

DÁIL ÉIREANN

AN COMHCHOISTE UM THITHÍOCHT, RIALTAS ÁITIÚIL AGUS OIDHREACTH

JOINT COMMITTEE ON HOUSING, LOCAL GOVERNMENT AND HERITAGE

Déardaoin, 20 Bealtaine 2021

Thursday, 20 May 2021

Tháinig an Comhchoiste le chéile ag 9.30 a.m.

The Joint Committee met at 9.30 a.m.

Comhaltaí a bhí i láthair/Members present:

Teachtaí Dála/Deputies	Seanadóirí/Senators
Francis Noel Duffy,	Victor Boyhan,
Thomas Gould,	John Cummins,
Emer Higgins,	Mary Fitzpatrick,
Paul McAuliffe,	Rebecca Moynihan,
Cian O'Callaghan,	Mary Seery Kearney.
Eoin Ó Broin.	

Teachta/Deputy Steven Matthews sa Chathaoir/in the Chair.

General Scheme of the Electoral Reform Bil 2020: Discussion (Resumed)

Chairman: We have a quorum so we are in public session. The committee is meeting to continue its pre-legislative scrutiny of the general scheme of the Electoral Reform Bill. We are joined by representatives of the following political: Mr. Darragh McShea, assistant general secretary, Fianna Fáil; Mr. John Carroll, general secretary, Fine Gael; Ms Maura Rose McMahon, general secretary, the Green Party; Mr. Brian Sheehan, general secretary, the Social Democrats; and Deputy Ó Broin from Sinn Féin.

I will ask witnesses to make opening statements. I ask witnesses to be brief and keep their opening statements to a minute or two so that we have plenty of time for questioning. Any of the written statements submitted will be published on the website after the meeting.

Members attending remotely within the Leinster House complex are protected by absolute privilege in respect of presentations they make to the committee. This means they have an absolute defence against any defamation action for anything they say at the meeting. However, they are expected not to abuse this privilege and it is my duty as Chair to ensure this privilege is not abused. Therefore, if their statements are potentially defamatory in respect of an identifiable person or entity, they will be directed to discontinue their remarks and it is imperative they comply with any such direction.

I remind members of the constitutional requirements that members must be physically present within the confines of the place where Parliament has chosen to sit, namely, Leinster House or the Convention Centre in order to participate in public meetings. There are some limitations to parliamentary privilege for witnesses attending remotely and as such, they may not benefit from the same level of immunity from legal proceedings as a person who is physically present.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the House or an official either by name or in such a way as to make him or her identifiable. I invite Mr. McShea to make his opening statement.

Senator Mary Fitzpatrick: I had indicated. My hand is up.

Chairman: I left my laptop behind so it is hard for me to see who has their hand up.

Senator Mary Fitzpatrick: I think Billie Sparks is here for the Labour Party but I did not hear the Chairman mention her so I acknowledge her presence and thank her for attending.

Chairman: I also welcome Billie Sparks, general secretary of the Labour Party. My apologies, I did not have that on my note. I thank Ms Sparks for attending.

Senator Mary Fitzpatrick: I knew it was just an oversight. We are used to Deputy Ó Broin being a member of the committee and now he is appearing as a witness. How does that work? Does he ask himself questions and then answer them? What happens here?

Chairman: I thank the Senator for her question. I must admit that having somebody appear as both a witness and a member of the committee is an unusual situation. I do not see it covered in Standing Orders. We requested the presence of the general secretaries or assistant general secretaries of the parties or their nominee to assist us in our pre-legislative scrutiny this morning. It would appear that Deputy Ó Broin has been nominated as the representative of the general secretary of Sinn Féin to appear as a witness at the committee. Could Deputy Ó Broin

confirm this? I see he has his hand up. I do not want to spend too much time on this because we have a lot to get through. Could Deputy Ó Broin confirm that he is a witness here? Is that correct?

Deputy Eoin Ó Broin: Absolutely. As per the letter of invitation to the party, it was the secretary general or a nominee and the party has chosen me as its nominee so I am quite happy to fulfill that role. My understanding is that there is nothing in Standing Orders that prohibits such a decision.

Senator Mary Fitzpatrick: We all agreed that it is up to the parties to nominate whoever they consider appropriate to represent them at this hearing. That is not in question. It never was. What I am questioning is how that works from the committee's perspective in terms of whether Deputy Ó Broin will ask himself questions, which he will then answer, and whether he intends to also act as a member of the committee and question the other witnesses. It is important for the committee and it is also out of respect for the other witnesses because they will not have an opportunity to interrogate or question other witnesses. I just want to know what the intention is. To be fair to everybody, we need to clear that up at the start.

Chairman: I will answer that question in a moment. I see Deputy Higgins has her hand up as well.

Deputy Emer Higgins: My questions have really been asked by Senator Fitzpatrick. I am just wondering how this will work from a practical perspective. Is someone allowed to be both a witness and a member of a committee? Is Deputy Ó Broin planning to act in both capacities or will he recuse himself as a member of the committee for the purpose of today's meeting?

Chairman: I will put that question to Deputy Ó Broin.

Deputy Eoin Ó Broin: I have no intention of asking myself questions. I will leave that to the other members. I am sure they have plenty of tricky questions for me. There is nothing in Standing Orders that prevents such a thing and in fact, this is not the first time it has happened. There have been periods before where members of committees have also been witnesses to committees so I do not think it is problematic. It is my intention as a member of this committee to ask questions, as I am entitled to do. Of course, I will happily answer any questions members put to me as the party's chosen witness.

Chairman: I thank Deputy Ó Broin for clarifying that but he will be aware that witnesses do not question witnesses. I invite Mr. McShea to make his opening statement.

Mr. Darragh McShea: I thank the committee for the invitation to appear for it today. Our general secretary has a prior commitment this morning and sends his apologies to the committee. He has asked me to represent the party this morning. We have made a full statement, which has been submitted to the committee, but in light of the Chairman's request that we try to keep our opening statements to one or two minutes, I will shorten it accordingly.

The committee has invited political parties here today primarily to deal with the issue of the electoral register. It is our view that the recent revelations regarding the holding of a unique and growing database by one political party represents an abuse that flies in the face of the core principles which have underpinned our electoral and data protection laws for over 20 years. The most recent case was met by repeated denials of the existence and nature of the database, as well as assertions of compliance. I acknowledge the significant work of Philip Ryan and the *Irish Independent* on this issue, work which is probably the reason we are today discussing this

matter.

I want to be very clear. Fianna Fáil does not, has not and will not use the electoral register in the manner in which Sinn Féin does. We have not maintained, nor do we maintain, a national database of voters. We have had, for many years, a member of staff who has specialist qualifications and knowledge in the field of data protection. We go to great lengths to abide by the letter and spirit of the law. We appointed a qualified data protection officer prior to the enactment of the 2018 legislation. This was a legal requirement of all parties upon the enactment of the 2018 Act. As a party, we take our responsibilities and obligations in this area seriously. We are conscious that we have significant responsibilities and obligations to both the Data Protection Commissioner and to those whose data we hold, specifically our members and supporters.

There is no basis for allowing any party to maintain a large super database that links its own records with the electoral register and combines it with profiling from individual social media accounts. We do not believe, and we have been advised, that this was not the intention of the law enacted in 2018.

The electoral register exists in order that candidates can know the names of their electors. It is right and proper that candidates and political parties should know the electors eligible to vote in an election. It is, in fact, crucial for democracy. However, under no circumstances, should anyone be allowed to use the register as the foundation to construct a much bigger database, cross-referencing many sources to gather information about individuals, unbeknown to those individuals, for the purpose of micro-targeting them into the future.

It is our view that there is a need to introduce safeguards regarding databases in general. We believe registered political parties should be required to register all databases. This registration should include listing the persons with access to each database and the location of its management. Where a database includes any personal details, a proper and transparent data protection notice should be provided to individuals in advance of the storing of this information.

We know people, rightly, are increasingly conscious of the rights surrounding their personal data. We know people are worried about the ever-increasing risks with respect to their personal data. As a party, we will continue to take all steps necessary to comply with both the spirit and letter of the data protection laws. We strongly advocate that the tolerance of super databases, built centrally using the electoral register as the foundation, is not accepted.

Chairman: I thank Mr. McShea. I invite Mr. Carroll to make his opening statement.

Mr. John Carroll: I thank the Chairman for the opportunity to address the committee today. I must note first that my understanding was that I was invited as general secretary to attend the committee hearing today. While I was aware that I could delegate this to another individual within the national organisation, I was not aware I could delegate it out of the ambit of headquarters.

