

AUTOMATED DECISION MAKING AND PROFILING

RIGHTS RELATED TO AUTOMATED DECISION MAKING AND PROFILING is one of 8 rights in the General Data Protection Regulation (GDPR). The GDPR comes into force in the UK on the 25th May 2018. Along with the new Data Protection Bill, the GDPR is the biggest shake up of data protection law in the UK since 1998.

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What is automated decision making?

Automated decision making is when your personal data is analysed using a computer algorithm in order to make decisions about you.

It removes any human involvement in how a decision is made.

It can be quick and helpful.

But it can also lead to decisions being made about you which you have no control over and which could have a negative impact on your life.

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What is profiling?

Profiling is when your personal data, including personal aspects of your life and your personality, are analysed and evaluated by an automated process so a prediction can be made about you.

Profiling can be used to predict, amongst other things, your:

- Performance at work
- Economic situation
- Health
- Personal preferences
- Reliability
- Behaviour
- Location
- Movements

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How might this affect you?

Automated decision making does not take into consideration:

- The minor detail of a situation
- The nuance of a person's life
- Personal sensitivities
- Human emotional engagement, which enables a person to read between the lines.

Because of this the GDPR gives you the right to challenge a decision made by automated means or by profiling.

You have the right to ask for a human to review the decision.

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Does this right apply to all automated decisions?

No. You cannot challenge automated decisions if:

- they have been made about a contract.
- are about decisions regarding fraud or tax evasion.
- If you have given your explicit consent for your data to be used in this way.
- If the process is keeping a system secure.

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What protections will the new law give?

This right ensures you can ask for:

- A human point of view.
- An explanation of the decision.
- A challenge to a decision made by automated means.
- The opportunity to express your point of view.

Organisations who profile or use automated decision making processes must:

- Use appropriate statistical techniques.
- Be transparent about how they make decisions.
- Correct any inaccuracies or errors (see the [Right to Rectification Factsheet](#)).
- Ensure the data is safe and not vulnerable to hack, theft, misuse or breach.

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Pros and cons of automated decision making and profiling

Automated decision making is all around us.

Online services use automated decision making to offer you things “you might like”

By monitoring your activity on a website or on the internet as a whole, companies can target you with suggestions or offers.

When you apply for a loan, mortgage or insurance, automated decision making is used to determine what level of risk you may be.

If the automated decision is negative this could have a detrimental impact on your life. This is when a human point of view may be needed.

Profiling people can be very intrusive; it can impact your privacy and if the data is lost or misused it could impact your safety.

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How can I stop my data being used in this way?

If you think your data is going to be used to profile you, or the organisation will make an automated decision about you, you can use your right to object and challenge the way your data is being used.

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Don't forget

- Automated decision is when a computer algorithm uses your data to make a decision about you.
- Profiling is when predictions are made about you based on your personal data.
- Profiling can be used to predict you work, behaviour, health, preferences.
- You have the right to challenge an automated decision and ask for a human point of view.