

Use of Generative Artificial Intelligence (GenAI) Policy

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Version	Date	Section/Reference	Amendment
0.1		All	First Draft
0.2	19/11/24	All	Review Draft for AI Working Group
0.3	22/11/24	All	Multiple amendments after first review by AI Working Group
1.0	02/02/25	All	Approved by Director Enabler Services (SIRO) following consultation with SIRO Group and launched for use

1. Purpose

The purpose of this policy document is to provide a framework for the use of Generative Artificial Intelligence (collectively referred to in the rest of this document as 'GenAI').

GenAI tools are Large Language Model (LLM) tools such as (but not limited to) -

- OpenAIs
- ChatGPT
- Microsoft Copilot
- Other similar tools used by Council employees, contractors, developers, suppliers, temporary staff, consultants or other third parties, hereinafter referred to as 'users'.

This policy for Westmorland and Furness Council is designed to ensure that the use of GenAI is ethical, complies with all applicable laws, regulations, and council policies, and complements the council's existing information and security policies.

The global pace of development and application of GenAI is such that this policy will be in a constant state of development and will be reviewed quarterly and will likely be regularly refined.

GenAI can create realistic, human-like text, images, code, and art based on vast amounts of (usually public) data it has been trained on.

GenAI can:

- Produce a range of useful outputs, like text, audio, images, video, and code
- Respond to natural language questions, so any employee can use it understand several types of data (which is useful given the large amounts of unstructured data in varying formats that are in use today)

2. Introduction and Context

GenAI is increasingly being used globally across industries, including the public sector, for its potential to bring substantial benefits to the way that services are delivered.

Westmorland and Furness Council is a technologically ambitious Council and is already taking advantage of the opportunities offered by digital solutions, GenAI being one such solution.

GenAI must only be used safely and appropriately. There are many opportunities for GenAI to improve how the Council manages and uses data and help us to communicate with and support residents, service users and suppliers more efficiently.

Understandably, the development and implementation of GenAI technologies has recently received significant media and security sector attention, particularly where problems have materialised.

As such, with the emergence of new GenAI technologies and the associated equality and data protection risks, it is essential that all employees and elected Members must strictly follow this policy to be able to use such technologies within our services.

All staff and elected Members currently using or intending to use GenAI must familiarise themselves with this policy and have a responsibility to maintain transparency in its use.

Managers must be aware of any GenAI use in their services and commit to regularly discussing GenAI in their service meetings. Any changes to this policy at the quarterly review must be understood, communicated within teams and followed.

The policy outlines the requirements that employees must follow when using GenAI tools, including the evaluation of security risks by using a privacy by design approach, to maintain high levels of protection of personal, confidential or sensitive data.

Please note that this policy relates to all technologies being designed, developed, or procured by Westmorland and Furness officers and covers the use of AI tools including Large Language Models (LLMs), or generative AI services such as Microsoft Copilot or OpenAI's ChatGPT.

UK Central Government's response to the use and regulation of AI is still evolving. In this context, the council intends to remain dynamic with policy provision in this area, whilst still providing clear guidelines to officers now on how AI must and must not be used.

The policy will be adapted as necessary to address developments in the global and national landscape and updates in legislation or policy introduced by central government.

This policy is intended to supplement existing Westmorland and Furness Council ICT, security and data protection policies that are closely managed by the Council SIRO Group chaired by the Director of Enabler Services as nominated Senior Information Risk Owner.

Users utilising GenAI are expected to also follow existing council policies regarding Information Governance, Data Protection, development of ICT projects, ICT Compliance and Risk, and Equality Impact Assessments. SIRO Group may invite users to provide updates if requested.

3. Use of GenAI – Compliance Requirements

This policy applies to all users at Westmorland and Furness Council, whether through council owned devices or personal devices that may be used for council activities.

