

Executive summary

The Information Commissioner announced in May 2017 that she was launching a formal investigation into the use of data analytics for political purposes after allegations were made about the 'invisible processing' of people's personal data and the micro-targeting of political adverts during the EU Referendum.

The investigation has become the largest investigation of its type by any Data Protection Authority - involving online social media platforms, data brokers, analytics firms, academic institutions, political parties and campaign groups.

This is the summary report of our investigation. It covers the areas we investigated, our findings and our actions to date. Where we have taken regulatory action, the full details of our findings are – or will be – set out in any final regulatory notices we issued to the parties being investigated.

A separate report, [Democracy Disrupted? Personal Information and Political Influence](#) was published in July 2018, covering the policy recommendations from the investigation.

One of the recommendations arising from this report was that the Government should introduce a statutory code of practice for the use of personal data in political campaigns and we have launched a call for views on this code.

We will continue to pursue any actions still outstanding at the time of writing. Regulatory action taken to date:

Political parties

- We sent 11 warning letters requiring action by the main political parties, backed by our intention to issue assessment notices for audits later this year.

We have concluded that there are risks in relation to the processing of personal data by many political parties. Particular concerns include the purchasing of marketing lists and lifestyle information from data brokers without sufficient due diligence, a lack of fair processing and the use of third party data analytics companies, with insufficient checks around consent.

Cambridge Analytica and SCLE Elections Limited

- Cambridge Analytica (CA) is a trading name of SCLE Elections Ltd (SCLE) and so the responsibilities of the companies often overlapped. Both are subsidiaries of SCLE Group (SCL). For ease of reading we will be referring to all the company entities using Cambridge Analytica.
- We issued an enforcement notice requiring the company to deal properly with Professor David Carroll's Subject Access Request.
- Despite the company having entered into administration, we are now pursuing a criminal prosecution for failing to properly deal with the enforcement notice.
- While we are still conducting our investigations and analysis of the evidence we have recovered so far, we've already identified serious breaches of data protection principles and would have issued a substantial fine if the company was not in administration.

- We are in the process of referring CA to the Insolvency Service.

Facebook

- We issued Facebook with the maximum monetary penalty of £500,000 available under the previous data protection law for lack of transparency and security issues relating to the harvesting of data. We found that Facebook contravened the first and seventh data protection principles under the Data Protection Act 1998 (DPA1998).
- We are in the process of referring other outstanding issues about Facebook's targeting functions and techniques used to monitor individuals' browsing habits, interactions and behaviour across the internet and different devices to the Irish Data Protection Commission, as the lead supervisory authority for Facebook under the General Data Protection Regulation (GDPR).

Leave.EU and Eldon Insurance

- We issued a notice of intent to fine both Leave.EU and Eldon Insurance (trading as GoSkippy) £60,000 each for serious breaches of the Privacy and Electronic Communications Regulations 2003 (PECR), the law which governs electronic marketing. More than one million emails were sent to Leave.EU subscribers over two separate periods which also included marketing for GoSkippy services, without their consent. This was a breach of PECR regulation 22.
- We also issued a notice of intent to fine Leave.EU £15,000 for a separate, serious breach of PECR regulation 22 after almost

300,000 emails were sent to Eldon Insurance (trading as GoSkippy) customers containing a Leave.EU newsletter.

- We have issued a preliminary enforcement notice to Eldon Insurance under s40 of the DPA1998, requiring the company to take specified steps to comply with PECR regulation 22. We will follow this up with an audit of the company.
- We are investigating allegations that Eldon Insurance Services Limited shared customer data obtained for insurance purposes with Leave.EU. We are still considering the evidence in relation to a breach of principle seven of the DPA1998 for the company's overall handling of personal data. A final decision on this will be informed by the findings of our audit of the company.

We have also begun a wider piece of audit work to consider the use of personal data and data sharing in the insurance and financial sectors.

Relationship between AggregateIQ, Vote Leave and other leave campaigns

- We issued an Enforcement Notice to AggregateIQ to stop processing retained UK citizen data.
- We established the contractual relationship between AggregateIQ and the other related parties. We also investigated their access to UK personal data and its legality. And we engaged with our regulatory colleagues in Canada, including the federal Office of the Privacy Commissioner and the Office of the Information and Privacy Commissioner, British Columbia to assist in this work.

Remain campaign

- We are still looking at how the Remain side of the referendum campaign handled personal data, including the electoral roll, and will be considering whether there are any breaches of data protection or electoral law requiring further action. We investigated the collection and sharing of personal data by Britain Stronger in Europe and a linked data broker. We specifically looked at inadequate third party consents and the fair processing statements used to collect personal data.

Cambridge University

- We conducted an audit of the Cambridge University Psychometric Centre and made recommendations to ensure that the university makes improvements to its data protection and information security practices, particularly in the context of safeguarding data collected by academics for research.
- We also recommended that Universities UK work with all universities to consider the risks arising from use of personal data by academics. They have convened a working group of higher education stakeholders to consider the wider privacy and ethical implications of using social media data in research, both within universities and in a private capacity.

Data brokers

- We issued a monetary penalty in the sum of £140,000 to data broker Emma's Diary (Lifecycle Marketing (Mother and Baby) Limited), for a serious breach of the first principle of the Data Protection Act 1998.
- We issued assessment notices to the three main credit reference agencies - Experian, Equifax and Call Credit - and are in the process of conducting audits.

- We have issued assessment notices to data brokers Acxiom Ltd, Data Locator Group Ltd and GB Group PLC.
- We have looked closely at the role of those who buy and sell personal datasets in the UK. Our existing investigation into privacy issues raised by their services has been expanded to include their activities in political campaigns.