

Policy – Generative Artificial Intelligence (Gen AI)

A policy governing the use and application of Gen AI

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Distribution list

From	Date	Phone/Email
Stewart McCall	28-05-25	stewart.mccall@south-ayrshire.gov.uk

To	Action*	Phone/Email
Kev Mullen	Approve/Review	Kevin.mullen@south-ayrshire.gov.uk
James Andrew	Review	James.andrew@south-ayrshire.gov.uk
Chris Richards	Review	Chris.richards@south-ayrshire.gov.uk
Anne Yeo	Review	Anne.yeo@south-ayrshire.gov.uk
Paul Gibson	Review	Paul.gibson@south-ayrshire.gov.uk
Rachel Peterson	Review	Rachel.peterson@south-ayrshire.gov.uk
Deborah McVey	Review	Deborah.mcvey@south-ayrshire.gov.uk
Lynn Robertson	Review	Lynn.robertson@south-ayrshire.gov.uk

* Action Types: Approve, Review, Inform, File, Action Required, Attend Meeting, Other (please specify)

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Table of Contents

Document information	2
Table of Contents	3
1. Introduction	4
2. Purpose	4
3. Scope	5
4. Roles and Responsibilities	5
5. Usage	5
5.1. Governance	5
5.2. Data Protection	6
5.3. Vendors	6
5.4. Copyright	6
5.5. Accuracy	7
5.6. Confidentiality	7
5.7. Ethical Use	7
5.8. Disclosure	7
5.9. Integration with other tools	7
6. Risks	8
6.1. Legal compliance	8
6.2. Bias and discrimination	8
6.3. Security	8
6.4. Data hosting	9
7. Compliance	9
8. Review	9
9. Acknowledgment	9
10. Forms and links with other Policies	9
11. Glossary of definitions for the purpose of this Policy	10

1. Introduction

Artificial Intelligence (AI) is the ability of machines or software to perform tasks that would normally require human intelligence. It can process data, learn from it and make decisions or predictions based on that data. AI encompasses many different types of systems and approaches to harnessing machine intelligence, including rule-based AI, machine learning, neural networks, natural language processing and robotics.

Generative Artificial Intelligence (Gen AI) is a specialised form of AI that learns from data about existing artifacts in order to generate new variations of content. This can include images, video, music, speech and text. With regards to text, the type of Gen AI that uses ‘deep learning’ techniques and massively large data sets to understand, summarise, generate and predict text-based content is known as a Large Language Models or LLM.

It is these capabilities, particularly the ability to generate language, which has captured the public imagination and creates potential applications, ranging from delivering efficiency savings to supporting our teachers and learners in schools, within South Ayrshire Council.

While the potential benefits are substantial, there are also challenges and ethical considerations, such as ensuring data privacy and avoiding bias and discrimination. Gen AI tools are not guaranteed to be 100% accurate as they are generally designed only to produce highly plausible and coherent results. They rely on the accuracy and quality of the data they consume to produce their outputs, and this means that they can, and do, make errors. Any organisation using Gen AI needs to employ techniques to increase the relevance and correctness of their outputs and have a process in place to test them.

2. Purpose

Gen AI technology is now appearing within the tools, systems and processes used by the Council often as part of upgrades or updates. While this new capability brings exciting new ways of working it also brings significant risks and regulatory oversight of these must be understood and mitigated if the Council is to adopt Gen AI, where appropriate, in a safe and secure manner.

The purpose of this Policy is to ensure that staff are fully aware of the rules and risks concerning the use of Generative Artificial Intelligence (Gen AI) by Council employees, contractors, developers, vendors, temporary staff, consultants or other third parties, (‘users’).

The Policy provides a framework for the use of Gen AI. It is designed to ensure that the Council’s use of Gen AI is ethical, responsible, complies with all applicable laws and regulations and complements its existing data protection and ICT security policies including the Council’s ICT Acceptable Use Policy (AUP).

The pace of development and application of Gen AI is such that this policy will be in a constant state of development and should be reviewed on an annual basis.

