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Alex Sobel's amendment

Cyber Security and Resilience (Network and Information Systems) Bill

Report stage

Amendment number: NC12

Lead member



Alex Sobel

Labour, Leeds Central and Headingley

 Commons



Decision

No decision

The House has not considered this amendment.

Amendment text

To move the following Clause—

““Last-resort” powers in respect of data centres and AI models

(1) Regulations under section 29(1) may confer on the Secretary of State powers (“last-resort powers”) to direct the shutdown of—

- (a) data centres, or
- (b) AI systems used or deployed by a data centre,

in the event of an AI security or operational emergency.

(2) For the purposes of this section—

“data centre” has the meaning given in paragraph 11 of the NIS Regulations (as amended by this Act);

“AI system” means a machine-based system that, from the input it receives, can infer how to—

- (a) generate predictions, digital content, recommendations, decisions or other similar outputs, or
- (b) influence a physical or virtual environment,

with a view to achieving an explicit or implicit objective;

“used or deployed” means made available to—

- (a) a substantial number of individuals within the United Kingdom; or
- (b) providers and operators of essential services;

“AI security or operational emergency” means a situation where the Secretary of State has reasonable grounds to believe that—

- (a) there is a security or operational compromise to one or more relevant network and information systems,
- (b) this compromise is caused, or contributed to, by the use or operation of an AI system used or deployed by a data centre, whether through autonomous or non-autonomous means; and

- (c) this compromise poses a catastrophic risk;
- “catastrophic risk” means a risk carrying a reasonable likelihood of causing or contributing to—
- (a) large-scale disruption to critical infrastructure or essential services;
 - (b) significant degradation of the national security, national defence, or intelligence capabilities of the United Kingdom; or
 - (c) severe, large-scale harm to human life;
- “data centre operator” means a person who operates a data centre;
- (3) As soon as reasonably practicable after, and in any event within seven days of, giving a direction under subsection (1), the Secretary of State must—
- (a) lay a report before Parliament setting out the direction and the reasons for it; and
 - (b) take all reasonable steps to arrange for the report to be the subject of a debate in each House as soon as is reasonably practicable.
- (4) Regulations relating to last-resort powers must establish requirements on data centre operators in relation to data centres used for the training, deployment or operation of AI systems, including relating to—
- (a) the possession or installation of technical infrastructure necessary for compliance with last-resort powers;
 - (b) the provision of secure communication channels for use by the Secretary of State when utilising last-resort powers;
 - (c) the implementation of regular emergency exercises to ensure that a direction under this section can be received safely and implemented; and
 - (d) post-mortem processes to be followed before a data centre is allowed to resume operations after the use of last-resort powers, including—
 - (i) incident reporting; and
 - (ii) implementation of mitigation measures to prevent recurrence.
- (5) A person commits an offence if they fail to comply with any requirement imposed by regulations made under subsection (4).
- (6) Regulations relating to last-resort powers may—
- (a) confer on the Secretary of State, or on a person designated by the Secretary of State, powers to act where they reasonably believe that an offence under subsection (5) is being, has been, or may be about to be committed;
 - (b) include, for the purposes of paragraph (a), powers to—
 - (i) close premises;
 - (ii) turn off systems or require that they be turned off;
 - (iii) take any other action necessary to control the risk arising from an AI security or operational emergency.
- (7) Regulations must require that, where powers under subsection (6) are exercised, the Secretary of State must—
- (a) give written notice of the action taken, and the reasons for the action taken, to the operator or provider as soon as reasonably practicable; and
 - (b) inform the operator or provider of their right to apply to the High Court for relief.
- (8) The High Court may make any order it thinks fit on an application under subsection (7)(b), including—
- (a) confirming, varying or cancelling the requirements;
 - (b) imposing additional requirements;
 - (c) ordering compensation.
- (9) The Secretary of State must publish guidance on the use by licensing authorities, planning authorities and other public authorities of their statutory powers to facilitate compliance with regulations relating to this section.
- (10) A public authority must have regard to guidance issued under subsection (9) when exercising any function to which the guidance relates.
- (11) The Secretary of State must, within six months of the commencement of this section and subsequently at six-monthly intervals, prepare a report on the causes and potential causes of AI security or operational emergencies and lay a copy of the report before Parliament.
- (12) The causes and potential causes of AI security or operational emergencies considered in any report under subsection (11) must include —
- (a) adversarial uses of AI systems by state and non-state actors;
 - (b) the capabilities for cyber-attacks by autonomous AI systems; and
 - (c) the development of AI systems that can autonomously compromise national security, escape human oversight, and upend international stability, including systems described as “superintelligent AI”.

Member's explanatory statement

This new clause would enable the Secretary of State to be granted “last-resort powers” to ensure that the government can intervene in case of an emergency caused by AI used or deployed by a data centre which can cause large-scale harm.

Sponsors



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Alloa and Grangemouth



John Whitby

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Derbyshire Dales



Samantha Niblett

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South Derbyshire



Neil Duncan-Jordan

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