The general scheme proposes that the information in the register of electors maintained will only be used for electoral or other statutory purpose. This is broadly the same legislative position as currently applies. Under the current legislation, it is stated that a person who uses information in the register for a purpose other than an electoral or other statutory purpose will be guilty of an offence. Given this, it would appear the proposed legislation will not change the situation as for what the electoral register can be used.

Relating to Fine Gael's use of the electoral register, we hold copies of a number of electoral

registers from recent years. These are kept for reference, research and planning purposes. For example, we use the information to be able to understand how many voters are in an area. We also use this information to assess changes in voter registrations from year to year and, in particular, to inform submissions to various constituency boundary commission reviews when they occur.

We also hold electoral registers on behalf of public representatives or candidates to facilitate their electoral activities. For example, they may not have the technology to maintain a copy of the register on their own systems. We do not merge, transfer or export the data from these registers to any central database, nor do we associate any other data against those held from the electoral register. We do not have a national database of voters.

We also hold copies of the marked electoral registers. This is for reference and planning purposes, primarily relating to turnout in particular areas. The data from the marked electoral registers are not associated with any other data.

Chairman: I thank Mr. Carroll. To clarify, we extended the invite to the general secretaries of each of the parties or asked them to submit a nominee to attend. It would be reasonable to infer that the nominee would have some sort of responsibility or knowledge of the data requirements of the party they represent.

I now invite Ms McMahon to make her opening statement. I know she had a power failure and is late in joining the meeting. It would be appreciated if witnesses could keep their opening statements to two minutes.

Ms Maura McMahon: I apologise to the committee but the power went out this morning in Two Mile House.

The Green Party recognises the importance of the leadership this committee is undertaking, the complexity of its task and the positive political transformation that its work will bring about. In particular, we recognise the challenges around the dynamic nature of technological innovation across international borders and through new platforms developing.

The Green Party would like to comment in particular on the need for an equal playing field for all candidates to get elected, especially those who have not been traditionally involved in politics and might not have the tech or plain language savvy to understand some of the issues around the non-statutory use of the electoral register that has been alluded to in the media recently. We advocate for a transparent electoral process that uses plain language to ensure appropriate access to the register for statutory purposes.

In terms of the party's use of the register, we have an outsourced data protection officer with in-house data champions. The electoral data are used for electoral purposes in line with GDPR and our party objectives, which are active participation in the political process, as well as informing, educating and involving the public in politics. The party does not currently maintain copies of unmarked registers. The party maintains two scanned copies of marked registers from 2019 and 2020. The registers are stored on secure EU-based servers and are subject to strict access control at HQ level.

Any use of the marked register is subject to data protection impact assessments, DPIA, as required by the data protection officer, to ensure that all risks associated with processing these data are accounted for and appropriately mitigated against in advance. Marked registers are used for anonymised voter engagement and personal data are not used. The identification of

voter engagement patterns is used to optimise our party electoral strategy and success. We find that is dependent on party resourcing and data protection safeguarding. As a growing party, our intention is to utilise data for heat maps, for example.

Chairman: I thank Ms McMahon. I invite Deputy Ó Broin to make his opening statement on behalf of Sinn Féin.

Deputy Eoin Ó Broin: As members know, Sinn Féin strongly welcomes the introduction of the electoral reform Bill, particularly the proposition to establish an electoral reform commission. We are keen it has the maximum levels of powers, particularly adequate resourcing and funding. We also support the move towards a centralised register of electors and an updated and appropriate register given the difficulties that all of us experience with it.

The one area of the Bill with which we have concerns is the regulation of online advertising, which we feel is weak. That is shared by many members of the committee. Accordingly, we would like to see that strengthened.

There are three reasons our secretary general appointed me. First, this is about the electoral reform Bill and I am the party spokesperson on the issue, meaning I am best placed to answer questions about it. I also have been fighting elections for 25 years, including being a director of elections most recently in the Dublin Mid-West by-election. I have hands-on knowledge of how we use the electoral register and can provide those questions with detailed answers. I also provide canvass training for party members.

We do not use the electoral register for anything other than electoral purposes. We do not cross-reference data or information from any other source. We use the register along with face-to-face, door-to-door canvassing to do exactly what Mr. McShea, Mr. Carroll and others have outlined, which is about identifying and targeting our vote and getting it out on the day. It is a really important tool regardless of whether you do it with paper and pen and hold the information in a biscuit tin, whether you use private sector databases such as, for example, Blue State, NationBuilder or Ecanvasser, or whether you have a centrally provided facility, as we do. This is a key tool for voter engagement, mobilisation and turnout.

Just so people are very clear, we do not hold a national database. What we have is an on-line platform in which every general election and local government constituency can access the electoral register. One of the advantages of using a system like that is that it is much easier to ensure compliance rather than having to rely in many cases on volunteers, candidates and elected representatives in multiple constituencies having to grapple with the complexities of the general data protection legislation, GDPR, and the relevant legislation. Some of the characterisations are misinformed but I am happy to go through all that in further detail during questions and answers.

Chairman: I thank Deputy Ó Broin for deputising on behalf of his party's general secretary. Does Deputy Ó Broin have an executive function within Sinn Féin and responsibility at that level?

Deputy Eoin Ó Broin: I do not understand the question.

Chairman: We have the general secretaries here today because, ultimately, the responsibility for ensuring compliance with data protection rests with the secretary general on behalf of his or her party. Is Deputy Ó Broin a member of the executive? Does he have an executive function within the party?

Deputy Eoin Ó Broin: I am a member of the party leadership and the party's national strategy group. I am very often a member of the party's national election directorate. I remind the Chairman that the invitation was to the secretary general or their nominee. It did not specify who that nominee should or could be. On that basis, the party chose me because it feels I am best placed to answer the potential range of questions that come before the committee today.

Chairman: I was just trying to clarify matters because we have executive members of parties here. I now invite Mr. Brian Sheehan to make his opening statement.

Mr. Brian Sheehan: I thank the committee for the invitation to appear before it to address the use of the electoral register by political parties. We welcome the scrutiny the committee is giving to the issue. It is very important voters have confidence in the security and uses of the electoral register. The Social Democrats makes limited use of the electoral register. We do not engage in any processing of the register and do not augment the information on it. We continue to comply with the letter and spirit of the data protection legislation.

We have been advocates of enhanced processing and centralised management of the electoral register to ensure all those eligible to vote can vote and to ensure there are accurate statistics around turnout and constituency sizes, so we very much welcome many of the proposals in the Bill. I am very happy to answer any questions the committee may have.

Chairman: I invite Ms Billie Sparks to make her opening statement.

Ms Billie Sparks: I thank the Chairman for giving me the opportunity to attend this important meeting this morning. I should make it clear at this point that the Labour Party supports the primary purpose of the Bill under consideration by the committee, which is to provide for the establishment of an independent electoral commission. We have some reservations about the division of responsibility that is proposed between the new commission and the Standards In Public Office Commission. However, given the time constraints this morning, I will not go into these now and will just focus on issues relating to the electoral register.

Data protection and privacy is something the Labour Party regards as being very important. We have a data protection officer and we engage staff both internally and externally to monitor our obligations in this area and believe we are fully compliant. We ensure our responsibilities relating to privacy and data protection are under regular review and we apply improvements as required. Where necessary, the Labour Party carries out a data protection impact assessment on any proposed changes to data processing within the party.

The Labour Party holds a database of members and supporters. This database includes information such as the names, addresses, contact details, trade union membership, date of birth, party membership fees and areas of interest. It also includes where the particular members or supporters have been involved in campaigns such as election or referendum campaigns. Supporters are added to our database if they sign up to our mailing list, get involved in a campaign or sign a petition or survey, but all of our data on members and supporters plus our website are hosted in Ireland. We do not hold an electoral register database in head office. As members will be aware, individual candidates for election or elected representatives are entitled to receive a copy of the electoral register under the Electoral Acts but this is not uploaded to a centralised database on our behalf. Candidates and elected representatives at local level may hold data relating to constituents relative to their functions in those roles and with regard to electoral activities, but this is not held in a centralised database within the Labour Party.

I thank members for their time and I am happy to take any questions.

Chairman: I thank all the witnesses for keeping to time. I ask members to limit questions and answers to five-minute slots, so for witnesses, this five to six minute slot includes time for answers.

Senator Mary Fitzpatrick: For the purposes of the secretariat, I am in Leinster House. I thank all the witnesses for attending today. We have had a number of sessions. We are conducting a very important piece of pre-legislative scrutiny. There is a commitment in the programme for Government to establish an electoral commission. It has been talked about for years and we very much hope to get this piece of work completed swiftly and to have an independent electoral commission in place as soon as possible.

