

AI assisted Feedback

Customer legal &
compliance position

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WISEflow AI-Assisted Feedback Module

Customer Legal & Compliance Position

1. Executive summary

The WISEflow AI-assisted feedback module supports an established university function: producing feedback and/or grade justification aligned to the institution's published marking criteria. It is designed as an assistive feature inside the assessment workflow, with academic staff retaining authorship and responsibility for the final feedback.

- Public task alignment: for public universities, AI-assisted drafting of feedback is treated as part of the institution's educational and assessment function (not a separate 'optional' service).
- Human-in-the-loop by design: the module proposes drafts; educators review, edit, accept or reject before release.
- Closed-loop processing: customer data is processed to generate feedback in the specific workflow and is not provided to model vendors to train their AI technologies.
- Auditability: AI-assisted actions can be logged to support QA and governance.
- Modular activation: AI features are delivered as separate modules that institutions enable under local policy (AI is never forced).

On this basis, universities can position the module as a controlled, low-to-managed risk use of AI (commonly described as 'green'), provided the safeguards in Sections 4–7 are implemented and evidenced.

2. Scope and boundaries

What the module does

The module generates a structured draft of feedback/justification based on (i) the student's submission and (ii) the institution's own rubric/marketing guidance and grading scale. The educator remains responsible for judgement and final text.

What the module does NOT do

- It does not replace academic judgement or decide grades.
- It does not use student submissions to train general-purpose foundation models.
- It does not scrape the open web or build public training datasets.
- It is not an autonomous system that delivers feedback without human oversight (unless an institution explicitly configures an alternative workflow, in which case a separate assessment is required).

3. Data protection position (GDPR/UK GDPR) – public authorities

Why consent is not the anchor for mandatory assessment workflows

For public authorities, consent is often not the most appropriate lawful basis in mandatory contexts because students may not have a genuine free choice. Universities should therefore avoid 'permission-gating' core assessment functions via consent and instead rely on an appropriate public task/official authority basis, with clear transparency.

How this fits within existing student information at enrolment

Universities already provide students with privacy information and terms governing assessment and feedback at enrolment and/or via student handbooks. The recommended approach is to

integrate a short AI-assisted feedback notice into that existing information framework (see Section 6). Where an institution uses consent for genuinely optional elements (e.g., participation in research or pilot evaluation), that consent should remain separate from mandatory assessment processes.

Purpose compatibility with the existing WISEflow DPA

AI-assisted feedback is a method of performing the same assessment/feedback activity already supported by WISEflow. When used solely to draft feedback within the assessment workflow, it does not change the underlying purpose description covered by the existing WISEflow DPA.

4. Our safeguards and commitments (what keeps it ‘green’)

Human oversight and accountability

- Educators remain responsible for final content; AI output is a draft.
- Workflow supports accept/edit/reject and iterative prompting under educator control.
- Clear role-based access controls for who can generate and release feedback.

Data control and non-training commitment

- Customer data is not provided to model vendors for training their AI technologies.
- AI is delivered as a separate module; institutions explicitly enable it under local policy.
- Retention and security follow general high standards and can be configured.

Transparency and governance

- We provide template transparency wording for students and staff (Section 6).
- AI-assisted actions can be logged for audit/QA and governance reviews.
- DPIA/TIA packs and supporting assurance material are available for review as part of responsible rollout.

5. Why certain ‘extra’ requirements are not triggered

Not a ‘general training’ pipeline (copyright/TDM training debates)

Legal debates and case law around model training often focus on whether training copies and ‘memorisation’ inside a model constitute reproductions and whether text-and-data-mining (TDM) exceptions can apply. This module is designed to avoid that risk category by operating as closed-loop assistance for drafting feedback in the workflow and by not providing customer data to model vendors for training.

Not an open-web scraping / public dataset scenario

The DSM Directive’s Article 4 TDM opt-out mechanics are typically debated in contexts where content is mined at scale from public sources. In contrast, the WISEflow AI-assisted feedback module processes submissions already held within the university’s controlled assessment environment for the specific purpose of providing feedback to the same student cohort.

Not ‘solely automated decision-making’

The module supports drafting; it does not make binding academic decisions on its own. Human review and approval means the workflow is designed to avoid ‘solely automated’ outcomes in the assessment process.

6. Customer-ready transparency wording (copy/paste)

Student notice (recommended enrolment/handbook addition)

AI-assisted feedback in WISEflow

As part of our assessment and feedback processes, we may use an AI-assisted tool within WISEflow to help staff draft feedback aligned to published marking criteria and rubrics. Academic staff remain responsible for the final feedback and any academic judgement. The tool is used within our educational functions and subject to our governance and audit controls.

Staff notice (recommended internal guidance line)

AI-assisted feedback is a drafting aid. You remain the author of feedback released to students. Review and edit AI suggestions before publishing. Use only the materials relevant to the assessment (submission + rubric/marking guidance).

7. EU AI Act positioning (education) – practical approach

Education is listed as a high-risk area for certain AI uses, including AI intended to evaluate learning outcomes. Universities should therefore deploy with strong governance. The module's design supports this with human oversight, transparency, and auditability, and institutions should document the operational controls in their DPIA/governance pack.

8. Responsibilities (what we provide vs what the university provides)

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- Modular AI capability that is optional and policy-controlled.
- Non-training commitment for customer data vis-à-vis model vendors.
- Security, access control, logging capability and assurance materials (DPIA/TIA pack components).

University (Controller)

- Decide and document the lawful basis (typically public task) and necessity/proportionality.
- Provide transparency to students and staff (use Section 6 templates).
- Configure retention and access according to institutional policy.
- Complete/approve DPIA and internal governance review for AI deployment.

9. Quick FAQ

- Q: Do you use student submissions to train general AI models?
A: No – customer data is not provided to model vendors for training.
- Q: Is AI forced on staff?
A: No – the module is optional and enabled by the institution.
- Q: Who is responsible for the feedback?
A: The educator – AI provides drafts only.
- Q: Can we audit usage?
A: Yes – AI-assisted actions can be logged for QA and governance.
- Q: Can we use submissions to train a bespoke model?
A: No. That is a separate purpose and requires a supplementary DPA and additional assessment.

References (public)

- EDPB Guidelines 05/2020 on consent under Regulation 2016/679 (imbalance of power considerations) — https://www.edpb.europa.eu/our-work-tools/our-documents/guidelines/guidelines-052020-consent-under-regulation-2016679_en
- EU AI Act — Annex III (Education and vocational training) — <https://ai-act-service-desk.ec.europa.eu/en/ai-act/annex-3>
- DSM Directive (EU) 2019/790 — Articles 3 and 4 (Text and Data Mining) — <https://eur-lex.europa.eu/eli/dir/2019/790/oj/eng>