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Gary Streeter MP and Rt Hon David Hanson MP
Chairs of the House of Commons Public Bill Committee on the
Data Protection Bill
House of Commons
London SW1A 0AA

TO2018/04047/DC
12 March 2018

Dear Gary and David,

Data Protection Bill and protecting democratic engagement

During the passage of this Bill, Ministers have been discussing with Parliamentary colleagues the shared concern of political parties that the new General Data Protection Regulation may create unintended barriers to the campaigning work that they are currently able to undertake lawfully. The Government recognises it is important that we ensure that we have legal clarity on these issues. Following discussions, we have tabled an amendment to the Bill for consideration at the Commons Committee stage.¹

The Government believes there is a strong public interest in both political parties and elected representatives being able to engage with the public, and campaign inside and outside elections. The amendment is seeking to confirm that the processing of personal data, that is necessary for the performance of a task carried out in the public interest, includes an activity that supports or promotes democratic engagement. This will provide clarity about how political parties and elected representatives can process data in order to continue to engage with the public. It is not seeking to create any partisan advantage for any side, nor allow for activities which are not currently permissible without consent.

The Bill already provides for the processing of personal data comprising political opinions within Schedule 1. What has hitherto been missing is anything clarifying the public interest factor in the processing of more general data, for the purposes of democratic engagement.

The amendment clarifies this, and makes provision on the face of the Bill to provide greater clarity to those operating in this space, assuming they comply with the other requirements of the data protection legislation, including the requirement for a legal basis. We think this is an appropriate addition to make to what is already a non-exhaustive list given the relevance of democratic engagement to other activities already listed.

¹ Clause 8, page 5, line 29, at end insert—“() an activity that supports or promotes democratic engagement.”

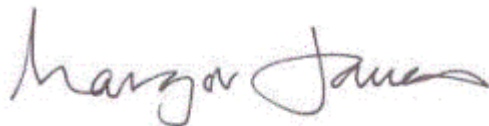
The Representation of the People (England and Wales) Regulations 2001 provides a basis for the processing of data from the electoral registers, but we would welcome any further thoughts as to whether this basis is appropriately defined, and whether there are other forms of processing that need to be considered.

In the accompanying Explanatory Notes to the amendment, in due course, we will also provide some practical examples of the type of activities that is covered by democratic engagement –including (but not exclusively) campaigning, fundraising, casework, communicating with electors, surveying and opinion gathering.

It may be that further work is required to ensure that the wide range of political activities have a sufficient a legal basis to rely on the public interest condition. The Government would welcome any representations from political parties and Parliamentarians on these matters.

I am copying this letter to the Commons and Lords frontbenchers of the different political parties in Parliament, as well as to party HQ members of the Parliamentary Parties Panel, and placing a copy in the Library of the House.

Yours ever

A handwritten signature in black ink that reads "Margot James". The signature is written in a cursive, flowing style.

MARGOT JAMES MP

Minister for Digital and the Creative Industries