



Decision on the use of automated decision-making: Citizenship applications

Decision

The Finnish Immigration Service will introduce automated decision-making for citizenship applications.

Automated decision-making will be used when Finnish citizenship can be granted in accordance with the application. Automated decision-making will be used with applications in which all the requirements for naturalisation are met after the necessary register checks. Another requirement is that any documents submitted after the submission of the application do not contain information that would require deliberation or that would lead to one or more of the requirements for naturalisation not being met by the applicant.

The automated decision-making procedure will be implemented on 2 May 2024. Applications that become pending on or after the above date may be decided on automatically.

Reasons

Introduction

The Finnish Immigration Service has assessed the requirements for introducing automated decision-making with this Decision. The lawfulness of personal data processing and respecting data subjects' rights are accounted for in the introduction of automated decision-making, as are the requirements laid down in legislation for automated decision-making, its introduction, and the processes to be complied with.

The conditions laid down in the Administrative Procedure Act (434/2003) and Citizenship Act (359/2003) for processing and deciding citizenship applications are observed.

Processing of personal data

The Finnish Immigration Service processes personal data in accordance with section 1, subsection 1, paragraph 2 of the act on the processing of personal data in the field of immigration administration (laki henkilötietojen käsittelystä maahanmuuttohallinnossa 615/2020). Data is processed in connection with processing and deciding matters regarding the acquisition, retention and loss

of Finnish citizenship, release from Finnish citizenship, and determination of citizenship status. The processing is based on Article 6(1)(c) of the General Data Protection Regulation (EU) 2016/679 (hereinafter 'GDPR'), meaning the processing is necessary for compliance with a legal obligation.

Requirements for automated decision-making under the Administrative Procedure Act

The requirements for automated decision-making are laid down in the Administrative Procedure Act. According to section 53e of said Act, authorities may automatically decide on cases that do not include complex factors requiring case-specific deliberation. Automated decision-making must be based on processing rules that the authority has created based on applicable laws and prior assessment.

Automated decision-making at the Finnish Immigration Service is based on norms and rules. Authorities must carry out a prior assessment regarding which matters can be subjected to automated decision-making, and identify the factors that are often repeated in the cases processed by the authority ('standard cases'), which the authority deems should always be decided on according to the same rule. The Finnish Immigration Service carried out a prior assessment on which of the applications subject to this Decision can be justly decided on automatically.

In citizenship applications, the standard cases identified by the Finnish Immigration Service are all citizenship applications where the requirements for naturalisation are automatically met once the necessary processing activities and register checks have been conducted. Another requirement is that the general and processual requirements are automatically met, and that the documents submitted after the submission of the application do not contain information that would require deliberation by an official.

Automated decision-making will be used when Finnish citizenship is granted in accordance with the application. The Finnish Immigration Service has created processing rules for the automated decision-making as required by the Act on Information Management in Public Administration. The processing rules contain the requirements that must be met before Finnish citizenship can be granted and before the matter can be automatically decided. The processing rules also contain the requirements based on which an application is referred to an official for processing. If an application has been referred to an official for processing, it cannot be returned to automated decision-making after the assessment.

The processing rules contain thresholds that have been defined for the standard cases. The thresholds determine which cases are always referred to an official. The thresholds indicate if there is a need for more extensive overall consideration, a need for technical register entries that require action from an official, or if the matter concerns more than one person.

Automated decision-making covers applications that have been submitted through the online service of the Finnish Immigration Service and where all the requirements for naturalisation are met after register checks. If the requirements are not met automatically after register checks and the

application requires processing by an official, the application will automatically be excluded from automated decision-making.

Automated decision-making does not cover applications by co-applicants and applications submitted by a child's parent or other person who has custody of the child or by the child's guardian because such matters involve another party concerned. Citizenship applications of minors cannot be decided on automatically. Further, the use of automated decision-making requires the applicant to hold a citizenship in some country and that no statement under section 46, subsection 2 of the Citizenship Act has been received or requested on the application.

Applicants who have a non-disclosure for personal safety reasons are excluded from automated decision-making. Processing of data that is subject to a non-disclosure for personal safety reasons requires special care, which is why automated processing of such data is restricted.

The Finnish Immigration Service has taken into account in the processing rules that an application cannot be decided automatically before the necessary measures regarding the initiation of the application have been conducted and before the necessary checks in official registers have been made. These tasks always require action from an official.

The Finnish Immigration Service does not use algorithms based on artificial intelligence in decision-making; instead, the processing is based on rules. Automatically made decisions are based on the requirements for granting Finnish citizenship laid down in legislation and for which processing rules can be programmed in the Finnish Immigration Service's case management system for immigration matters.

