



REDACTED

**ENFORCEMENT NOTICE**

**THE DATA PROTECTION ACT 2018  
PART 6, SECTION 149**

**DATED 6 JULY 2018**

To: AggregateIQ Data Services Ltd ("AIQ")

Of: 1200 Waterfront Centre  
200 Burrard Street  
P.O. Box 48600  
Vancouver BC V7X 1T2  
Canada

1. AIQ is a controller as defined in Article 4(7) of the General Data Protection Regulation EU2016/679 ("GDPR") and section 6 of the Data Protection Act 2018 ("DPA").
2. The provisions of the DPA and GDPR apply to the processing of personal data by AIQ ("the controller") by virtue of section 207(3) of the DPA and Article 3(2)(b) of the GDPR.
3. The Information Commissioner ("the Commissioner") has observed with concern the application of techniques hitherto reserved for commercial behavioural advertising being applied to political campaigning, during recent elections and the EU referendum campaign in 2016.
4. After initial preparatory evidence gathering, in May 2017 the Commissioner announced a formal investigation into the use of data analytics in political campaigning. The Commissioner is concerned that this has occurred without due legal or ethical consideration of the impacts to our democratic system.
5. The Commissioner has been in contact with AIQ regarding the processing of personal data by AIQ on behalf of UK political

organisations, in particular Vote Leave, BeLeave, Veterans for Britain and the DUP Vote to Leave.

6. As part of AIQ's contract with these political organisations, AIQ have been provided with personal data including names and email addresses of UK individuals. This personal data was then used to target individuals with political advertising messages on social media.
7. In correspondence with the Commissioner dated 31 May 2018, AIQ confirmed that personal data regarding UK individuals was still held by them. This data is stored on a code repository and has previously been subject to unauthorised access by a third party.
8. The Commissioner has considered the controller's compliance with the provisions of the GDPR in light of these matters.
9. Article 5 (1)(a), (b) and (c) of the GDPR states that personal data shall be:
  - (a) Processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency').
  - (b) Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes of statistical purposes shall, in accordance with Article 89 (1), not be considered to be incompatible with the initial purposes ('purpose limitation').
  - (c) Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation').
10. In addition, the processing of personal data will only be lawful if one of the six grounds for processing in Article 6 of the GDPR applies.
11. Article 14 of the GDPR specifies the information that a controller must provide to data subjects about the processing of their data where the controller has not obtained that data from those data subjects.

12. The Commissioner is satisfied that the controller has failed to comply with Articles 5 (1)(a)-(c) and Article 6 of the GDPR. This is because the controller has processed personal data in a way that the data subjects were not aware of, for purposes which they would not have expected, and without a lawful basis for that processing. Furthermore the processing was incompatible with the purposes for which the data was originally collected. AIQ has also failed to comply with Article 14 of the GDPR in that it has not, to the Commissioner's knowledge, provided data subjects with the information set out in Articles 14(1) and (2), and none of the exceptions set out in Article 14(5) apply.
13. The Commissioner has considered, as she is required to do under section 150(2) of the DPA when deciding whether to serve an Enforcement Notice, whether the failure has caused or is likely to cause any person damage or distress. The Commissioner takes the view that damage or distress is likely as a result of data subjects being denied the opportunity of properly understanding what personal data may be processed about them by the controller, or being able to effectively exercise the various other rights in respect of that data afforded to a data subject.
14. In view of the above, and in exercise of her powers under section 149(2)(a) and (b) of the DPA, the Commissioner requires the controller to take the steps specified in Annex 1 within 30 days of the date of this Notice.

### **Consequences of failing to comply with this Enforcement Notice**

15. If a person fails to comply with an Enforcement Notice the Commissioner may serve a penalty notice on that person under section 155(1)(b) of the DPA requiring payment of an amount up to 20 million Euros, or 4% of an undertaking's total annual worldwide turnover whichever is the higher.

### **Right of Appeal**

16. By virtue of section 162(1)(c) of the DPA, there is a right of appeal against this Notice to the First-tier Tribunal (Information Rights). If an appeal is brought this Notice need not be complied with pending determination or withdrawal of that appeal. Information about the

appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals  
PO Box 9300  
Leicester  
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

17. Any Notice of Appeal should be served on the Tribunal within 28 calendar days of the date on which this Notice is sent.

Signed: 

Elizabeth Denham  
Information Commissioner  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

**ANNEX 1**

**TERMS OF THE ENFORCEMENT NOTICE**

AIQ shall within 30 days of the date of this notice:

Cease processing any personal data of UK or EU citizens obtained from UK political organisations or otherwise for the purposes of data analytics, political campaigning or any other advertising purposes.