

Transcript: 'Know Your Data' – Data Protection and Elections

Welcome to 'Know Your Data', a podcast by the Irish Data Protection Commission. My name is Aoife and in this episode we will be dealing with elections and data protection.

On Saturday 8th of February Ireland will vote in a general election. Canvassing is well underway with campaigners knocking on doors and leaflets already dropping into the letterbox. It's important that candidates are able to communicate with voters in the run up to an election, but what does this mean for data protection? In this episode I'm going to run through your data protection rights as a voter.

If your personal data is used in the context of campaigning or other electoral activities, data protection laws provide you with a number of rights. One of the most important is the right to be given clear and transparent information about the collection and use of your personal data. This includes the identity of the person it has been collected for, why it is being collected, how will be used, who it will be shared with and how long it will be kept for. Other rights include, the right to access a copy of any of your personal data which is being used, the right to correct that data if it is incorrect or the right to have that data be erased under certain circumstances. For example, if it is no longer needed for the reason it was collected. You also have a right to lodge a complaint with us here in the DPC if you feel an individual or an organization is in breach of their data protection obligations.

When you get election leaflets you may wonder where they got your details from. The Electoral Acts allow information which is on the electoral register, such as your name, your address and your polling station, to be used for electoral purposes. This means that politicians, political parties and candidates can use this information to communicate with voters, such as posting an election leaflet. Under the GDPR individuals have a right to object to direct marketing, however if it is direct marketing for electoral purposes this right does not apply. So individuals can't object to postal electoral direct marketing in this instance. Another thing to be aware of is, following an election and under certain conditions and within a certain time the electoral acts allow any person to access the merged version of the electoral register which shows whether someone has voted in that election.

What about emails, texts, and phone calls? As is the general rule with electronic direct marketing you should only receive texts, emails, and phone calls from canvassers if you have consented to such communication. You should also be informed of the identity of the sender and you should be given the option to opt out of future communication if you wish. You can find out more about electronic direct marketing on our website www.dataprotection.ie.

What about your data protection rights when you're being canvassed? You may decide to give personal information to door to door canvassers, but this is up to you. If you do, then canvassers, politicians, political parties, and candidates must put appropriate safeguards in place to accurately record and protect any personal data collected from you, including your political opinions. You should also be provided with clear information about what your data protection rights are, how and why your data will be used, who it will be shared with, and how long it will be kept for.

During an election campaign you're likely to encounter online political advertising, either through a candidates website, party websites or through other online services such as social media. If your personal data is being used to target these ads at you then whoever is responsible for those ads should be transparent about how your data is being used and who they're sharing your personal data with. Some online platforms also provide tools to allow you to see how and why you're receiving certain ads and in the case of political ads, how they're being funded.

It's important to know that data protection rights are not absolute and must be balanced against the public interest. In certain circumstances they may be restricted, such as where it is necessary to facilitate their functioning of the electoral system. However these restrictions on the right to object do not affect the other rights of individuals or the obligations of campaigners.

You can find more information on our website www.dataprotection.ie, where you'll also find more detailed guidance for both individuals and canvasser. If you're not sure about any of the terms we've used in this podcast you can find a list of definitions of key data protection terms there as well.

This has been 'Know Your Data' the Irish Data Protection Commission podcast. Don't forget you can find us on Twitter, Instagram and we're also on LinkedIn.

Thanks for listening.