ARTIFICIAL INTELLIGENCE (AI) POLICY

This policy has been approved by the senior management of the firm. It is important that you read and apply it.

Warning

All staff and other associated persons who have access to this policy are required to comply with its requirements.

It is important to note that while generative AI, like all forms of AI, offers valuable efficiencies, it cannot replace professional judgment as it lacks the capability to understand its output and meaning in the same way that humans do.

This means that generative AI cannot autonomously validate or audit the accuracy of its results. It may even create false outputs. For these reasons, it should only ever be used as an initial tool, and its accuracy and completeness must be continuously verified by the person using it.

Failure to comply with this policy may be treated as gross misconduct and result in disciplinary action, in addition to any other professional or criminal sanctions which may apply.

Our commitment

This policy sets out the framework for the responsible, ethical, and legally compliant use of Artificial Intelligence (AI) technologies within *The Eric Whitehead Partnership.* It reflects the firm's commitment to innovation while upholding the highest standards of professional conduct, client care, and data protection.

The Solicitors Regulation Authority (SRA) has recognised the potential of AI to improve access to justice and efficiency in legal services, while also highlighting novel risks such as data misuse, algorithmic bias, and AI hallucinations. This policy ensures that our use of AI aligns with the SRA's regulatory expectations and the UK Government's AI principles.

Purpose

The purpose of this policy is to define acceptable and prohibited uses of AI, ensure transparency, fairness, and accountability, safeguard client confidentiality, and provide a governance structure for AI tools.

Scope

This policy applies to all staff, consultants, contractors, and third-party service providers who use or interact with AI tools on behalf of the firm.

Responsibilities

All staff are responsible for compliance with this policy, particularly in ensuring that AI tools are used ethically and responsibly, and that outputs are suitable for the specific legal task at hand.

Timothy Halliday (Data Protection Manager/COLP) has overall responsibility for the effective operation of this policy.

Glossary of AI-related Terms

Similar to many evolving technologies, there is no universally agreed definition of terms such as 'artificial intelligence'.

This glossary provides definitions of key terms that may be relevant to understanding the use of AI in legal practice. While not all terms appear directly in the policy, they are included to support broader awareness and consistent understanding across the firm. As AI continues to evolve, shared language is essential for responsible and informed use.

Artificial intelligence
The theory and development of computer systems which can perform tasks that usually require human intelligence. This may include things such as visual perception, speech recognition and decision-making. The data used to train an AI system is referred to as the input data, and the results produced by the system as the output.

Generative artificial intelligence
Generative AI is a subcategory of AI that uses deep learning algorithms to generate outputs (see definition of 'outputs' below) based on large quantities of existing or synthetic (artificially created) input data and can include multimodal outputs such as text, images, audio or video.

Agentive AI
A type of artificial intelligence designed to act on a user's behalf, often autonomously. Unlike chatbots, which respond to user input, agentive AI systems, often referred to as AI agents, can initiate actions, make decisions, and complete tasks without direct prompts. These systems are typically used in scenarios requiring proactive assistance, task automation, or decision support.

AI tool
An AI tool is any software or system that uses artificial intelligence to perform tasks that typically require human intelligence. These tools leverage machine learning, natural language processing, computer vision, or other AI techniques to analyse data, automate processes, and make decisions.

AI tools can range from simple chatbots to complex predictive analytics systems. Some help with creative tasks like writing or image generation, while others enhance efficiency in areas like customer support, medical diagnosis, and financial forecasting.

AI hallucination
An output generated by an AI tool which may appear plausible but is factually incorrect, misleading, or nonsensical – in the legal context, this may include creating non-existent case law, sources or citations to support a legal argument. AI hallucinations can range from minor errors to completely fabricated or contradictory information and stem from various factors such as biased data, the tool making an incorrect assumption or having insufficient training data.

AI prompt
The input you give to a generative AI tool to guide its response – it is essentially the "question" or "command" you give the AI to perform a task or generate a specific type of content. Effective prompts are clear, concise, and provide enough context for the AI to understand what you are asking, leading to more accurate and relevant outputs (see definition below).

Output
In the context of AI, "output" refers to the information or data generated by an AI tool after it has processed input data. It can take various forms including predictions, recommendations, classifications, actions, or new data.

Chatbot
A digital tool or software application designed to simulate conversation with users, primarily via text or synthesised speech.

While some chatbots operate based on predefined responses, advanced versions use AI (including generative AI techniques) to provide more dynamic and contextually relevant interactions, reducing the need for immediate human intervention.