I will focus on two key areas: the use of the electoral register and political advertising. I thank the witnesses for their statements. I understand from them that Sinn Féin is the only party that operates a centralised database and combines that database with online political advertising. I heard what Deputy Ó Broin said. It is a cloud-based database. I guess it is hosted on servers internationally in the US, Germany, Bosnia and Northern Ireland. My understanding is the database contains information about constituents from the electoral register and from the party's constituencies. I guess the party has 50 offices that serve the 37 Deputies, their secretaries and what I guess are a few hundred councillors. As I understand it, from what Deputy Ó Broin said, all those Deputies, councillors and volunteers contribute to the database, which also contains the electoral register. While I accept Deputy Ó Broin is saying it is secure, many people have a lot of access to information about an awful lot of people if the database contains information on up to three million voters. As I understand it, the database would be characterised by having information such as voters' names and addresses, the people with whom they live and their friends and families. If somebody was to go to a local councillor such as Séamas McGrattan in Cabra or Larry O'Toole, he or she might also give his or her PPS number, phone number, email address or the status of his or her employment if it was a housing issue. That is an awful lot of information - very personal information.

The security of it is very important not just for those individuals but also for our democracy when you combine it with the power of the microtargeting that can be done on platforms like Facebook. I see from Sinn Féin's Facebook ad profile that it has 17 advertising managers based in the US, Germany, Serbia and Ireland. I presume those 17 Facebook managers, combined with all of Sinn Féin's Deputies, councillors and volunteers who have access to the database, have access to and are managing all of those data and from there, creating custom audiences. This involves microtargeting similar to what was used in the Brexit campaign in the UK and, more recently, in the US presidential election. Sinn Féin has an ad running this week where Mary Lou McDonald invites people to join her on a Zoom call to talk about housing. Does Sinn Féin use that microtargeting in the database to do that? If that is the case, the challenge is to understand if people are comfortable with that, if it is good for our democracy and how it will impact on our democracy going forward. Deputy Ó Broin is correct that it is not just Sinn Féin that has access to this; other parties also have access to it. I heard Deputy McDonald say that up until recently Sinn Féin did not have a data protection officer, which is a requirement under GDPR. It also only recently provided a privacy statement on its website, which is also a legal requirement under GDPR. Did Sinn Féin undertake a data protection impact assessment before uploading the electoral register and merging that data with the information its constituents provide to local representatives? They are all legal requirements.

My final question relates to Facebook. Its terms and conditions require every user of its

customer audience function to have a lawful basis for creating those audiences and microtargeting. Has Sinn Féin complied with that requirement? If the other three requirements - a data protection officer, a privacy statement and a data protection impact assessment - were not met, how can Sinn Féin comply with Facebook's terms and conditions? Perhaps, it has done that by deleting the database and the custom audiences. If so, I would like to hear about that. We need to address this issue going forward in the electoral commission legislation.

Chairman: I presume Deputy Fitzpatrick's questions were directed to Deputy Ó Broin. He has one minute to respond.

Deputy Eoin Ó Broin: I am happy to answer all of the questions, but I may not get to do so in the one minute available to me. However, I am sure others will ask similar questions so I will answer them at some point.

I want it to be clear that we do not take information from any source, be that a constituency case file or social media interactions, and cross-reference those with the electoral register. It is not possible to do it on the Abú system and we have never wanted to do it and it would not be appropriate to do it. When a person comes into my constituency office and asks me to take up a constituency case and he or she gives me private information for the purposes of that work, that information is stored separately in my constituency case file. Some of our members use the Oireachtas system for that purpose, but I am a little old fashioned and I still use paper and pen that is adequately secured in paper files. None of that private information, for example PPS numbers and so on, is in any way cross-referenced with the electoral register or uploaded into Abú. As Senator Fitzpatrick will know, I am very active on social media on Facebook, Twitter and Instagram. We do not, and cannot, take information from social media and upload it onto the Abú system. None of the propositions about which Senator Fitzpatrick inquired take place.

On the second issue, it is probably a mischaracterisation to talk about a national database. When one logs onto the Abú system, as I would do as a candidate or director of elections, I can only access the register to which I am entitled, which is the Dublin Mid West register. The only people who will have access to that register are me, as a candidate, or my director of elections or director of canvass. We will only use that register during the course of elections for the purposes of canvassing, knocking on doors, talking to people, persuading them to vote for us and so on. If those people voluntarily confirm to us that they will vote for us we take a note of that such that on election day, Get Out the Vote operation, we can interact with those people.

Chairman: I apologise for interrupting the Deputy, but I need to stick strictly to time slots. As a committee, where a witness has been unable to answer a question owing to time constraint, we ask that he or she submit written answers. We may need to address some of the questions in that regard. The next speaker is Deputy Gould.

Deputy Eoin Ó Broin: I am taking the first Sinn Féin slot.

Chairman: Deputy Ó Broin is appearing as a witness today.

Deputy Eoin Ó Broin: I am also a member of the committee. There is nothing in Standing Orders preventing me from asking questions.

Chairman: As Chair, I have ruled previously in pre-legislative scrutiny, PLS, sessions that witnesses do not question witnesses. If the Deputy wishes to make a statement, that is fine, but I will not permit him, as a witness in committee today, to question other witnesses.

Deputy Eoin Ó Broin: Let me be constructive then because what we do not want is an acrimonious committee. I do not accept the premise of the Chair's ruling, but if I was to use my time to continue answering the questions posed by Senator Fitzpatrick, would that be a fair compromise?

Chairman: We can come back to that at the end. I would like to proceed now to the Sinn Féin slot, which is Deputy Gould. I ask Deputy Gould to put questions to the witnesses and we can wrap up at the end with Deputy Ó Broin, time permitting.

Deputy Eoin Ó Broin: Again, I do not want to be in any obstructive, but when the Chair ruled in previous committees that witnesses could not question witnesses those witnesses were not members of the committee. I have never come across a situation where a member of an Oireachtas committee has been denied the right to ask questions. I do not want a row, honestly, but, I regret, that is a significant decision by a Chair which I would have to challenge.

Chairman: Nobody is denying that Deputy Ó Broin is a member of the committee and he has certain privileges. The Deputy is within the confines of Leinster House so he has privileges above those of other witnesses in attendance. In that regard, I need to be fair. I cannot allow a witness who has extra privilege to put questions to another witness. I do not think it is fair for one witness to question another witness. I think the Deputy would agree on that point. It is for members of the committee to put questions to witnesses, but as confirmed by Deputy Ó Broin in his opening statement he is appearing today as a witness. The question of privilege also arises. I need to be fair to all witnesses and that forms part of my ruling on the matter.

Deputy Eoin Ó Broin: I will make a final comment and then defer to my colleague, Deputy Gould. I request that at a later stage the committee would write to the Ceann Comhairle for an opinion on the matter. Again, I am not seeking to delay the process of the committee, but it is unheard of for a Chair to deny a member of a committee the right to participate as a member. I would like the Ceann Comhairle's ruling on that at a later stage.

Chairman: I thank Deputy Ó Broin and I call Deputy Gould.

Deputy Thomas Gould: I want to raise a number of issues in regard to the electoral reform Bill on which I would welcome the opinion of Ms McMahon and Ms Sparks. In my parts of my constituency, voter turnout is very low. In terms of the electoral register, in some cases, only 25% of those registered are voting. A lack of knowledge around how to vote appears to be an issue. In that regard, in previous elections, we distributed sample ballot papers to try to encourage more people to engage in the voting process. When the European and local elections or a referendum are being held at the same time the number of spoiled votes is high. We believe this is down to people either not being used to voting or unable to manage the process. Sinn Féin wants to work to get more people to vote. As mentioned earlier, we need everyone entitled to vote to engage in the process and vote. I would welcome the witnesses' thoughts on that issue. I will come in again later, time permitting.

Chairman: I ask Deputies to be clear in regard to whom they are directing their questions because we do not have time to go to each of the six witnesses to give an answer. I ask Deputy Gould to clarify the witness to whom his questions are directed.

Deputy Thomas Gould: In my contribution, I asked Ms McMahon and Ms Sparks to give their opinion on how we can get more people to vote. They commented on the issue earlier, in particular Ms McMahon in her opening statement.

Chairman: I apologise and I thank the Deputy for clarifying the matter.