Section 53f of the Administrative Procedure Act lays down a requirement to provide a legal remedy. According to the requirement, decisions related to a natural person can be automatically made only if the natural person in question is provided with the means to request a review of the decision, and the authority that issued the decision or another authority who is a joint controller of the issuing authority must process the request for review. However, this is not required if the automatically decided case pertains to a request from the party concerned that does not relate to any other party concerned.

Pursuant to this Decision, the Finnish Immigration Service automatically decides on applications in which the applicant's request is granted and that do not fall outside the scope of automated decision-making according to what is outlined in this document above. Applications that can be automatically decided on always apply to only one party concerned. Therefore, the decisions can be issued without providing the means to request for a review.

Section 53g of the Administrative Procedure Act requires informing of automated decisions. An automated decision issued by virtue of this Decision will contain a statement that the case was subject to automated decision-making under the terms of section 53e of the Administrative Procedure Act. The decision will contain the address of the Finnish Immigration Service's web

page where this Decision on the use of automated decision-making is available.

Requirements for the introduction and use of automated decision-making laid down in the Act on Information Management in Public Administration

Chapter 6 a of the Act on Information Management in Public Administration (906/2019, hereinafter 'Information Management Act') lays down the requirements for the documentation, quality assurance, quality control and introduction of automated decision-making and describes how the authorities' liability on the automated decision-making is distributed.

According to section 28a of the Information Management Act, authorities must document the division of the duties of the persons who are responsible for the fulfilment of the responsibilities related to the introduction and use of automated decision-making. In addition, authorities must ensure that the processing rules are documented in a manner that enables proving their compliance. The processing rules must indicate how non-discrimination of the rules is ensured, how the cases are examined appropriately and to a sufficient extent, and how the decisions are justified or why they can be left unjustified. The authority must ensure that for at least five years after a decision is issued, it can be determined what processing rules were used to automatically decide on the case and at what stages a natural person has contributed to the processing of the case. The Finnish Immigration Service has issued separate orders that document the persons responsible for the fulfilment of the responsibilities.

The Finnish Immigration Service has created extensive processing rules for the automated decision-making. The Finnish Immigration Service's processing rules meet the requirements laid down in the Information Management Act. The processing rules were designed to be such that the requirements for good governance are met and fundamental rights are respected in the automated decision-making. The processing rules specify how citizenship applications are processed and decided on. The processing rules specify the actions performed by officials on applications, when verifying some matter requires deliberation from an official, and the conditions for returning an application to automated decision-making.

The processing rules enable proving that the introduction of the automated decision-making meets all the legislative requirements discussed in this Decision.

In addition, the Finnish Immigration Service has ensured that for at least five years after a decision is issued, it can be determined what processing rules were used to automatically decide on the case and at what stages an official has contributed to the processing of the case.

Under section 28b of the Information Management Act, before an automated decision-making procedure is introduced or when it is adjusted, the authority in question must ensure that the procedure complies with the documentation required under section 28a, subsection 2 of the Information Management Act, meaning the processing rules defined for the procedure. The authority must

ensure that the language of automatically produced documents presented to the party concerned is appropriate and that the key quality control measures have been documented.

Before the introduction, the Finnish Immigration Service has verified that the processing rules work and that the automated decision-making procedure is compliant with its documentation. A separate report was drafted on the testing of the processing rules and the results of the testing. In connection with the testing, it was ensured that the language of the documents produced in connection with the automated decision-making, such as the decision document itself, is appropriate. According to section 28c of the Information Management Act, authorities must monitor the quality of automatically made decisions and the accuracy of their content.

The Finnish Immigration Service has documented the procedures for implementing quality control after the introduction of automated decision-making. Quality control will be carried out according to the plan by manually reviewing randomly selected applications. In addition, the Finnish Immigration Service has documented the procedures for the handling and control of possible incidents.

Requirements laid down in the Citizenship Act

Provisions on the acquisition of Finnish citizenship are laid down in the Citizenship Act. Under section 3 of the Citizenship Act, decisions on the acquisition, retention and loss of Finnish citizenship and on the determination of citizenship status are made by the Finnish Immigration Service.

The automated decision-making on citizenship applications is based on processing rules that the Finnish Immigration Service has created on the basis of the Citizenship Act. When formulating the processing rules, the Finnish Immigration Service has ensured that the automated decision-making procedure will lead to a result that complies with the Citizenship Act in each matter that is decided on automatically.

Data protection legislation

The GDPR requires national legislation for deciding individual cases automatically. According to Article 22 of the GDPR, data subjects have the right to not be subject to a decision based solely on automated processing. However, the prohibition on automated decision-making is not applied if it is authorised by EU or Member State legislation to which the controller is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests.