To be compliant with this policy, all users must note that:

- GenAI tools can often be embedded in other systems, business applications or tools, such as email clients or video conferencing tools
- For example, Microsoft 365 CoPilot includes many GenAI tools – such as Microsoft Copilot in Teams, Word, Excel, PowerPoint, and Teams transcription summarisation

- As with all online tools, any GenAI tools available over the internet must adhere to the council's Information Security usage standards
- Users should only input information to the tool that is publicly accessible, is not sensitive and not personally identifiable to ensure security and data protection compliance
- GenAI must be used in a manner that promotes fairness and avoids bias to prevent discrimination and promote equal treatment and in such a way as to contribute positively to the council's goals and values
- Users may only use GenAI for work-related purposes if they strictly adhere to this policy. This includes tasks such as generating text or content for reports, emails, presentations, images, and customer service communications
- Particular attention should be given to governance, copyright, accuracy, confidentiality, disclosure, and integration with existing tools
- If there is any concern at all that data protection could be at risk, do not use the GenAI tool and seek guidance from the Service Manager– Digital Innovation or a member of the SIRO Group

4. Governance

As with other tools, no personal or confidential information should be entered into a GenAI website, tool, or app that has not been supplied by the Council's ICT team.

For specific system implementations or bespoke solutions involving GenAI, a Data Protection Impact Assessment (DPIA) will likely be required, detailing:

- the intention to use
- the reason for use
- the expected information to be input
- the generated output and distribution of content

Following the adoption of this policy, all users seeking to use alternative forms of AI will be subject to the processes outlined in the policy and will be required to request formal access through the ICT PMO and Data, Digital and Technology Board (DDaT).

5. Copyright

Users must adhere to copyright laws when utilising GenAI.

- It is prohibited to use GenAI to generate content that infringes upon the intellectual property rights of others, including but not limited to copyrighted material. If a user is unsure whether a particular use of GenAI constitutes copyright infringement, they should contact the Information Governance Team before using GenAI
- For example, using GenAI to produce a logo could produce something based on a copy of a logo that is a trademark or is already copyrighted

6. Accuracy

Accuracy of data is vital for the Council and each GenAI user must note:

- GenAI tools can completely make up 'facts' as they will have ingested large amounts of data sources, some of which may be fiction or inaccurate
- It is important (and the responsibility of the user) to fact check any content produced and be responsible for the output being used All information generated by GenAI must be reviewed and/or edited for accuracy prior to use Users of GenAI are responsible for reviewing output and are accountable for ensuring the accuracy of GenAI-generated output before use/release
- If users have any doubt about the accuracy of information generated by GenAI, they must check and correct the output

7. Confidentiality

Confidential, commercial and personal information must not be entered into a public GenAI tool.

- This is because the information may then enter the public domain and may become publicly available via the tool
- Entering confidential, commercial or personal information would be a data breach and would need to be reported as a data breach to the Council SIRO group
- Staff must follow all applicable data privacy laws and organisational policies when using GenAI
- Users must not use GenAI apps on personal (non-council issued) devices to record and summarise work meetings, or to use translation services
- Using external or free GenAI tools downloaded to a personal device and inputting sensitive data is not authorised and would constitute a data breach
- Confidential or personal data should only be entered into council device GenAI tools that have been approved or procured specifically for Westmorland and Furness Council and where the data entered is confined for the council's sole use and use of that tool has been specifically sanctioned for that purpose by ICT and Digital Innovation professionals

8. Social Impact and Equality

Users must be aware of how the use of GenAI may impact different groups of people in different ways as it may have inherent social bias or have been trained on data containing stereotypes. GenAI must not be allowed to solely determine which customers should have access to services; a professional must be involved in such decision making and there must be an appeal process in place for any automated or AI-informed decisions.

9. Ethical Use

Data ethics is about managing data responsibly and ethically, especially to manage and process commercial data, personal data, and sensitive information.