Ms Maura McMahon: The Deputy asked three questions - how do we get more people voting, how people know to vote and how we work on the spoiled vote. This is very much an issue in the Green Party's constitution around gender commitment. We would ensure that we targetting an equal number of males, females and others - they, he, she - and also that we are targetting people who have not participated in the electoral process to date. We strongly feel that the 60% on the electoral register is not representative of current Irish society. We do a significant amount of outreach throughout the year, beyond electoral periods, to make sure we engage with a variety of stakeholders, such as the Irish Traveller network and through the school systems. One suggestion we have had is to create a waiting list. This is a great opportunity for the electoral reform commission to create a waiting list of young people who are trained up and have it embedded in their education, that they understand their rights as voters and how they can engage from the first opportunity when they turn 18 years old. Perhaps there is an opportunity to have it so that it is when they turn 16 years rather than 18 years.

Ongoing engagement with the stakeholders is under way through our own party. Embedding constitutional mandates across other political parties would be helpful to ensure we get a wider group of people. The educational process alluded to should be a cross-party initiative embedded in the commission's work, quite frankly. Those are things which the Green Party has advocated for and is driving. With the leadership of our own Minister of State, Deputy Noonan, Deputy Matthews as the chair, and Deputy Duffy, we will work to continue to do that and welcome the opportunity to do so together.

Ms Billie Sparks: I thank Deputy Gould for the question. It is something we take very seriously, and I agree with the previous speaker, Ms McMahon, that the electoral register needs serious reform and needs to be examined and looked through again. I believe that is something the electoral commission would be tasked with, along with constituency reviews and encouraging voting. The previous speaker spoke about education and the inclusion from a very young age in school information on how to vote and how our political system works. Many schools do this with their own elections internally with young children and that is something that needs to continue in the older years as well. It is achieved through education and ensuring the electoral commission is tasked, empowered and resourced to carry out the function of encouraging voting.

Deputy Thomas Gould: Perhaps Mr. Carroll or Mr. McShea can answer my question. A constituent brought it up with me that when their son turned 18 years, he was taken off the child benefit. The children's allowance was stopped. What they could not understand was why he did not automatically go on to the electoral register so that he could vote. When the election came last year, he was not able to vote. He was 19 years at that stage. One of the things I have asked for, and this obviously goes hand in hand with data protection, is to look at how we can use PPS numbers and to see how the Department of Health, Department of Education, Department of Social Protection can link in to ensure the register is accurate. The other issue was the age at which people are able to vote. What are witnesses' thoughts on that?

Mr. John Carroll: My understanding is the legislation that is proposed will be able to deal with a number of those issues by providing people with an opportunity to register in advance and opportunities regarding the PPS number. They would be very welcome pieces. The more bureaucracy we can reduce by allowing people to get onto the register while ensuring it is accurate is welcome. I concur with Deputy Gould's view on that.

Chairman: We are out of time on that slot. In relation to Deputy Gould's first question, during the session in two weeks' time, we intend to invite the Irish Traveller Movement, the National Youth Council of Ireland and the National Women's Council of Ireland to attend to address some of those issues of expanding and increasing voter participation in elections. Pre-registration of 16- and 17-year-olds is a very positive move to get people on the register before they turn 18 years of age.

Deputy Emer Higgins: When I watched the Cambridge Analytica story unfold, I watched it with horror. Normal politicians did. Today, I would like to find out whether Sinn Féin watched it unfold and wondered how it could use that strategy for its political gain. I had intended to put a number of questions to the general secretary of that party, but instead they selected a politician to give political answers to data questions, questions on the register of electors and questions on facts. I find it interesting that nobody in Sinn Féin headquarters seems to have the authority or knowledge to answer those questions on the database it holds under the strict protection legislation.

I hope Deputy Ó Broin, as the expert on electoral reform for Sinn Féin, can answer my questions. The data contained in the Abú system was described by Sinn Féin's leadership, and by Deputy Ó Broin today, as being merely the electoral register. However, how was data scraped from the electoral register, in particular from the marked register, into Abú?

Deputy Eoin Ó Broin: I thank Deputy Higgins and I will do my very best to answer her questions factually. We do not scrape any data from any source. We do what any other party does and at times cross-reference the electoral register from the marked register. That is an ordinary part of electoral canvassing and something parties have done for a long time.

Deputy Emer Higgins: So, no software was used to put the information from the marked register onto the Abú system.

Deputy Eoin Ó Broin: We would cross-reference the marked register in certain circumstances with the Abú system during and immediately after an election campaign.

Deputy Emer Higgins: When the Deputy says "cross-reference", they are updating their Abú system with that detail.

Deputy Eoin Ó Broin: In certain circumstances, yes.

Deputy Emer Higgins: Is Abú available to employees or to the party's army of volunteers also?

Deputy Eoin Ó Broin: No, and this is an important point, because, like all members of this committee, we take those data protection issues very seriously. For example, in my own constituency, the only people who will have access to Abú during and shortly after an election are the candidates and those people nominated by the candidates. They would be very few in number, such as a director of elections or a director of canvass.

Deputy Emer Higgins: Is it freely searchable?

Deputy Eoin Ó Broin: In what sense?

Deputy Emer Higgins: In that you could go in and use the data, and use a search engine within the data.

Deputy Eoin Ó Broin: No. For example, the data is presented in exactly the same way as the electoral register in the sense that it would be by street name, as the printed register is.

Deputy Emer Higgins: Is it possible for Deputy Ó Broin to screen-share that with us without sharing any of the data it contains?

Deputy Eoin Ó Broin: I do not believe it would be. What I would say to Deputy Higgins, if this gives her any reassurance, is that we are engaging extensively with the Data Protection Commissioner. Any information she asks for, we provide so that she can make a determination as to our compliance.

Deputy Emer Higgins: Was Abú used during the Dublin Mid-West by-election in 2019?

Deputy Eoin Ó Broin: Absolutely, and very successfully so.

Deputy Emer Higgins: It was used in the general election 2020 as well, I assume.

Deputy Eoin Ó Broin: It would have been, yes.

Deputy Emer Higgins: Did Sinn Féin microtarget voters in Clondalkin and Lucan in 2019 using the Abú system?

Deputy Eoin Ó Broin: No, in fact, we would have used very little online advertising. Also, to be very clear, Deputy Higgins, we would never use the electoral register or information gleaned from canvassing, or the Abú system, for any of our online advertising. It is obviously recorded in Facebook for the public to see.

Deputy Emer Higgins: When Sinn Féin does advertise online, does it use custom lists to do so?

Deputy Eoin Ó Broin: No. For example, the typical type of advertising is when we have organic content, we would boost it at a constituency level, geographically or by age, etc.

Deputy Emer Higgins: Does Sinn Féin use any data used in conjunction with the electoral register to target voters?

Deputy Eoin Ó Broin: We do not use any information from the electoral register or canvass returns in any of our online advertising activity. All of the online advertising activity is done in exactly the same way as Deputy Higgins, or any other party, would do in the course of an election or outside of an election.

Deputy Emer Higgins: Does Sinn Féin use data brokers to understand the more personalised information?

Deputy Eoin Ó Broin: No, absolutely not.

Deputy Emer Higgins: No, okay. Yesterday, I got my subject access request from Sinn Féin headquarters, and it had a category marked “interactions”. What interactions is Sinn Féin recording?

Deputy Eoin Ó Broin: That would be a very straightforward thing, namely, face-to-face interactions. They would ordinarily be at the door but sometimes you will do a canvass at a stall or some other location. They would be recording face-to-face interactions during an election canvass, during an election period.

Deputy Emer Higgins: That is perfect, so they do not include information, for example, from social media comments.

Deputy Eoin Ó Broin: No, absolutely not. Again, let me be very clear so there is no confusion. We do not take any information from social media or, as Senator Fitzpatrick asked, from our constituency work as politicians and in any way cross-reference, upload or integrate that with the electoral register. The electoral register is purely for canvassed returns and get-out-the-vote operations during an election period.

Deputy Emer Higgins: Sinn Féin does not use the electoral register as a database for on-line activity.

Deputy Eoin Ó Broin: Absolutely not.

Deputy Emer Higgins: There was also a column entitled “Other”. What type of data is recorded in that column?

Deputy Eoin Ó Broin: Usually, there would be no data recorded in that. I suppose it is just one of the fields that the designer of the system put in. The only thing I could think of from my personal experience is every so often when you are on a canvass, as I am sure Deputy Higgins knows, and somebody who is a voter for your party requests, for example, that they would like a lift to the polling station on the day, you might record something like that, but it would be very unusual.

Deputy Emer Higgins: Okay. I notice that one of Sinn Féin’s recent advertisements has 17 different versions. Does Sinn Féin engage in AB testing through social media adverts and, if so, how does it store the reaction to the adverts?