Large language model
A large language model (LLM) is an AI system trained on an exceptionally large amount of data. There is no consensus on what constitutes 'large'.

LLMs specifically work with language and are built on a type of machine learning called deep learning to understand how characters, words and sentences function together.

An LLM is one underlying technology that enables generative AI.

The term 'foundation model' is often used synonymously with LLM but could refer to systems with broader functions as developed in the future.

Lawtech
Technologies that aim to support, supplement or replace traditional methods for delivering legal services or that improve the way the justice system operates.

Machine learning
A subset of AI that sees computer algorithms evolve and refine their performance by processing and learning from data over time.

Acceptable use

AI tools (*internal and external*) may be used within the firm to enhance efficiency, support legal service delivery, and improve client outcomes.

Use only the approved AI tools which the firm subscribes to (see details below) and check limitations of use.

Staff must receive appropriate training before using AI tools and must report any misuse, errors, or concerns to *firm's Data Protection Manager.*

Firm approved AI tools

Internal

Name of AI tool	Description
✓ *Access Evo Copilot*	*A generative AI tool which is hosted within the firm's IT infrastructure and linked to the firm's systems which aids in various functions such as query responses and self-help.*

External

Name of AI tool	Description
✓ *Microsoft's Copilot*	*A generative AI tool which aids in various functions such as query responses and self-help.*

Permitted uses include, but are not limited to:

- **Document Drafting**: AI may be used to generate or assist in drafting standardised documents, subject to human review and approval.

- **Predictive Analytics**: AI may be used to identify trends, or support strategic decision-making, provided such insights are not used as a substitute for professional legal judgment.

If you are uncertain whether it is permissible to use an AI tool for a specific task, you are required to seek the approval of *Timothy Halliday* before proceeding.

Prohibited Use

To safeguard client confidentiality, uphold professional standards, and ensure compliance with legal and ethical obligations, there are certain uses of AI which are strictly prohibited within the firm.

Prohibited uses include:

- **Autonomous Legal Advice**: AI must not be used to provide legal advice or opinions.
- **Unverified Outputs**: Relying on AI-generated content without appropriate human review, particularly in client-facing documents or legal submissions, is not permitted.
- **Processing Special Category Data**: AI tools must not be used to process special category or sensitive personal data (e.g. health, ethnicity, political beliefs) unless a lawful basis and explicit consent are clearly established and documented.
- **Client Confidentiality Risks**: Uploading or inputting confidential client information into AI tools that do not meet the firm's data security and privacy standards, including public or consumer-grade AI platforms, is prohibited.
- **Decision-Making Without Oversight**: AI must not be used to make final decisions in legal matters, client onboarding, risk assessments, or compliance checks without appropriate human validation.
- **Bias and Discrimination**: Using AI in a way that may result in discriminatory outcomes or reinforce bias—whether in recruitment, client profiling, or legal analysis—is strictly forbidden.
- **Circumventing Legal or Regulatory Obligations**: AI must not be used to bypass legal, regulatory, or professional conduct requirements, including those set by the Solicitors Regulation Authority (SRA) or the Information Commissioner's Office (ICO).

Governance and Oversight

The firm will maintain robust oversight of all AI tools used in legal and operational contexts. This includes:

- **Approval and Procurement**: Before being installed or used, AI tools must be assessed and approved by the firm's Risk & Compliance and IT teams before deployment, ensuring alignment with data protection, cybersecurity, and professional conduct standards. All AI tools must undergo a Pre-Implementation Risk Assessment, including a Data Protection Impact Assessment (DPIA). We must demonstrate compliance with UK data protection laws and provide transparency on training data, model limitations, and update cycles.
- **Risk Assessment**: Prior to implementation, AI tools must undergo a documented risk assessment to evaluate potential impacts on data privacy, legal accuracy, and ethical considerations.
- **Monitoring and Auditing**: AI's power lies within its ability to learn and adapt therefore it is important that we continue to monitor its behaviour after it has been deployed and to ensure

compliance with this policy. Periodic audits will be conducted to assess the accuracy, fairness, and reliability of AI outputs.

- **Minimum Control Requirements**: All AI tools s must meet the firm's cybersecurity standards and protect client data from unauthorised access or misuse. This includes encryption, access controls, and regular security updates.

- **Incident Reporting**: Any suspected misuse, malfunction, or unintended consequence of AI use must be reported immediately to the Risk & Compliance team for investigation and remediation.

