



Information Commissioner's Office

Press Release

For immediate release

9 February 2010

Labour Party found in breach of privacy rules

The Information Commissioner's Office (ICO) has served an [enforcement notice](#) on the Labour Party after it breached the Privacy and Electronic Communications Regulations (PECR). The enforcement action, by the UK privacy watchdog, follows an investigation which revealed that the party had made unsolicited automated marketing calls without consent to almost half a million individuals.

In July 2007 the ICO received a complaint from a member of the public that he had received an automated marketing telephone call from the Labour Party despite never consenting to receive such calls. The call allegedly consisted of a recorded message from the actress Liz Dawn. After reviewing the transcript, the ICO advised the Labour party that it would constitute direct marketing; Labour subsequently agreed to stop making any calls using the Liz Dawn script or anything similar.

However, in June 2009 the ICO received further complaints. The Scottish National Party and a member of the public reported that unsolicited automated calls, consisting of a recorded message from Liz Dawn, had been made encouraging recipients to vote in the local and European elections. The Labour Party confirmed that the calls were made to approximately 495,000 recipients, in what were believed to be Labour supporting areas, and that the majority of numbers were obtained using commercially purchased lists.

David Smith, Deputy Commissioner at the ICO, said: "The ICO has consistently made clear that the promotion of a political party counts as marketing. We have previously issued detailed guidance to all major political parties on this subject. The

Labour Party has breached privacy rules by making automated marketing calls to individuals who have not consented to receiving such calls. The fact that the calls were targeted at what were believed to be Labour supporting areas confirmed our view that they were designed to promote the Labour Party's electoral cause by encouraging Labour supporters to vote. Automated calls can cause annoyance and disruption which is why it is so important for organisations making such calls to gain the consent of individuals.”

The enforcement notice requires Labour to ensure no further automated direct marketing calls are made without consent. Failure to comply with the enforcement notice is a criminal offence and could lead to prosecution. The Labour Party have a right to appeal within 28 days.

In 2005 the ICO issued updated guidance to political parties about their obligations under the Data Protection Act and the Privacy and Electronic Communications Regulations. However, in 2005 the ICO served enforcement notices against the Conservative Party and the Scottish National Party, and in 2008 the ICO served an enforcement notice against the Liberal Democrats. The parties had breached the Privacy and Electronic Communications Regulations by making unsolicited automated marketing phone calls to members of the public who had not given their consent to receive them.

A full copy of the enforcement notice can be downloaded here:

http://www.ico.gov.uk/what_we_cover/privacy_and_electronic_communications/enforcement.aspx

ENDS

If you need more information, please contact the ICO press office on 020 7025 7580 or visit the website at: www.ico.gov.uk

Notes to Editors

1. In view of the matters referred to above, the Commissioner hereby gives notice that, in exercise of his powers under section 40 of the Act, he requires that the Labour Party shall, within 30 days of the date of service of this Notice:

- a) in accordance with regulation 19 of the Regulations, cease using, or instigating the use of, an automated calling system to transmit communications comprising recorded matter for direct marketing purposes to subscribers who have not previously notified the Labour Party that they consent to such communications being sent to them.
 - b) in accordance with regulation 24 of the Regulations, cease using, or instigating the use of, a public communications service for the transmission of a communication to which regulation 19 of the Regulations applies unless the particulars mentioned in paragraph (2)(a) of regulation 24 of the Regulations are provided with that communication.
2. The Information Commissioner's Office upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals.
3. The ICO has specific responsibilities set out in the Data Protection Act 1998, the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Privacy and Electronic Communications Regulations 2003
4. Organisations can now sign the Personal Information Promise to demonstrate their commitment to protecting people's personal information by visiting the website at www.ico.gov.uk
5. For more information about the Information Commissioner's Office subscribe to our e-newsletter at www.ico.gov.uk. Alternatively, you can find us on Twitter at www.twitter.com/ICOnews
6. Anyone who processes personal information must comply with eight principles, which make sure that personal information is:
- Fairly and lawfully processed
 - Processed for limited purposes
 - Adequate, relevant and not excessive
 - Accurate and up to date
 - Not kept for longer than is necessary
 - Processed in line with your rights
 - Secure
 - Not transferred to other countries without adequate protection