Deputy Eoin Ó Broin: First of all, with respect to the particular advertisement, a proper way of characterising it is that there were not 17 different versions of the advertisement, it was the same advertisement in that instance. What we were interested in doing was seeing how different demographics would react to it. As Deputy Higgins knows, it is a facility Facebook provides and therefore you might have had the advertisement targeting people in geographic area or an age group. We do not store any of the information arising from that. Facebook stores it. The information is fully anonymised. The only thing you get back from Facebook is the Facebook analytics in terms of the anonymised responses to the advertisements.

Deputy Emer Higgins: I thank Deputy Ó Broin for answering all the questions. To clarify, when he speaks about the Abú system and it being cross referenced with the marked register, I note that in my own subject access request, SAR, the party was able to tell me whether or not I voted in elections. Is he saying that is done manually by someone sitting down with a marked register and literally cross-referencing it with the Abú system? Has somebody done that in constituencies right across the country, even though there are only a very limited number of people who have access to this?

Deputy Eoin Ó Broin: First of all, from my experience, it would be very rare that a constituency would have the capacity to do that.

Deputy Emer Higgins: Our constituency does.

Deputy Eoin Ó Broin: As Deputy Higgins is aware, she is in a constituency where the Sinn Féin organisation is very strong. We have two out of the four Deputies. Therefore, some of that

information will have been put in manually. Traditionally, people would have taken the marked register and their canvass returns and compared them visually. That is a facility that in some instances we will be able to do, but it would only be in a constituency that is very well organised.

Deputy Emer Higgins: I commend Deputy Ó Broin on being well organised.

Chairman: I am sorry, but I have to move on as we are out of time on that slot.

Senator Victor Boyhan: I welcome the witnesses from the various political parties here. To get back to some sort of context, we are here to carry out pre-legislative scrutiny on the electoral reform Bill. I have two simple questions in this first round. I will speak in the second round if my colleague is not present. I made contact yesterday in the Oireachtas on the marked registers. We are in a bubble in here and we all know what is going on but the public who are listening in – I have no doubt there will be many – need to understand what is a marked register. A marked register is one that is marked off at the polling station, which indicates that someone has presented himself or herself to a polling station and received a ballot paper. It is nothing more than that. The person may or may not have voted. Of course, 99% of them vote. That is what it is. The returning officers for each constituency is mandated to submit the marked register to the Clerk of the Dáil. I contacted the people dealing with this yesterday. The marked registers are then kept here. The Clerk is specifically given guidelines to the effect that he must destroy those registers within six months. He must get a certificate confirming that they are both manually destroyed and that they are removed from our IT systems. I checked all of this yesterday. I also got the statutory declaration documentation on this process, which I thought was particularly interesting, setting out that the declaration that must be signed. In addition, I got a schedule of the fees that are paid. Let us be clear for the public listening in: political parties and politicians, and for that matter, I learned yesterday that it is open to the public, can apply to the Clerk of Dáil Éireann to have the marked registers, every register in the country, if they so wish. My question to each of the parties is whether they can confirm that they applied to the Clerk of Dáil Éireann for the marked registers. Can they confirm where they store them or upload them? Can they confirm if they divided up those registers among the constituencies? How did they distribute them? There are very strict criteria in the declaration. I have a copy of it and I will circulate it to the committee later setting out the legal requirements on how all that is done. That is one question.

It is really important that the public know what happens. I think the public will be appalled and shocked that, first, the marked registers are kept, second, that a fee is paid for them, and third, that they are transferred to all the political party groupings. Would everyone confirm that to me in a moment? That is a question for each and every witness here today.

Could the witnesses please explain the manner in which their party uses targeted advertising, deliberately showing political advertisements to people on the basis of their gender, age and location? I put that question to everyone. I will start at the top with Fianna Fáil and Mr. McShea, and work down through Fine Gael, the Green Party, Sinn Féin and the Social Democrats.

Mr. Darragh McShea: I thank Senator Boyhan for the question. I do not believe we have applied for the marked register for the most recent election. We do not hold it. Centrally, in party headquarters, we hold very little data outside of the party's membership. We adhere to the very strict data protection requirements even pertaining to our membership and supporters. Online, we have our data protection notice. We do not hold databases centrally in the party. It is restricted to the members and supporters of our party. We hold the information on that basis.

In response to the Senator's second query on political advertising, I can confirm that we do not use our data to target advertisements by gender or anything of that nature either.

Senator Victor Boyhan: I thank Mr. McShea.

Mr. John Carroll: I thank Senator Boyhan for the questions. On the marked electoral register, we get that from the Clerk of the Dáil and we pay the appropriate fees. As he mentioned, this is open to anyone, not just the political parties, it is also open to Independents, Independent councillors and to members of the public. We store that locally within headquarters, with a very confined access regime to ensure its security and we do not share it beyond ourselves nor, as I mentioned in my opening statement, do we associate it with any other data from our side.

Regarding advertising, Facebook advertising is the predominant format, we target geographically. That is natural enough because if one has a candidate standing for election in a particular area, one probably does not want the people in Dublin Bay South to see Deputy Higgins's material and *vice versa*, so it would probably be negligent of us to engage in some kind of broad national advertising campaigns. Geography will always be a factor. Gender will be a factor as well if there is particular material that we feel is more appropriate to a female audience or a male audience we will target it, and obviously age.

Going back to Deputy Gould's contribution on voter engagement, there are different messages that different parts of the audience will hear and will want to hear. They are the broad pieces that we do. We do not use pixel data or cookie data or lookalike audiences within that context.

Senator Victor Boyhan: I thank Mr. Carroll and look forward to the response of Ms McMahon on behalf of the Green Party.

Ms Maura McMahon: We did order the last general election registers. They are stored at headquarters in a secure location and they are accessed by the data protection champions. They are not distributed. We are strict on access and we use data protection impact assessments, DPIAs, in respect of any type of future use. We do not use targeted advertising. The Senator spoke about fees and resourcing, the limits that poses and the uneven playing field it creates among parties, particularly the Independent candidates that would like to access politics but probably are not able to. The Green Party does not have the capacity to use targeted adverts. We are aware of from our elected representatives of regional areas of interest, as mentioned by my colleague, John Carroll. We would try to promote particular areas of interest in region, age, gender and so on. That is done on a cerebral basis. Limited budget is definitely an issue that needs to be addressed by the electoral commission so that we can ensure there is a fair playing field. I thank the Senator for that question.

Chairman: Time for this slot has expired.

Senator Victor Boyhan: We might get back to the remaining answers in the next round.

Chairman: I ask Ms Sparks to respond to the question in writing.

Senator Victor Boyhan: I will return to them in the next round.

Chairman: Is Senator Boyhan taking the second slot also?

Senator Victor Boyhan: Yes.

Chairman: That is fine. I would like to pose some questions myself. I have been knocking on doors for 20 years with an electoral register in my hands. Candidates engage with people and they take note of whether a person is likely to support them. They do that for their own benefit. This has moved into a much greater sphere with a much more complex collection of data. It puts the wealthier parties at a much greater advantage in terms of the amount of money and the resources they can invest. The smaller parties and Independents just do not have that access. It is influencing politics in a way. It has always been the way that the more money you have, the more influence you have. We know that to be true across society, but in politics and democracy, that it is a very unfair direction in which we appear to be going. My question is to the representatives of the three smaller parties in terms of representation, namely, Ms McMahon, Mr. Sheehan and Ms Sparks. Do they feel at a disadvantage when trying to compete with the wealthier parties and do they think the playing field is level for them? I ask the witnesses to respond in reverse order, starting with Ms Sparks.

Ms Billie Sparks: The Chairman raises an important point. Online advertising, like any advertising, costs money. The larger and better resourced parties have more opportunity to put money behind advertisements to microtarget to a larger extent. They have more staff members who are devoted to this task. This is something we come up against. It is a challenge. It is something we focus on and prioritise, but resources are limited for us compared with some of the other parties and we often have to be smarter in regard to how we go about doing things and ensure we invest the limited resources we have wisely.

I share the Chairman's concerns in regard to how this will impact on democracy and how politics functions in this country going forward. The Chairman is correct that those with more money tend to have a position of advantage, but it has never been as apparent or obvious in politics that the parties with the larger resources and money behind them have a much greater advantage than smaller parties such as the Labour Party, the Social Democrats or the Green Party. The Chairman has raised an important issue that needs to be looked at in terms of how we want our democracy to function into the future.

Chairman: I ask Mr. Sheehan to respond and adhere to the time allocation of one minute.

