



Coimisiún
Cosanta Sonraí
Data Protection
Commission

DATA PROTECTION PRINCIPLES

When your personal data is used for the purposes of political canvassing and electoral activities, your data protection **RIGHTS** include the following:

- To be given full and clear information about the collection and use of your personal data including the identity of the person for whom it is collected, why it is being collected, how it will be used, who it will be shared with, how long it will be kept and what your rights are in relation to that personal data;
- To access all your personal data held by any public representative, electoral candidate or political party/grouping unless a valid exemption exists;
- To have your personal data protected from being used for any purpose other than the valid and lawful purpose or purposes for which it was obtained;
- To have your personal data kept accurate and up-to-date and to have any inaccurate or incomplete data rectified or completed.
- To have your personal data kept safe and secure in an appropriate manner; and
- To lodge a complaint with the Data Protection Commission.

**Elections & Canvassing:
Data Protection
and Electronic
Marketing - the
data protection
rights of
individuals**

BALANCING RIGHTS



Data protection rights are not absolute and the General Data Protection Regulation (GDPR) recognises that they must be balanced against the public interest in ensuring the effective operation of a democratic society. This means that an individual's data protection rights may, in certain circumstances, be restricted in accordance with the law.

ELECTORAL ACTS



Electoral legislation permits the use of information (including name, address and polling station) which is contained on the electoral register for electoral purposes. This means that public representatives, political parties/ groupings and electoral candidates may use this information to communicate with voters, for example by issuing postal (direct marketing) election leaflets to individuals. The Data Protection Act 2018 modifies the usual right of individuals to object to direct marketing when the direct marketing occurs in the course of electoral activities, so that there is no legal right to object to electoral direct marketing by post.

Additionally, electoral legislation allows for any person to access, under certain conditions and within a certain timeframe, the marked version of the electoral register for a particular election which shows whether an individual has voted in that election.

ELECTRONIC MARKETING



Your rights in relation to electronic direct marketing/canvassing (i.e. texts, emails, phone calls or faxes) carried out by public representatives, electoral candidates or political parties/groupings continue to apply. You should only receive such communications if you have consented to receive them. You must also be informed of the identity of the sender in any such communications and be provided with a simple and easy-to-use way of opting-out of further such communications.

CANVASSING



Your personal data may be obtained from you through door-to-door canvassing if you agree to provide your personal data in this way but there is no obligation on you to do so. Public representatives, electoral candidates, their representatives and any political parties/ groupings collecting information about you must put appropriate safeguards in place to accurately record and protect any personal data collected from you, including your political opinions. They should provide you with clear information about what your data protection rights are, and how they will manage your data, including how and why it will be used, who it will be shared with and how long it will be retained.

PUBLIC REPRESENTATION



The Data Protection Act 2018 provides that your personal data may be processed by a public (elected) representative where you (or another person on your behalf) seek their assistance, for example in relation to access to services or to information about the provision of services. While this is an important democratic function, it is also important that public representatives protect the personal data of their constituents, particularly where processing involves special categories of personal data, by ensuring that they comply with the principles of data protection.