The Scottish Local Government Digital Office is also considering developing a Gen AI policy for all local authorities. While the timescales for a national policy don’t currently support our deployment plans, the intention would be that our Policy, as presented here, would be brought into alignment with any emerging policy during a future review.

3. Scope

The Policy provides a framework for the use of Gen AI only. It includes the Large Language Model types of Gen AI but does not provide any rules or guidance for the use of other types of AI.

This Policy applies to all Councillors, employees, contractors, developers, vendors, temporary staff, consultants or other third parties (referred to as 'users'). Furthermore, it applies to third parties carrying out work on the Council's behalf or accessing its information systems.

4. Roles and Responsibilities

All Directors, Assistant Directors, Service Leads and Coordinators/Team Leaders will be responsible for ensuring that the Policy is applied consistently and that existing employees who will/may use Gen AI are fully aware of the Policy and their responsibilities with regards to the use of it.

Similarly, as part of the induction process, any employee who will/may use Gen AI in their role must also be made fully aware of the Policy.

Service Leads and Coordinators/Team Leaders are responsible for discussing the Policy with their staff to ensure the content is understood.

The Transformation Delivery Group (TDG), which includes but is not limited to Transformation, Information Governance, ICT Operations and Internal Audit, are responsible for approving the use of any Gen AI solution being considered by the Council.

Employees who will/may use Gen AI are responsible for reading the Policy and should ensure any concerns or queries are raised with Service Leads/Coordinators/Team Leaders prior using Gen AI systems.

5. Usage

This policy applies to all users with access to Gen AI, whether through Council-owned devices or BYOD (Bring Your Own Device) in pursuit of Council activities.

Use of Gen AI must be in a manner that promotes fairness and avoids bias to prevent discrimination and promote equal treatment and be in such a way as to contribute positively to the Council's goals and values.

Users may use Gen AI for work-related purposes subject to adherence to this policy. This includes tasks such as generating text or content for reports, emails, presentations, images and customer service communications. Materials created using Gen AI should be annotated as such.

Particular attention should be given to Governance, Data Protection, Vendor practices, Copyright, Accuracy, Confidentiality, Disclosure and Integration with other tools as noted below.

5.1. Governance

To ensure the continued security and protection of Council data, and before accessing or commissioning any new Gen AI technology or service, users must first notify the Council's Information Governance and ICT Operations teams of their intention to use, the reason for use, and the expected information to be input as well as the generated output and distribution of content. Consideration must be given to how any personal data will be protected and testing completed to minimise any bias in data.

A Data Protection Impact Assessment (DPIA) and cyber security review must be completed, as outlined in existing Council policies and procedures. In line with these procedures, approval will be required from the Council's Transformation Delivery Group (TDG) prior to the use of any Gen AI. The TDG will consider representation from Information Governance, Procurement, Information Security and ICT Operations in their approval process.

An Integrated Impact Assessment (IIA), completed by the Service who wishes to introduce the Gen AI solution, will also be required for implementations of all Council solutions which use Gen AI technology.

Details of Council approved and operational Gen AI solutions will be maintained on an internal register to provide visibility and oversight of their use across the Council. This will be managed by the Portfolio Management Office (PMO). Operational solutions must also be published on [Scottish AI Register](#) to comply with the requirements of the Scottish Government.

The Scottish AI Register provides information about the AI systems that are currently in use or in development within the Scottish public sector. It aims to promote transparency and trust by allowing the public to learn about these AI systems, understand their purposes, and provide feedback. It's part of Scotland's broader effort to develop ethical and inclusive AI systems.

5.2. Data Protection

Where Gen AI is processing personal data; providing automated decision making and/or profiling individuals, the risks around compliance with data protection laws must be fully considered. Information Governance will provide advice and support to services who are undertaking assessments of introducing Gen AI technology or services.

A Data Protection Impact Assessment (DPIA) is a mandatory process used to identify and minimise the risks of personal data privacy when a service is implementing a new process or policy. The use of Gen AI to process personal data will require the completion of a full DPIA to consider these risks. Information on the Council's DPIA procedures are available at [Data Protection Impact Assessment](#).