Mr. Brian Sheehan: We accept that larger parties have greater resources and so on in terms of accessing voters and getting the message across to voters. To be clear, any funding spent on advertising that we are able to do throughout elections is money raised directly from our members or the public. We do not spend any State funding on advertising through an election. That limits us as a smaller party. In the previous election, we were very successful in reaching voters and getting our message across. The challenge, as we have seen internationally, is the use of microdata and microtargeting to reach people with messages that, in some cases we have seen, inflame and are anti-democratic and anti-voter turnout. Those are the areas where money is being spent that are most damaging to the body politic and to democracy in general. The resources mean some parties with deeper pockets can reach people in a way that does not create a level playing pitch. It is crucial there is transparency around who is being targeted by whom and the amounts of money being spent. That should be done in real time rather than post an election.

Chairman: I thank Mr. Sheehan and invite Ms McMahon to respond and remind her of the one minute time allocation.

Ms Maura McMahon: As a Green Party we are 40 years young and as such the larger parties have an advantage, and that extends outside the electoral cycle, which I know has been

raised previously with the committee. Not to discount the importance and critical nature of competitive advantage, but it must be done on a level playing field. This goes beyond the party. It is about the party, the candidate and the electorate. In speaking about resourcing, off the top of my head I am thinking about resourcing for adverts that is costing in content creation as well as mobilisation, staffing and how parties are able to mobilise staff to access electoral data and help support people to access voting. Tech-savvy is about staffing and having the money to be able to afford to buy people with particular skill sets and the ability to provide plain language materials for the electorate such that you can engage people in a naturally transparent and accessible way. Again, this is a serious issue that can be addressed in a meaningful way by the electoral commission and give voters more sense of agency. The more complicated things are, the less people feel that their voice makes a difference in politics. Perhaps, that is part of the reason we are seeing declining numbers across all areas of the island in terms of voter turnout.

Chairman: I thank Ms McMahon. We are talking about the online sphere here. Fifteen or more years ago, when it was not as prevalent, small parties and Independents still faced the onslaught of armies of well-organised parties erecting posters and distributing leaflets. They had huge armies of canvassers then as well, which was always demoralising.

I would like to return to Deputy Ó Broin's comment that access to the Abú database is for the candidate and campaign election manager. Can those people who have access disseminate information by email, including to canvassing teams?

Deputy Eoin Ó Broin: They do not do that.

Chairman: Can they do that?

Deputy Eoin Ó Broin: Yes, in the same way as they could pass the physical register to other members of the party, but it is not something they do. We guard the register carefully, whether in hard or electronic format.

Chairman: It would not be possible for those people who have access to forward it in electronic format to other members of the team or canvassing groups.

Deputy Eoin Ó Broin: No, you cannot email the register. As I sure the Chairman will know, when the local authority provides local government candidates or Deputies with copies of the register, that is often in electronic format. It is often emailed or provided in a compact disc or memory stick. Strictly speaking, anybody could pass that information on, but that would not be the practice. The electoral register is a very sensitive document. People from all parties who are entrusted with it, I assume, would treat it with the seriousness it requires. It would not be passed on. The only people with access to it are those who should have access to it during election time, which in general is candidates or key appointed members of their election teams.

Chairman: So it does to others rather than just the candidates.

Deputy Eoin Ó Broin: It is not that the register goes to others; it is that designated officials, during the election, have access to the online system, in the same way, for example, members of other parties might have bespoke systems that they purchase for candidates or constituencies, such as NationBuilder or Ecanvasser.

Senator Rebecca Moynihan: It is my understanding that, as a result of an outcome of the European case last year, all data must be stored in the EU to ensure the full protection of GDPR. Can I ask each of the parties to confirm that all of their data, whether membership data or elec-

toral data, is stored in the EU and, if not, can they confirm where it is stored? I will have one more question but I would like to get an answer from each of the witnesses.

Mr. Darragh McShea: I thank the Senator for the question. Our data protection officer is constantly reviewing the cases that emerge with regard to potential difficulties as to where the data we hold could be stored. The vast majority of any information we hold is held here in Ireland but there are cases, for example, when we use certain providers, where we would rely on standard contractual clauses, which I think many parties rely on, whereby data may be transferred for short periods to other jurisdictions outside the EEA. We would do that in line with the regulations. As I said, our own data protection officer is monitoring the situation constantly and monitoring developments with regard to case law, update us regularly and seek external legal advice to confirm what we are doing is correct.

Mr. John Carroll: In regard to the question on our membership data, that is all stored in Ireland. As mentioned earlier in regard to the electoral registers, they are stored locally in Ireland as well. We also use a service, Poppulo, a company based in Cork, to provide communications to supporters who consent to that information on our website. It uses servers in Dublin, Cork and London, so that is outside the EU, as we understand it. We received confirmation again yesterday from our data protection advisers that it is in line with the current data protection arrangements. We have a data processing agreement with it since 2018.

Ms Maura McMahon: I can confirm that our electoral registers are stored on secure EU-based servers, subject to strict access at HQ level, and any membership data is stored in Ireland. Our data protection officer uses standard contractual clauses to monitor any other aspect of our affiliated work.

Deputy Eoin Ó Broin: I thank the Senator for the question. I want to confirm that it is contained within the EU. As we said recently on the public record, the Abú system specifically is in Germany.

Mr. Brian Sheehan: I thank the Senator. On the data we store, we do not store electoral registers, apart from, as Deputy Ó Broin said, in electronic or soft copy as sent from the city or county councils. We store our members' data on a system that is not in the EEA at the moment. The Senator will know, following the Schrems case, that the privacy shield which governed that was declared against EU law. However, the standard contractual clauses were held to be valid by the EU court. We are working with our suppliers until we get a decision from the European Data Protection Board, and there is currently a consultation and new guidance is coming from it. As soon as that new guidance comes, we will certainly implement that. In any event, towards the end of this year, we are probably moving to a new system which will probably be stored internally on an Irish server.

Ms Billie Sparks: I thank the Senator. All of our members and supporters database information is stored on servers in Carlow.

Senator Rebecca Moynihan: I want to ask a follow-up question. A couple of parties, Fianna Fáil and Fine Gael, indicated it is stored outside the EU. Where is it stored?

Mr. Darragh McShea: Most of our data, as I stated, is stored within Ireland. For example, like many of the other parties, most of our data pertaining to membership and things of that nature are stored here in Ireland. On occasion, information would be stored in the US and Australia. Again, I come back to the fact the data protection officer would be relying on the standard

contractual clauses, which are permissible.

Mr. Brian Sheehan: I would add that our data that is stored in the system we use is stored in the US and, again, subject to the same standard contractual clauses and data protection agreements.

Senator Rebecca Moynihan: I have a follow-up question to all parties, in particular Sinn Féin and Fine Gael, which both said they have centralised systems of the marked register. What is the intention of each of the parties and how are they going to approach the use of the electoral register and the marked register in the Dublin Bay South by-election? On a question to Fine Gael in particular, will there be a crossover of centrally managed databases from former Deputies and representatives that are used by Fine Gael in the campaigning in Dublin Bay South?

Mr. John Carroll: With regard to the crossover of information from a resigned Oireachtas Member or any public representative, we would not in any way facilitate such an action. I draw the Senator's attention to the letter the Oireachtas gives to all outgoing Members when they resign, which states: "Outgoing Members are also reminded that personal data which was given to them by constituents may not be transferred to third parties without the consent of the data subject." That is what the Houses of the Oireachtas Commission tells Members and we would not in any way try to go around that.

The other bit that is important is that we did not say we had a central electoral register or central marked register. I want to be clear that what I said was that we maintain copies of the individual ones we receive from the clerk, but we do not in any way merge, export, scrape, optically scrape or anything of that nature to bring them into some other format.

Deputy Eoin Ó Broin: With respect to the marked register, that tool is used locally and within the context of local election campaigns, not something that is used centrally.

With respect to the Dublin Bay South election, the value of the marked register is that it is an aid to assist in improving turnout. One of the reasons, I understand, that political parties, Independents and candidates have access to the marked register as well as the register is to try to ensure we get the maximum number of people voting in the election, which is obviously something we all want to see in any democracy.

Chairman: We are tight on time so I would appreciate if members could keep the questions reasonably answerable in the short timeframe we have. I call Deputy Cian O'Callaghan.

Deputy Cian O'Callaghan: I have a specific question for Sinn Féin and then a question for the other parties. On a question for Deputy Ó Broin regarding the information stored on interactions at the doors, does that include voting intention or political profiles of individual voters? How long is that data stored for? Would an interaction at the door with an individual voter during the 2014 local elections still be stored on the Sinn Féin database?

Deputy Eoin Ó Broin: I thank the Deputy for the questions. The information would be on voting intentions and it would be very simple information, particularly in terms of whether people are indicating they are intending to vote for Sinn Féin. The information is kept for two electoral cycles.

Deputy Cian O'Callaghan: When the Deputy says two electoral cycles, is that two general election cycles and two local election cycles, which is potentially ten years?

