



Data Protection Good Practice Note Telephone marketing by Political Parties

Must a Political Party respect the TPS?

1. Yes. Telephone calls made by a political party to promote the party or solicit support are a marketing activity.
2. So a political party must not make unsolicited calls for such purposes to a number registered on the TPS (Telephone Preference Service) unless the subscriber has consented.

Is political promotion marketing?

3. Yes. Marketing covers not just the sale of goods and services, but also the promotion of an organisation's aims and ideals. The Privacy and Electronic Communications (EC Directive) Regulations 2003, S.I. 2003 No.2426 provide that unsolicited marketing calls must not be made to numbers registered on TPS without subscriber consent.

Are all telephone calls by political parties 'marketing'?

4. No. Not every telephone call is a promotional call. A political party can conduct genuine research by telephone just as professional market research companies do. Parties should, however, be careful to ensure that their calls are not in reality soliciting support under the guise of research. For example, a call which starts by seeking opinion and then urges support or invites contact with a candidate would be prohibited. Those who have registered with the TPS do not wish to receive unsolicited calls and are likely to expect political parties to observe the spirit and letter of the law.

The Commissioner looks to political parties to respect the best practice of the marketing industry in conducting any telephone canvassing. It would be regrettable if parties were seen to be testing the limits of the Regulations.

Enforcement

5. The Commissioner has the power to take enforcement action against someone making unsolicited calls in breach of the 2003 Regulations. In a clear case of repeated breach, he will take action to require a party to change its future practices. Parties should also be aware that any person who suffers damage may under the Regulations sue the person inflicting the damage for compensation.