

Decision Custody

Who Answers for a Decision After the Machine That Made It Is Gone

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The problem

AI systems now make and shape decisions that outlive them. Models are retired within a year or two; suppliers change hands; reference data is overwritten in place; the people who ran the system move on. The decision itself lives on — a refused licence follows a person for a career; a land title outlives everyone who touched it. In Europe, the logs of a high-risk AI system may lawfully be kept for as little as six months.

The concept

Decision custody — an institution's demonstrated ability to reproduce, explain, defend and answer for every consequential decision made in its name — human or machine — for as long as the consequences last. The covenant is the promise; custody is the proof.

The two clocks

Consequence clock — how long the decision matters: how long it can be relied on, challenged, or cause harm. Measured in decades for a title, a licence, a conviction, a benefit entitlement.

Evidence clock — how long the institution can still show how the decision was made. Measured in months, and set by retention schedules, supplier contracts and model lifecycles that were never designed to answer this question.

Custody gap — the consequence horizon minus the evidence horizon. It is an unfunded liability with no line on the balance sheet, and it grows silently every time a model is replaced.

The four tests of custody

Reproduce. Can the decision be re-derived from the record alone, without the system that made it?

Explain. Can it be explained to the person it affected, in their language, without reference to the model?

Defend. Would the record stand before a body with power over the institution, with the supplier absent from the room?

Answer. Is there a named office — an office, not a person — that will still answer at the end of the consequence horizon?

The board question

"If this decision is challenged ten years from now, who will answer for it — and what evidence will they have?" If the honest answer names a supplier, a model version, or a colleague who has left, the institution does not have custody of its own decisions.

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