As with all personal data processed by the Council, any personal data processed through Gen AI must comply with UK GDPR and the Data Protection Act 2018, which includes the sharing of personal data with third parties and provision of information into the public domain.

Any release of private/personal information without an appropriate DPIA and a consideration of the legal basis under data protection law to do so, will result in a breach of relevant data protection laws which may result in enforcement actions from the UK Information Commissioner's Office (ICO).

5.3. Vendors

Any use of Gen AI technology in pursuit of Council activities should be done with full acknowledgement of the policies, practices, terms and conditions of developers/vendors.

5.4. Copyright

Users must adhere to copyright laws when utilising Gen AI. It is prohibited to use Gen AI 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 output generated by Gen AI constitutes copyright infringement then they should contact a legal advisor or Information Governance Team before using it.

5.5. Accuracy

All information generated by Gen AI must be reviewed and edited for accuracy prior to use. Users of Gen AI are personally responsible for reviewing output and are accountable for ensuring the accuracy of Gen AI generated output before use/release.

If a user has any doubt about the accuracy of information generated by Gen AI, they should not use Gen AI.

5.6. Confidentiality

Until a DPIA has been completed and the Gen AI has been approved as secure by Information Governance and ICT Operations, then confidential and personal information must not be entered into a Gen AI tool as information may enter the public domain. Users must follow all applicable data privacy laws and existing Council policies when using Gen AI.

If a user has any doubt about the confidentiality of information generated by Gen AI then they should not use this output.

5.7. Ethical Use

Gen AI must be used ethically and in compliance with all applicable legislation, regulations and organisational policies. Users must not use Gen AI to generate content that is discriminatory, offensive, or inappropriate.

If there are any doubts about the appropriateness of using Gen AI in a particular situation, users should consult with their supervisor or Information Governance Team.

5.8. Disclosure

Content produced via Gen AI must be identified and disclosed as containing Gen AI-generated information.

5.9. Integration with other tools

API and plugin tools enable access to Gen AI and extend functionality for other services to improve automation and productivity outputs. Users should follow OpenAI's Safety Best Practices and implement safety measures such as moderation and human oversight. This should include:

- Adversarial testing;
- Human in the loop (HITL);
- Prompt engineering;
- "Know your customer" (KYC);
- Constrain user input and limit output tokens;
- Allowing users to report issues; and
- Understand and communicate limitations.

API and plugin tools must be rigorously tested for:

- Moderation – to ensure the model properly handles hate, discriminatory, threatening, etc. inputs appropriately.
- Factual responses – provide a ground of truth for the API and review responses accordingly.

6. Risks

Use of Gen AI carry inherent risks. A comprehensive Information Security risk assessment should be conducted in collaboration with Information Security using their defined processes and templates for any project or process where the use of Gen AI are proposed. The risk assessment should consider potential impacts including: legal compliance; bias and discrimination; security (including technical protections and security certifications); and data sovereignty and protection.

A DPIA is a mandatory requirement when considering the introduction of Gen AI into the processing of personal data. Information Governance will provide support and guidance to Services regarding the DPIA process and provide guidance on compliance with data protection laws.

6.1. Legal compliance

Consideration should be given to the possibility that data entered into public Gen AI may enter the public domain. Public Gen AI includes, but is not limited to, ChatGPT, Bard, Copilot (in Edge) and Gemini and these can release non-public information and breach regulatory requirements, customer or vendor contracts, or compromise intellectual property.

To protect the Council from this risk the presumption in the Council's corporate environment is that these particular Gen AI should not be used. Exceptions will, however, be considered in Education where it can be shown that sensitive personal information is not being used and the Gen AI contributes to positive education outcomes.

Use of Gen AI to compile content may also infringe on regulations for the protection of intellectual property rights and users should ensure that their use of any Gen AI complies with all applicable laws and regulations and with Council policies.

6.2. Bias and discrimination

Gen AI may make use of and generate biased, discriminatory or offensive content. Users should use Gen AI responsibly and ethically, in compliance with Council policies and applicable laws and regulations.

