

ICDPPC Global Privacy and Data Protection Awards

2018

Entry Form

Deadline 29 June 2018

To submit an entry to the ICDPPC Global Privacy and Data Protection Awards please complete and email this form to ExCoSecretariat@icdppc.org no later than 29 June 2018.

Note: ICDPPC member authorities can submit as many entries as they wish but a separate form should be used for each different entry. Please complete the entry in English.

1. Contact details for this entry:

- a. Name and email address of person completing this form:
- b. Name of Data Protection or Privacy Authority: UK Information Commissioner's Office

2. Eligibility: By submitting this entry I confirm that:

- a. The Authority is a member of the International Conference of Data Protection and Privacy Commissioners.
- b. The initiative described in this entry was undertaken since the last edition.
- c. I am aware that the information in the entry (other than the contact details in 1(a) above) will be publicised by the ICDPPC Secretariat.

3. Please indicate which **category or categories you wish to enter (delete those that do not apply; you can enter multiple categories):**

- a. Dispute resolution and enforcement
- b. People's Choice

4. Description of the initiative

- a. Please provide a brief summary of the initiative (no more than 75 words):

The ICO's investigation into use of data analytics and micro targeting for political purposes.

The investigation was commenced in May 2017 and was intensified in March 2018 when a whistle-blower made allegations that up to 87 million user profiles were harvested from Facebook, for use by the data analytics company, Cambridge Analytica. An ICO report will be published on July 11 2018, which we would like to be considered as part of the entry, once it is published.

- b. Please provide a full description of the initiative (no more than 350 words):

The ICO's investigation is one of the largest ever conducted by a data protection authority. It has involved over 40 ICO staff and use of external experts in digital forensics and investigations. The investigation has spanned over 30 organisations – political parties, data analytics companies, data brokers, universities and social media companies. The ICO has also worked closely with the UK Electoral Commission and provided evidence to the UK Parliament Inquiry into fake news.

The investigation was driven by deep concern that the behavioural advertising ecosystem has been applied to political campaigning - to influence how we vote without due legal or ethical consideration of the impacts to our democratic system.

As well as investigating the specific allegations relating to Facebook and Cambridge Analytica the

investigation has a broader aim of seeking provide transparency to the UK public about how their personal data is used in political campaigning and the role of all the different actors in the ecosystem.

The ICO has used its powers extensively during the investigation. Serving information notices on many organisations under investigation. We also executed a search warrant at the premises of Cambridge Analytica and seized servers containing 100s of TB of data.

At the time of writing many elements of the ICO's investigation remains ongoing and many of the details of our investigation remain confidential until the upcoming publication of our report. However, the ICO has already taken one enforcement action against Cambridge Analytica (CA) – serving an enforcement notice ordering compliance with a Subject Access Request made by Professor David Carroll, a US academic who sought to understand what data CA held about him and the sources of data that CA had obtained. The enforcement notice set an important precedent in highlighting the rights enjoyed by data subjects wherever they are located, if their data is processed by a data controller in the EU.

The investigation has also an impact at international level and the Information Commissioner gave evidence to the Civil Liberties, Justice and Home Affairs (LIBE) of the European Parliament investigation in June 2018.

The ICO has also used the experience of the investigation to successfully lobby for enhanced investigatory powers that were added to the UK Data Protection Act 2018. The new powers will provide the ICO with the tools for modern digital investigations that need to quickly access data held in many locations including cloud services. This includes stronger powers for no-notice warrants and inspections.

- c. Please explain why you think the initiative deserves to be recognised by an award (no more than 200 words)

The ICO is the first data protection authority to undertake such a comprehensive investigation into use of personal data for political purposes. The outputs of the investigation will inform a much broader debate, beyond the UK, about the use of personal data in elections and online manipulation, linked to wider debates about fake news.

It is ground breaking in terms of scope and depth and use of digital forensics to examine data seized during the investigation. There are many wider learnings that the ICO will be able to share with the wider data protection community about conducting digital investigations of this nature.

The investigation has also shone a light on the importance of transparency of micro targeting techniques in social media and the how data from third party sources is used to inform the targeting. It has also considered the application of new data analytics techniques that profile individuals for the purposes of political campaigning, placing them in categories and groups that then inform the use of micro targeting on social media.

The investigation has also highlighted the importance of political parties being subject to data protection laws and being accountable for their use of personal data, whilst respecting the key roles that political parties play in democracy and the positive benefits of political campaigning.

We have also considered the risks from Universities using social media data for research purposes and the need for stronger governance around the uses of the data.

- d. Include a photograph or image if you wish (note this will help illustrate the description of the entry on the ICDDPPC website; the image can be pasted into the entry or send as an attachment or a link may be provided):

5.

- a. Please provide the most relevant link on the authority's website to the initiative (if applicable) (The website content does not need to be in English):

An investigation and policy report will also be published on the ICO website on 11 July –
www.ico.org.uk

ICO opening statement to the European Parliament

<https://ico.org.uk/media/about-the-ico/documents/2259093/ico-opening-remarks-ep-libe-facebook-cambridge-analytica-20180604.pdf>

ICO statements on the investigation

<https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2018/05/ico-statement-investigation-into-data-analytics-for-political-purposes/>

Enforcement action announcement

<https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2018/05/ico-serves-enforcement-notice-on-scl-elections-ltd/>

- b. Please provide any other relevant links that you wish that help explain the initiative or its impact or success (e.g. links to news reports or articles):

<https://www.theguardian.com/uk-news/2018/may/05/cambridge-analytica-uk-regulator-release-data-us-voter-david-carroll>