assessments)
- Contracts with suppliers or partners
- Systems or IT configurations (e.g., logging, interfaces, setup changes)
- Staff training materials or internal guidance
- Recruitment processes or tools
- Other (please specify)
- None of the above
- Not sure

Q12. How much time do you anticipate will be required for these updates?

Please provide your best estimate. We understand some organisations may not yet know the exact extent of required updates — indicative estimates are welcome.

Time required for updates

Area requiring updates	No updates required	< 0.5 day	0.5–1 day	1 day	2–5 days	More than 5 days	Don't know
Internal policies & procedures	<input type="checkbox"/>						
ADM system documentation (e.g., technical logs etc)	<input type="checkbox"/>						
Data protection documentation (e.g., DPIAs, risk assessments)	<input type="checkbox"/>						
Contracts with suppliers or partners	<input type="checkbox"/>						
Systems/IT changes (e.g., configuration, logging, user interfaces)	<input type="checkbox"/>						
Staff training materials or internal guidance	<input type="checkbox"/>						
Recruitment processes or tools							

Q13. How many Full Time Equivalent (FTEs) are typically involved? We understand some organisations may not yet know the exact extent of required updates — indicative estimates are welcome.

FTEs required

Area	1 FTE	2–3 FTEs	4–6 FTEs	7–10 FTEs	>10 FTEs	Don't know
Internal policies & procedures	<input type="checkbox"/>					
ADM system documentation	<input type="checkbox"/>					
Data protection documentation	<input type="checkbox"/>					
Contracts	<input type="checkbox"/>					
Systems/IT changes	<input type="checkbox"/>					
Training materials	<input type="checkbox"/>					
Recruitment processes or tools						

Q14. To what extent does the updated ADM guidance increase your organisation's confidence in being able to adopt or expand the use of ADM systems in a compliant manner?

- Significantly increases confidence
- Somewhat increases confidence
- No change in confidence
- Reduces confidence
- Not applicable (we do not use ADM or do not plan to)