The Finnish legislation on automated decision-making in public administration entered into force on 1 May 2023, and the Finnish Immigration Service complies with this legislation in its introduction of automated decision-making. The legal basis for the legislation on automated decision-making is laid down in chapter 8b of the Administrative Procedure Act and chapter 6a of the Information Management Act. The legislation establishes safeguards for automated decision-making. The provisions of the Administrative Procedure

Act authorise authorities to make decisions automatically within the limits set in the chapter.

Right to obtain human intervention

In the GDPR, one of the safeguards required for automated decision-making is that data subjects have the right to obtain human intervention in the data processing.

The request for review referred to in section 53f of the Administrative Procedure Act is deemed to meet the GDPR's requirement for a sufficient safeguard as it meets the discussed requirements. If no provisions on the right to request review exist, the requirement to provide a legal remedy can be met by any legal remedy equal to the right to request review laid down in an act. Under section 53f, subsection 2 of the Administrative Procedure Act, the requirement to provide a legal remedy is not applied if automated decision-making is used to approve a request from the party concerned that does not relate to any other party concerned. If the request from the party concerned is approved in the required manner, the party concerned no longer has a need to obtain human intervention as a safeguard under data protection legislation (HE 145/2022, page 154).

No provisions exist on requests for review in matters under the purview of the Finnish Immigration Service. The safeguard required by the GDPR is implemented by automatically deciding citizenship applications where citizenship can be granted based on the application.

Information on automated decision-making and prior information

The GDPR and Finland's national legislation include provisions that require that data subjects are informed when a decision they are subject to is made or may be made automatically. The obligation to inform and the procedures related to it are laid down in Articles 12 to 14 of the GDPR. If an automated decision is issued in a case, section 53g of the Administrative Procedure Act requires that the decision includes the information that the case was subject to automated decision-making and the information about where the decision to introduce automated decision-making required by section 28d of the Information Management Act is available.

When introducing automated decision-making, the Finnish Immigration Services has ensured that the person who applies for Finnish citizenship is informed of the automated decision-making before becoming subject to it, as required by the GDPR. The person who applies for Finnish citizenship will be provided with the required information on the possible use of automated decision-making through the online service of the Finnish Immigration Service and on the Finnish Immigration Service's website. When the applicant starts filling out an application for Finnish citizenship in the Finnish Immigration Service's online service Enter Finland, the applicant will be informed that their case may be subject to automated decision-making. The information provided does not directly state that the applicant's application will be subject to automated decision-making, because at that stage of the application process, it cannot be reliably determined yet. The applicant will be told that further information about automated decision-making is available on the website of the Finnish Immigration Service.

The Finnish Immigration Service informs applicants of the automated decision-making, the principles of the automated decision-making, and other matters relevant to customers' rights on its website at migri.fi/automated-decision. This Decision to introduce automated decision-making will also be available on the page. The page serves as a contact point for the authorities, and it includes more detailed information on communication channels for requesting more information and making information requests.

Automatically issued decisions will state that the decision was made automatically and will state where the decision on the use of automated decision-making required under section 28d of the Information Management Act is available.

Children

In citizenship applications, the parties concerned include the person who submits the application as well as the children the person has custody of and for whom citizenship is applied for either with a co-applicant's application in connection with the main application or independently with an application under section 24 of the Citizenship Act. Under section 24 of the Citizenship Act, also the child's legal guardian may submit an application for the child. Because a child's citizenship application involves more than one party concerned, automated decision-making will not be used to decide such applications.

Documents on which this Decision is based

This Decision is based on documents with which the Finnish Immigration Service has fulfilled the requirements for the introduction of automated decision-making laid down in the Information Management Act.

- Order on division of duties of persons responsible for fulfilment of the responsibilities laid down in the Act on Information Management in Public Administration (MIG-24159 and MIG-249159)
- General description of the processing rules (MIG-2411907)
- Quality assurance plan (MIG-2412438)
- Quality control plan (MIG-2412211)

Retention

In accordance with section 28d of the Information Management Act, this Decision to introduce automated decision-making is retained for at least five years from the start of the following year in which the automated decision-making is decommissioned.

Appeal

Under section 6, subsection 2 of the Administrative Judicial Procedure Act (808/2019), this Decision is ineligible for review by appeal.

More information

More information on the automated decision-making procedure can be requested by email at migri@migri.fi.

Director

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Niklas Hämäläinen

The document has been electronically signed in the case management system. Finnish Immigration Service 30 April 2024 at 12:50. The authenticity of the signature can be verified by the Registry.