Training and Accountability

To ensure responsible and effective use of AI, the firm will provide ongoing training and establish clear lines of accountability:

- **Staff Training**: All staff using AI tools must complete mandatory training covering appropriate use, limitations, risks, data protection, and ethical considerations.

- **Role-Based Access**: Access to AI tools will be granted based on role and responsibility, ensuring that only appropriately trained individuals can use AI in legal or client-facing contexts.

- **Professional Oversight**: Fee earners remain ultimately responsible for the legal services provided. AI must be used as a support tool, not a substitute for professional judgment.

- **Accountability Framework**: Each person in the firm is responsible for ensuring local compliance with this policy and for escalating any concerns to the central Risk & Compliance team.

Transparency and Client Communication

The firm is committed to transparency in its use of AI technologies, particularly where AI may impact client matters. To uphold trust and regulatory compliance:

- **Client Awareness**: Clients must be informed when AI tools are used in the delivery of legal services that may materially affect their matter, especially where outputs contribute to legal analysis or decision-making.

- **Clear Explanations**: Where appropriate, clients should be provided with a clear explanation of how AI is being used, its limitations, and the role of human oversight.

- **Consent Where Required**: If AI tools process personal or special category data, clients must be informed and, where necessary, their explicit consent obtained in accordance with data protection laws.

- **No Misrepresentation**: Staff must not present AI-generated outputs as legal advice or imply that AI tools are capable of independent legal reasoning.

Transparency supports informed decision-making and reinforces the firm’s commitment to ethical and responsible AI use.

Legal and Regulatory Obligations

The firm is committed to complying with the SRA Principles, Codes of Conduct, UK GDPR, and the Data Protection Act 2018. AI stools must be used in accordance with these regulations to protect client data and maintain professional standards.

The SRA Standards and Regulations set the ethical and professional foundations for all solicitors in England and Wales. The use of AI does not absolve practitioners of these obligations, and particularly:

SRA Principles

- **Principle 1** – Uphold the rule of law and the proper administration of justice.
- **Principle 2** – Act in a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised persons.
- **Principle 5** – Act with integrity.
- **Principle 7** – Act in the best interests of each client.

Code of Conduct for Solicitors

- **Rule 2.1** – You must maintain your competence to carry out your role and keep your professional knowledge and skills up to date.
- **Rule 3.2** – You must ensure that the service you provide to clients is competent and delivered in a timely manner.
- **Rule 4.3** – You must ensure that clients are able to make informed decisions about the services they need, how their matter will be handled and the options available to them.
- **Rule 5.1** – You must safeguard client confidentiality and legal professional privilege.

  These rules apply regardless of whether the work is performed by a solicitor or using technology. This makes proper oversight of AI tools essential.
- **Rule 3.5** - Where you supervise or manage others providing legal services: you remain accountable for the work carried out through them.

This includes the use of AI tools and third-party legal tech platforms. Firms must have mechanisms in place to review, verify, and take responsibility for AI-generated outputs.

Data Protection Act 2018 & GDPR

AI tools often process vast amounts of client data, including personal and special category data, such as health records, criminal convictions, or financial information. This triggers obligations under:

GDPR key provisions

- **Article 5(1)** – Personal data must be processed lawfully, fairly, and transparently.
- **Article 6** – Processing must have a lawful basis, e.g., consent, contract, or legal obligation.
- **Article 9** – Explicit consent is required to process special category data, unless exemptions apply.
- **Article 22** – Clients have the right **not** to be subject to a decision based solely on automated processing, including profiling, unless it is:
  - Necessary for a contract
  - Authorised by law
  - Based on explicit consent

Data protection impact assessments (DPIAs)

Under **UK GDPR Article 35**, a DPIA is **mandatory** when:

- New technology is used
- Data processing is likely to result in high risk to individuals' rights and freedoms
- There is large-scale processing of special category data.

Best practice

- Maintain human oversight – ensure that all AI-generated outputs are reviewed, verified, and approved.
- Ensure that legal advice is always provided by qualified professionals.
- Avoid relying on AI tools for complex legal reasoning – they should support efficiency and quality, rather than replace professional judgment or legal expertise.

AI Environmental Considerations

We are aware of the environmental impact of AI due to its extremely high energy consumption. We will take this into account when considering our environmental impact and seek to make use of any emerging technologies that will help to minimise or mitigate this.

Review

This policy will be reviewed by *Timothy Halliday,* at least annually or in response to regulatory changes, introduction of new AI tools, or significant incidents or complaints. The review is to include assessing the relevance and value of the addition of AI tools currently used by the firm.