

In the democratic state of law, it is a truism to say that the activity of public administration should be under control, regardless of its character. It derives from rule of law and its core values such as accountability and transparency of state operations, having roots in constitutions and European law. The protection of these values becomes challenging when the subject of control changes, as the administration automates its activity. Although the subject of control seems the same (e.g. decision), the problem might be general and hidden in the algorithm, source code, dataset, improper human design and the other human and organisational factors affecting the model. What is more, these elements might not be accessible for various reasons: intentionally - when it comes to public safety and commercial advantage of the producer - or unintentionally, when processes are incomprehensible without technological literacy or even developers are not entirely able to verify them. It raises fundamental questions about how the automated decision-making systems (ADM systems) should be made reviewable and how the system of control should be adjusted to the requirements of the rule of law?

The term "automated decision-making" means decisions or interests of natural or legal persons made by other natural or legal persons using automated processes. Sometimes it is also called algorithmic decision-making, because of the crucial role played in the automation of processes by algorithms. It is a broad term encompassing simple algorithms, rule-based expert systems and machine learning techniques. What is worth mentioning is that though benefits such as efficiency and savings are obvious, automation doesn't make the administration unmistakable. Science warns against risks of automation, such as reproduction or perpetuation of extant social problems like discrimination, inequality and cutting further into individuals' spheres of privacy. The "classic" of the field is the American system COMPAS, treating black people as more susceptible to recidivism. Recently, however, Litigants challenged also streaming tool throwing visa applications on the slow or fast track in the UK ("streaming tool"), the tool detecting welfare system abuses in the Netherlands (System Risk Indication - SyRi) and the algorithm that automatically calculates welfare benefit "debts" in Australia. One could ask then, what the State should do to balance the pursuit of efficiency and protection of private interests? How to assure compliance?

These problems will be answered during the project, which goal is **to establish a model of legality review over automated decision-making systems employed in administrative proceedings**. It aims to answer how the ADM systems in public administration should be reviewed and how to make them reviewable. Considering that, it focuses on the model of the administrative decision review from the viewpoint of the internal review and judicial control.

In support of those considerations, the project is going to answer: 1) How to verify whether, by the automation of the decision-making process, the regulation has been properly implemented? 2) Does the existing system of legal remedies from administrative acts should be amended to meet novel ways of administration and assure individual effective protection? 3) What evidence of ADM system malfunction should present to the party of the proceeding? 4) Should administrative courts use the knowledge of expert witnesses when controlling automated administrative acts? 5) Is the burden of proof regarding the proper functioning of the system on the side of the administrative body or the litigant? 6) If the internal and judicial review of automated administrative acts turned out insufficient, what body should take care of the legality of ADM systems? 7) How broad should be the control, to assure the legally required standard of individual rights protection?

The general research concept encompasses analysis of regulation, jurisprudence and literature supported by study visits and workshops. It focuses on selected domestic models of control of administration, taking into account the impact of the EU proposal for artificial intelligence regulation, as well as European regulations concerning the protection of fundamental rights and personal data. To examine the case-law of the most experienced countries in the field, three study visits are planned: 1) to the University of Cambridge (the United Kingdom), 2) the Versailles University (France), and 3) the University of Syracuse (the United States). The objective of the visits will be a comparative analysis of the regulation, the collection of literature and discussion with scholars active in the field.

Problems will be considered from the viewpoint of legal and technical factors influencing the ADM process. Hence, especially the legal methods will be applied. To establish similarities with the domestic model of administration control, the regulation of selected countries will be juxtaposed with the Polish law by use of a comparative method. The latter will have, however, a supportive character towards the main objective of the dogmatic legal research. The expected outcome of the project will be two contributions prepared in English in renowned journals and the monograph in Polish.