- As the world becomes more digital by the day, data ethics ensures that data handling practices benefit society without compromising ethical standards
- Users must not use GenAI to generate content that is discriminatory, offensive, or inappropriate. If there are any doubts about the appropriateness of using GenAI in a particular situation, users should consult with their manager or seek advice from the Council Information Governance Team or Data Protection Officer

10. Transparency and Disclosure

It should be clear when content is produced via GenAI and disclosed as containing GenAI-generated information.

Footnote example: Note: This document contains content generated by Artificial Intelligence (AI). AI-generated content has been reviewed by the author for accuracy and edited/revised where necessary. The author takes responsibility for this content.

11. Risk Management

Use of GenAI carries inherent risks that all users have a personal responsibility to manage.

- GenAI may store sensitive data and information, which could be at risk of being breached or hacked
- A due diligence checklist should be conducted for any piece of work where the use of GenAI is proposed
- Due diligence should consider potential impacts including legal compliance, bias and discrimination, security (including technical protections and security certifications), data sovereignty and protection
- For example:
 - Ensure there is no commercial, sensitive or personally identifiable information being input into the GenAI tool.
 - Ensure the output from the GenAI does not contain bias and discriminatory language
 - Ensure that GenAI is not making any service decisions, and all advice/information is checked by an Officer
- The council must assess technical protections and security certification of a GenAI tool before use
- The council's default position is to always check with ICT, Digital Innovation or the Council's Data Protection Officer for advice in the first instance

- If users have any doubt about the security of information input into GenAI, they should not use GenAI

12. Legal Compliance

Data entered into GenAI may enter the public domain.

- This can release non-public information and breach regulatory requirements, customer or supplier contracts, or compromise intellectual property
- Any release of private/personal information without the permission of the information's owner could result in a breach of relevant data protection laws
- Use of GenAI to compile content may also infringe on regulations for the protection of intellectual property rights. Staff should ensure that their use of any GenAI complies with all applicable GDPR and Data Protection laws, regulations and council policies
- If Westmorland and Furness Council is procuring or working with a supplier to develop a personalised generative AI product for internal use, contained solely within the organisation, Westmorland and Furness Council should carefully consider if and how confidential data may be entered into the tool, subject to the terms of use
- Advice should be sought from Legal Services as to the terms of service and privacy policy of each tool being considered for use, to check the usage rights, ownership of outputs and any disclaimers

13. Intellectual Property

A key concern when using GenAI tools is determining the ownership of both the input and output data.

- In addition to data over which Westmorland and Furness Council has control and rights, data scraping (the process of extracting data from various sources, such as databases, files, or websites) is often performed in the training of GenAI tools. While this technique is not exclusive to AI or GenAI, its use in training GenAI tools can lead to intellectual property challenges
- There is also potential for copyright infringement if data that is fed into a GenAI tool contains copyrighted material. Users must ensure that their use of GenAI complies with all applicable laws and regulations relating to the protection of intellectual property and with Westmorland and Furness Council policies
- When procuring GenAI tools, the supplier's agreements may contain provisions allowing the AI vendor to reuse input data to refine their system. Some agreements may permit the AI provider and vendor to retain ownership of the output data
- It is imperative that such clauses do not conflict with Westmorland and Furness Council requirements concerning the ownership and control of Westmorland and Furness Council intellectual property
- Advice regarding intellectual property should be sought from Legal Services.

14. Compliance

Any violations of this policy should be reported to the council's Information Governance Team and your line manager.

Failure to comply with this policy may result in disciplinary action, in accordance with the council's Human Resources and Data Protection policies and procedures.

15. Review

This policy will be reviewed on a quarterly basis and updated as necessary to ensure continued compliance with all applicable legislation, regulations, and organisational policies.

16. Acknowledgement

By using GenAI, staff acknowledge that they have read and understood these guidelines, including the risks associated with the use of GenAI.

This policy is based on guidance prepared by the Society for Innovation Technology and Modernisation and the Local Government Association (LGA).

17. Queries and Contact for Advice

For any queries, please email artificial.intelligence@westmorlandandfurness.gov.uk or contact Lynne Davidson, Service Manager – Digital Innovation for advice.