

Students' Union UCL Data Protection Guidance for Candidates

Under data protection guidance, election candidates would be considered as “data controllers”. As such, they will have personal obligation to follow regulatory responsibilities and not misuse the personal data (including contact information) they have access to, use and manage. In practise, this would mean not contacting those who would not want or expect to be contacted regarding campaigning.

Posting to social media groups (not to an individual):

- If posting in social media groups (e.g., Facebook, WhatsApp) – candidates should check with the admins of the group for group policy on campaign messages before posting.
 - If group admins do not wish to allow campaigning, they are advised to post a general link to the election pages at the start of the period, and otherwise disallow any campaigning.
- Candidates can post campaign messages to groups where that campaign is relevant to the group, and all candidates have equal access to make posts.
- Candidates should keep the posts to a minimum (i.e., no spamming).
- Candidates should stop if asked to by group admins.
- Candidates should not create a social media group (e.g. Facebook, WhatsApp), and add individuals to the group without their prior consent, as this would constitute unsolicited marketing. Candidates can share invite links to their campaign groups in other groups if appropriate, so individuals can choose to join the group.

Contacting individual members of a social media group:

Contacting individual members of a social media group (e.g., Facebook, WhatsApp), is unsolicited direct personal communication, as the individual has not consented to that type of direct contact (specific consent). This could also constitute an unnecessary use of personal data.

- If a candidate **only** has access to an individual’s contact information through a social media group, they should **not** use it for individual unsolicited communications regarding their campaign.
- They could communicate with the group as a whole instead (factoring in the above guidance).
- If a candidate knows an individual personally and has obtained their contact details separately from the social media group, they can contact them according to that prior relationship. This does not mean a friend of a candidate should give that candidate their other friends’ numbers for this purpose, as that is both unsolicited data sharing and unsolicited direct marketing.
- If anyone at any points revokes consent / declares non-consent the candidate should stop communicating in that channel.

Further reading:

<https://ico.org.uk/for-organisations/guide-to-data-protection/key-dp-themes/guidance-for-the-use-of-personal-data-in-political-campaigning-1/>

<https://ico.org.uk/for-organisations/guide-to-data-protection/key-dp-themes/guidance-for-the-use-of-personal-data-in-political-campaigning-1/collecting-personal-data/#canwecollect2>