

Our consideration of activity 3 - GCS monitoring of the impact of government messaging and ensuring mis- and disinformation is identified and analysed

We have investigated whether the Cabinet Office (CO) has complied with the requirements of the UK GDPR.

During the course of the investigation, we provided you with a Statement of Facts (dated 20 July 2021, revised 6 August 2021) which explained our understanding of all of the processing activities. I, therefore, won't repeat all our findings of fact for each activity in this letter but in the main, with respect to activity 3 we have noted that:

- the data involved is web scraped publicly available personal data from social media posts and as such can also include special category and criminal conviction data if included in the posts by the data subjects;
- privacy information was not provided to data subjects when the processing started in April 2018; and
- several areas are lacking in the Data Protection Impact Assessment (DPIA) and the DPIA was not carried out until January 2019.

However, in mitigation, we have noted the following:

- the ICO is satisfied that there is a lawful basis for processing;
- reliance on article 6(1)(e) 'public task' seems reasonable but we suggest the CO should expand regarding necessity in its explanation as to why public task applies;
- reliance on the article 9 condition 9(2)(e) for special category data 'manifestly made public' again seems reasonable but we would like to draw the CO's attention to our published guidance on the matter. Controllers should be cautious about social media posts inadvertently shared outside friends and family when relying on the 'manifestly made public' condition.

- A privacy notice was in place from December 2019.
- Remedial measures taken by the CO to reduce the risk to data subjects appear appropriate: the CO does not report on every day Facebook users; the DPIA assessed the risk to data subjects as low; the CO reviews data retained on a yearly basis and deletes it if no longer necessary; it does not create profiles of users and the reports produced (on influencers) are protected by the Freedom of Information exemption 'free and frank disclosure of advice'.

Therefore, after careful consideration and based on the information provided, we have decided not to take any formal enforcement action in respect of this activity.

Further to the advice provided above regarding the CO's lawful basis for processing, we would also like the CO to consider whether it is necessary to retain all personal identifiers and for the period described.

We recommend the CO undertakes further engagement with the ICO's Technology Policy, DPIA and Parliamentary and Government Affairs (PGA) Teams with respect to the continuous development of this processing activity. For example, further engagement could be beneficial when exploring whether updated privacy information is required and reviewing the CO's data minimisation practices.

For ease of reference, the CO's contact points at the ICO's PGA Team are: Oliver O'Callaghan (Oliver.OCallaghan@ico.org.uk) and Amanda Williams (Amanada.Williams@ico.org.uk).