Deputy Eoin Ó Broin: Absolutely, two electoral cycles, depending on the election.

Deputy Cian O’Callaghan: Yes, it could be held for ten years.

With respect to the other party representatives, do any of their parties’ candidates or public representatives at a constituency or local level hold information on the voting intention or political profile of individual voters? The representatives might address that in the order of Fine Gael, Fianna Fáil, the Labour Party, the Green Party and the Social Democrats.

Mr. Darragh McShea: I thank the Deputy for his question. I am speaking to a committee of Members of the Oireachtas and they would all be aware various public representatives hold different types of information. Some might continue to use pen and paper while others would be more sophisticated and use an electronic database of some description. We have a data protection officer who would work very closely with our public representatives. He has been in place for several years from when we have had a data protection officer, which is before the introduction of the legislation in 2018. We would ensure each candidate, be it for a general election or a local election, has the requisite training. The data protection officer does the training periodically to ensure that it is accurate and they are up to date. We would ensure the officer is available to each candidate and provides the training.

As to what is held on the databases, I cannot state that with any certainty on behalf of public representatives. However, I would stress the data protection officer in party headquarters centrally works with all candidates or the candidates for the Oireachtas or for Dáil Éireann locally and ensures they are aware of the obligations they must discharge, their duties to the data protection officer and to any potential constituents or people who contact them with representations.

Mr. John Carroll: I thank the Deputy for his question. In all our training with potential candidates we stress the importance of data protection. When we provide information to individuals we always highlight that and provide clear guidance on it. However, with respect to the way individual public representatives, the approximately 300 public representatives Fine Gael has, and candidates manage the issue, ultimately they are the individuals responsible for their own data management. In much the same way as the Deputy is responsible for the data he receives and manages, so are our Deputies, Senators, councillors, MEPs and candidates.

Chairman: Ms McMahon appears to have technical difficulties. I will call Deputy Ó Broin.

Ms Maura McMahon: Apologies, I did not hear the Chairman call my name. Will I proceed or wait?

Chairman: Go ahead.

Ms Maura McMahon: I will brief. As has been said, elected representatives are separate data controllers and I would not presume to speak for them. However, as a party we have a commitment to ongoing continuous improvement and best practice. Our data protection officer champions work directly with the elected representatives and their staff on an ongoing basis as well as whatever direction and support is provided through the Oireachtas, but we are not aware of any use outside of headquarters.

Deputy Eoin Ó Broin: In response to Deputy O’Callaghan’s question, one of the problems of not having the kind of system Sinn Féin has developed in recent years is that Mr. McShea and Mr. Carroll, as he will note from their responses, cannot confirm whether all their individual

candidates or elected representatives are fully compliant because they have no ability to do that. They can advise and provide proper training and support, and that is important, but can they advise, for example, if every one of their candidates who stores that data has done a data protection impact assessment? They probably cannot. The value of our system is we have a single system we all access locally. Therefore, when the data protection officer comes to us to investigate compliance it is much easier for us to manage. One of the reasons we did that is data protection law is very complicated. For councillors, unelected general election candidates or even experienced politicians, this is a complex area of law. Therefore, if parties are serious about ensuring all their candidates and elected representatives are fully compliant with data protection law, particularly for big parties like Sinn Féin, Fianna Fáil or Fine Gael, it is much better to try to have the type of system we have, otherwise the party centrally does not know if Deputy X and constituency Y are doing the right thing. They hope they are. They are encouraging them to do so but they cannot state that, and that is very clear from the responses of Mr. McShea and Mr. Carroll.

Chairman: I call Mr. Sheehan to be followed by Ms Sparks and ask them to be as brief as possible.

Mr. Brian Sheehan: I thank Deputy O'Callaghan for his question. Our candidates and campaign teams do not collect individual voter intention information from canvasses. Inasmuch as they collect any information from a canvass it is aggregated information, for example, the voting preferences expressed in an aggregate sense or the issues that were raised. I am not sure voters would like the idea that political parties are storing their voter intentions expressed in a conversation at the door. We do not retain that and any aggregated information is not retained after the elections.

Ms Billie Sparks: I thank the Deputy for his question. Profiling of individual voters is not something we in the Labour Party co-ordinate centrally. As politicians, the Members will know from having canvassed that candidates get a sense at a door as to whether a voter is open to them, whether they should call back and try to get a vote from the person again or encourage the person to vote for them on the day but we do not profile individuals as such and we do not bring that data together centrally.

I would add we in the Labour Party examined moving to a new database system recently. In order to complete that process we sought legal advice because with the new system we were offered some standard contractual clauses that some colleagues spoke about. I will be happy to share that legal advice with the committee if it would be of any use to them.

Chairman: I will move on to the Fine Gael slot. As we are running very tight on time, I will have to ensure the time allocation is strictly six minutes. It is important members direct their questions to one or two individuals. If they direct them to all six individuals, we will not get the answers. Who wishes to speak in the Fine Gael slot?

Senator John Cummins: I will.

Chairman: Go ahead.

Senator John Cummins: I object in the strongest terms possible to the presence of Deputy Ó Broin as the Sinn Féin representative. These matters were issued to the general secretaries of the parties and no option was given to the general secretary of Fine Gael to send an alternative person. It is an affront to this committee, to be perfectly frank. I would question what Sinn

Féin has to hide now by sending someone like Deputy Ó Broin, who has absolute privilege, to this committee over and above the general secretary of the party. I will be formally requesting Sinn Féin's general secretary comes before this committee along with representatives from People before Profit and the Independent groups. Perhaps we can deal with that matter at the end of the meeting.

I will start my questions by asking Deputy Ó Broin, seeing as he is here, if he has ever been directly employed by Sinn Féin.

Deputy Eoin Ó Broin: I thank the Senator for his question and apologies that my presence offends him. All I can say is I guarantee I will answer all his questions directly.

Senator John Cummins: We are tight on time. It is a simple yes-no answer to that question.

Deputy Eoin Ó Broin: "Yes" is the answer.

Senator John Cummins: When and during what period?

Deputy Eoin Ó Broin: I have worked full time for the party for almost 22 years with a three-year gap when I worked for the not-for-profit sector in a variety of different jobs when I was not an elected representative. I am happy to list those for the Senator if he wishes.

Senator John Cummins: No. That is fine. Who is the general secretary of Sinn Féin?

Deputy Eoin Ó Broin: Ken O'Connell is the current acting general secretary of the party.

Senator John Cummins: Okay. According to the 2019 accounts of Sinn Féin, the Deputy is not a member of the national officer board of Sinn Féin, he is not one of the almost 50 members of the Sinn Féin ard comhairle according to those accounts, nor is he a trustee of the party. In the intervening 18 months has that changed?

Deputy Eoin Ó Broin: It has not. No.

Senator John Cummins: It has not. Therefore, the Deputy is not an accountable officer for Sinn Féin yet he is here acting on behalf of Sinn Féin as such. As I said, this is an affront to this committee. It is unacceptable we do not have the accountable officer who is accountable for Sinn Féin here before the committee. It is just unacceptable. I am going to move on to the Abú database system. The Abú database has never been used outside of an election period. Is that what the Deputy was saying?

Deputy Eoin Ó Broin: Absolutely. It is an election canvas tool.

Senator John Cummins: It has never been used outside of an election period by any member of the party?

Deputy Eoin Ó Broin: Not to the very best of my knowledge.

Senator John Cummins: "Not to the best of my knowledge" is a completely separate answer. It is a qualified answer, if the Deputy does not mind me saying so. It is an unacceptable answer. I want a definitive answer from the general secretary on whether the Abú database system has been used outside of an election period. When a constituent enters a Sinn Féin office, is any of his or her contact data information logged on the Abú database or the Oireachtas database, or both, or any other one?

Deputy Eoin Ó Broin: No constituency information, where somebody comes into the constituency office for the purposes of constituency work, is entered into Abú. Where one has a constituency office, such as mine, that uses paper files, we keep a paper file for constituency purposes. If an Oireachtas Member uses the Oireachtas constituency system, he or she will do that, but there is no crossover between that and Abú.

Senator John Cummins: The Deputy is confirming that he or any other Sinn Féin representative or employee has never combined data from any system with the Abú system.

Deputy Eoin Ó Broin: It is not possible.

Senator John Cummins: It has never been done.

Deputy Eoin Ó Broin: It is not possible, so no it has not been done.

Senator John Cummins: Just to quote what was widely reported in the media and in the *Irish Independent*, specifically. It referenced a training manual in relation to the Abú database. It read:

Facebook will show you the name of the person and often roughly where they live. By engaging with them you may be able to elicit more specific information that will help you pinpoint them in the real-world.

