



GPA Global Privacy and Data Protection Awards 2023

Entry Form

To submit an entry to the GPA Global Privacy and Data Protection Awards please complete and email this form to secretariat@globalprivacyassembly.org **no later than 9 June 2023**.

Note: GPA member authorities can submit as many entries as they wish, but a separate form should be used for each different entry, submitted by the deadline above.

Languages: The GPA documentation Rule 6.2¹ applies.

1. CONTACT DETAILS FOR THIS ENTRY

Privacy/Data Protection Authority:	Information Commissioner's Office (ICO)	
Person completing this form:	Peter	Berry
	<i>First name</i>	<i>Last name</i>
Job title:	Lead Policy Officer	
Email address:	Peter.berry@ico.org.uk	

2. ELIGIBILITY

By submitting this entry, I confirm that (*please tick all boxes to confirm*):

- The Authority is a member of the Global Privacy Assembly
- The initiative described in this entry was undertaken since January 2022.
- I am aware that the information in the entry (other than the contact details in 1(a) above) will be publicised by the GPA Secretariat.

3. CATEGORIES

Please indicate which category you wish to enter.

*Please tick **one**; please use a separate form for each category you wish to enter:*

- Education and Public Awareness
- Accountability
- Dispute Resolution and Enforcement
- Innovation
- People's Choice

¹ [GPA Rules and Procedures](#), Rule 6.2 'Assembly documents':

Without prejudice to section 4.2, Assembly documents, including accreditation and observer applications may be submitted in English or in another language. In the latter case, the documents shall be accompanied by an English version. Members with the ability and the resources to do so are encouraged to translate proposed resolutions and other Assembly documents such as the Assembly Rules and Procedures.

4. DESCRIPTION OF THE INITIATIVE

a. Please provide a brief summary of the initiative (no more than 75 words)

The Information Commissioner's Office (ICO) has produced a landmark report which warns that newly emerging neurotechnologies risk discriminating against the most vulnerable in society if people are not put at the heart of its development. The report predicts that the use of technology to monitor neurodata, the information coming directly from the brain and nervous system, will become widespread over the next decade. Without appropriate testing and development, neurotech risks being embedded with inherent biases.

b. Please provide a full description of the initiative (no more than 350 words)

The ICO has produced an in-depth report looking into the likely development of neurotechnology over the next 3-5 years. The report finds that the use of neurotechnologies is growing and its use in certain sectors is likely to expand considerably in the near to medium term. There is already extensive usage of neurotechnology in the medical sector and its usage is likely to expand in the wellbeing and sports sector and could be used to track or modulate sleep, moods and productivity. Usage may also expand in the workplace and could assist with safety, productivity and recruitment. The marketing sector may use neurotechnology to develop personalised recommendations and by the gaming sector to enhance single player experiences.

Whilst these developments offer myriad of potential benefits to the consumer, they could have a huge impact on user privacy. Processing neurodata is novel and poses a large risk to user privacy given its intimate nature. Neurodata could include information about emotional states, workplace/educational engagement and medical information about mental health. The report details the regulatory issues associated with the rise of neurotech. It explains how the UK GDPR does not have an explicit definition of neurodata as either a specific form of personal information or special category data (which would place extra obligations on the data controller).

The report notes that there are additional risks associated with the analysis of emotion or complex behaviour by neurotech. It explains that the science underpinning this analysis is highly debated and the analysis may produce inaccurate conclusions. There is also an associated risk of systemic bias. This could especially affect neurodivergent people as the training data used by relevant systems may have been trained primarily on neuro-normative patterns.

The report also questions whether there are circumstances in which a person can provide fully informed consent for data processing when they may not be sure what the exact nature of the data is (which may be the case with neurodata). It also notes the risks associated with closed loop processing systems which could use electrical patterns in the brain to make automated decisions.

c. Please explain why you think the initiative deserves to be recognised by an award
(no more than 200 words)

This initiative represents the cutting edge of foresight in data protection and privacy. As an industry, neurotechnology may be in its early stages, however that is set to change over the next decade.

The processing of neurodata is potentially extremely sensitive and impactful, and may represent an unprecedented level of intrusion into individuals' lives. This is why the neurotechnology report is so important. By highlighting potential concerns in new and developing technologies, those developing them are made aware of challenges and obligations at the earliest possible stage. It means that developers factor in data protection by design, and alerts them to the possibilities of systemic biases ahead of those becoming ingrained into products and services, particularly where processing is undertaken automatically.

The report is also important in beginning to inform the public of the potential benefits and challenges of neurotechnology, and to open the conversation with them about the processing of neurodata. As such, the initiative marks the start, rather than the end of the ICO's work on neurotechnology. It will form the basis of ongoing conversations with critical stakeholders, and the kernel of developing specific neurodata guidance.

d. Please include a photograph or image, if you wish *(This will be published with your entry on the GPA website. The image can be pasted into the box below, be sent as an attachment or a link may be provided)*

e. Please provide the most relevant link on the authority's website to the initiative, if applicable *(The website content does not need to be in English)*

[ICO tech futures: neurotechnology | ICO](#)

f. Please provide any other relevant links that help explain the initiative or its impact or success *(e.g. links to news reports or articles):*

[Warning firms may use brain data to watch workers - BBC News](#)
[What if the boss could read your mind? \(msn.com\)](#)
[Mind-reading tech 'must include neurodivergent people to avoid bias' | Neuroscience | The Guardian](#)
[SCL: ICO issues report warning of dangers of discrimination in neurotechnologies](#)

[Britain to regulate Elon Musk's brain implant company \(telegraph.co.uk\)](https://www.telegraph.co.uk)

[Brain scanning tech could be used to monitor your thoughts while you work, warns ICO - Daily Star](#)

[ICO Warns on the "Real Danger" of Discrimination and Neurotech \(digit.fyi\)](https://www.digit.fyi)

[Companies of the future will read your mind to hire you \(gz.com\)](https://www.gz.com)

['Major risk' of neurotech being biased, warns UK data regulator | News | Research Live \(research-live.com\)](#)

[Mind how you use brain data, privacy watchdog warns \(headtopics.com\)](https://www.headtopics.com)