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Control of automated decision-making systems
employed in administrative proceedings

Summary

The dissertation deals with issues in administrative proceedings in which administrative bodies use automated decision-making systems. The author considers the methods by which the automation of administration can be controlled and their usefulness for ensuring the guarantees to which the individual is entitled in the proceedings. To this end, on the basis of national and European legislation, he develops models for the control of automated decision-making: exercised by a court, an appeal body, the President of the Office for Personal Data Protection and a market surveillance authority in the sense of the Artificial Intelligence Act.

Each model is analysed from the viewpoint of its suitability for protecting the values of administrative proceedings. The cases of automated decision-making from domestic and foreign legal orders are considered as a basis for consideration. Based on these, the dangers typical of limiting the human factor in the decision-making process are identified, as well as the rules of administrative procedure that may need to be modified. The main thesis arising from the considerations is the necessity of providing for a control prior to the implementation of the system into administrative actions. In the author's opinion, judicial and instance control should be complemented by legal institutions aimed at assessing the entire system, not a single case. Moreover, the individual guarantees enjoyed in administrative proceedings should be strengthened by collective guarantees aimed at protecting society in genere.

Relevant regulations derive from European law in this respect, in particular the General Data Protection Regulation and the Artificial Intelligence Act. However, both regulations require further adaptation in national laws to the specificities of administrative law. The author proposes to pay particular attention to two issues: enhancing public participation in the decision to implement the system and ensuring access to information about the decision-making system. In his opinion, the strengthening of the mentioned aspects will increase the public acceptance of the implemented systems and contribute to ensuring the rule of law in automated decision-making by the administration.