Where personal data is being processed for the purpose of automated decision making or profiling by Gen AI, appropriate measures must be implemented by a Service to ensure individuals have a right of appeal on decisions. This will be considered as part of the required DPIA process.

If a user believes a particular output generated by Gen AI is biased, discriminatory or offensive then this should be reported to Information Governance and ICT Operations.

6.3. Security

Gen AI may store sensitive data and information, which could be at risk of being breached or hacked. The Council must assess technical protections and security certification of Gen AI before use.

Due to the complex nature of Gen AI you should avoid processing personal data in public Gen AI. It is imperative that, unless approved, no personal data or commercially sensitive data is made available to Gen AI solutions.

All Gen AI solutions must be assessed technically by the ICT Operations to ensure that information is protected, and security managed before use. The technical assessment will be completed using the information provided in the DPIA.

If a user has any doubt about the security of information input into Gen AI, they should not use Gen AI.

6.4. Data hosting

While a Gen AI platform may be hosted internationally, consideration must be given to ensuring such hosting complies with the relevant regulations and laws the Council must comply with. For example, information created or collected in the originating country will remain under jurisdiction of that country's laws. The reverse also applies. If information is sourced from Gen AI hosted overseas, the laws of the source country regarding its use and access may apply.

Gen AI service providers should be assessed for data sovereignty practice by ICT Operations and Information Governance prior to using their Gen AI.

UK Data Protection laws govern the transfers of personal data to processors and organisations located outside the UK. Risks relating to the processing of personal data outwith the UK must be considered and managed through the DPIA process.

7. Compliance

Any violations of this policy should be reported to the Council's ICT Service Desk in the first instance or senior management.

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

8. Review

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

9. Acknowledgment

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

10. Forms and links with other Policies

Related forms and contact us:

- [Data Protection Impact Assessment](#)
- [Contact Transformation](#)

Internal policies and strategies linked to this Policy include:

- [Digital and ICT Strategy 2023-2028](#)
- [ICT Security Policy](#) and [ICT Acceptable Use Policy](#)
- [Data Protection Policy](#)

External policies and strategies linked to this Policy include:

- Copyright, Designs and Patents Act 1988
- UK General Data Protection Regulation
- Data Protection Act 2018
- Equality Act 2010 (Public Sector Equality Duty)

11. Glossary of definitions for the purpose of this Policy

Term	Definition
Adversarial testing	A method used to evaluate machine learning models by intentionally providing them with malicious or harmful inputs to see how they respond. The goal is to identify vulnerabilities and improve the model's robustness and safety.
Application Programming Interface (API)	A set of definitions and protocols that enables data transmission between software solutions.
Bring Your Own Device (BYOD)	Refers to a policy where employees or external partners use their personal devices, such as laptops, smartphones, or tablets, to access Council networks, systems, and data.
Data Protection Impact Assessment (DPIA)	The process carried out on projects/changes involving personal data to help ensure compliance with data protection legislation and embed 'privacy by design'.
Deep learning	A subset of machine learning where systems 'learn' to detect features that are not explicitly labelled in the data.
Human in the loop (HITL)	Refers to a model where human interaction is integrated into the AI system's decision-making process. This approach combines the strengths of both human intelligence and machine learning to create more accurate and reliable outcomes.
Generative Artificial Intelligence (GenAI)	A form of artificial intelligence (AI) that generates text, images, or other media in response to prompts.
Know your customer	Refers to the use of artificial intelligence technologies to enhance the process of verifying the identity of customers and understanding their behaviours, preferences, and needs.
Large Language Models (LLM)	Refers to the number of parameters the model can change autonomously as it 'learns'.
Neural networks	Computational models inspired by the human brain's structure and function
Plugins	A software component that adds a specific feature to an existing solution.
Prompt engineering	Involves designing and refining the inputs (prompts) given to generative AI models to produce desired outputs. This process is crucial for ensuring that AI systems understand and respond accurately to various queries.
Query	A request for data or information from a database table or combination of tables.