You can use the search function in the Abú system to find the person you have engaged with online, tag them as a social media engager and follow up with a canvass on their doorstep...

In response to questions from the media, the Deputy said that that was “stupidly worded” and that it was not, in fact, possible to do that on the system. That was not impossible to do on the system from what the training manual said. Is that still the Deputy’s position?

Deputy Eoin Ó Broin: Absolutely and-----

Senator John Cummins: So the Deputy wants us to believe that he thinks it is a credible position that Sinn Féin had a training manual about the Abú database, training members of his party, to do something that was never possible on its system. That is what the Deputy wants us to believe?

Deputy Eoin Ó Broin: I am more than happy to answer the questions, if the Senator would give me just half a second to respond to each one. They are very important questions and I want to give the Senator detailed answers. The training manual was a manual about the use of social media, not about Abú. It is clear, in hindsight, that the person who wrote those particular sentences was not accustomed with the system. It is not possible to upload information onto the Abú system from social media-----

Senator John Cummins: Was it ever possible?

Deputy Eoin Ó Broin: Absolutely not and the safeguard for this is the Commissioner for Data Protection, who is reviewing all of these matters. We are giving her full access to all of this information. She will make her determination on all of this in time.

Senator John Cummins: How many people have access to the Sinn Féin Abú database?

Deputy Eoin Ó Broin: The straight answer is that I do not know-----

Senator John Cummins: Again, that is another reason it is unacceptable that Deputy Ó Broin is before the committee, and not the accountable officer. Deputy Ó Broin does not have an answer to that question.

Deputy Eoin Ó Broin: Can I give the Senator the answer that I was going to give, if he could just give me a second? For example, one of the reasons I cannot answer that is that the party does not centrally control individual constituencies. Candidates in their elections do. It would be normal, for example, for one, two, or three people to have access to that system, including the candidate during the election campaign-----

Senator John Cummins: The election period, as the Deputy said-----

Deputy Eoin Ó Broin: Can I also just say, so that we are very clear, there was no request from this committee for accountable officers to attend today. There was an invitation to general secretaries, or their nominees. If the Senator had wanted the accountable officer-----

(Interruptions).

Senator John Cummins: We can take that up at the end of the committee when we have time because there was absolutely no option for the general secretary of Fine Gael to send an alternative. When was Abú database system created?

Deputy Eoin Ó Broin: It was in 2019.

Senator John Cummins: Who paid for this work? How much did it cost? Was there ever any contribution, directly or indirectly, from Sinn Féin in Northern Ireland, or the Friends of Sinn Féin to develop or run that system?

Deputy Eoin Ó Broin: I am more than happy to forward to the committee later today the actual cost. I just do not have that figure to hand. I apologise to the Senator. If he would just give me a second to answer, it would be no more than the standard cost, for example, for setting up and hosting a website, because that is its function. It was funded by the party in the South. It is hosted by the party. The costs of hosting it are covered by the party in the South.

Senator John Cummins: In the 2019 accounts of Sinn Féin, there is no recorded expenditure on IT development. However, there is an expense of £41,595 for IT development recorded in the Sinn Féin accounts in Northern Ireland. What was that expense for?

Deputy Eoin Ó Broin: I do not know. I have no involvement in the party's expenses in the North but like I say, I am more than happy to confirm in writing to the committee today the cost of the Abú system. There is nothing-----

Senator John Cummins: Chair, as I said-----

Chairman: I am sorry but we are just out of time.

Senator John Cummins: -----it is unacceptable that we do not have the accountable officer of Sinn Féin before the committee. It is an affront to this committee. It is unacceptable to me. I will be requesting formally, Chair, that the general secretary or the assistant general secretary of that party comes before our committee.

Chairman: That is noted. Thank you, Senator Cummins. Let us move on. I call Deputy Gould.

Deputy Thomas Gould: I thank the Chair. We are here today discussing pre-legislative scrutiny on the electoral reform Bill 2020. Unfortunately, Senator Cummins seems to think that it is a witch hunt. This is disappointing because we are trying to get more people to engage with the electoral process and to get a more accurate and independent register. I think the majority of people want to achieve that.

I have just a few questions and maybe Mr. Carroll could go into more depth on these. He said that Fine Gael keeps a number of registers nationally, but that they are not integrated. Could he outline the registers it keeps and where it keeps them?

Mr. John Carroll: I thank the Deputy for the question. I think the pre-legislative scrutiny of this legislation is very important. I think there is a lot in this legislation, which is very positive and will help more people to come out and vote, particularly the measures highlighted earlier about the PPS number and trying to get younger people on to the register earlier. I am very conscious this is something Deputy John Paul Phelan started when he was in the Custom House as a Minister of State in the last Dáil.

With regard to the registers we hold, we hold them in the format in which we receive them. We hold them locally. We do not extract from them, we do not scrape from them, we do not export information from them-----

Deputy Thomas Gould: That is not the question I asked. Fine Gael does not hold registers nationally, is that what Mr. Carroll is saying?

Mr. John Carroll: We hold registers nationally.

Deputy Thomas Gould: Can Mr. Carroll tell me who has access to all the registers both locally and nationally? How many people?

Mr. John Carroll: I would say approximately six to ten people.

Deputy Thomas Gould: Mr. Carroll said “approximately”. He is saying that between all the Senators, councillors and Deputies, only six people have access to the registers.

Mr. John Carroll: No, what I am saying is that in relation to the information we hold in Fine Gael headquarters, and which has been provided to us in Fine Gael headquarters, those are the access arrangements with regard-----

Deputy Thomas Gould: From a national point of view, how many people would have access to registers in 26 counties?

Mr. John Carroll: If one takes any Dáil office, every Dáil office is provided by the Oireachtas Commission with the electoral register with regard to its-----

(Interruptions).

Deputy Thomas Gould: I am conscious of the time. How many people?

Mr. John Carroll: In any Dáil office one might have a parliamentary assistant and sometimes a secretarial assistant. In those instances-----

Deputy Thomas Gould: Will Mr. Carroll clarify that Fine Gael does know how many people have access to its registers? We have a Fine Gael Senator here demanding definitive answers from Sinn Féin, when his own party cannot even answer the same questions.

Mr. John Carroll: I think, Chairman,-----

Deputy Thomas Gould: Could I finish? I do not know where Senator Cummins is coming from, but surely he should have the same standards in his party that he expects from other political parties.

Mr. John Carroll: Can I answer the question?

Deputy Thomas Gould: In relation to the last point, I have often seen Fine Gael candidates out and about with lists of registers. Who has access to those registers on a local basis? Can Fine Gael provide the names of everyone in every constituency? Will it forward that information to us this afternoon?

Mr. John Carroll: I thank the Deputy for the question. There may be a misunderstanding here. On the information we hold at Fine Gael headquarters, it is held here with security and that is the information we hold. Any individual standing for election or elected to local office, national office, or the European Parliament has statutory entitlements to the electoral register. If he or she receives the register in that capacity, it is a matter for him or her who holds and has access to it. Any Deputy has his or her own office and the Oireachtas Commission provides the electoral register to him or her. I am not sure how many people work in the Deputy's office, but he probably has a parliamentary assistant and a secretarial assistant. He may have people job-sharing or whatever else. I would envisage at least three people have access to his electoral register. On top of that, the Deputy has the Oireachtas piece and the Abú database system. Going back to the point made by Deputy Ó Broin-----

Deputy Thomas Gould: Do the directors of elections, the directors of canvassers or canvassers have access to that information locally?

Mr. John Carroll: Every instance has a particular set of circumstances but the electoral register-----

Deputy Thomas Gould: I thank Mr. Carroll. He has told me that Fine Gael has the same system as Sinn Féin. The only difference is we control it nationally because it is very complex. I move on to Mr. McShea.

Mr. John Carroll: Can I answer the question?

Deputy Thomas Gould: Mr. McShea said some of the data would be stored outside the EU. Are Mr. McShea and Mr. Sheehan confident they are not breaching EU guidelines? There was a ruling on contracts. Is Fianna Fáil confident that holding registers outside the EU is not in breach?

Chairman: As direct as Mr. McShea can be, is he confident?

Mr. Darragh McShea: I thank the Deputy for the question. I did not state the registers were held. I stated that on occasion some data may be transferred, for example, for various service providers. I am confident that the standard contractual clauses, which our data protection officer has reviewed along with our external legal advice, are all held correctly and properly.

Deputy Thomas Gould: When Mr. McShea says some data, could we have clarity-----

Chairman: Deputy Gould, I would appreciate if you would let us stay on track so everybody can get in.

Deputy Thomas Gould: Thank you, Chair. Go raibh maith agat.

Deputy Paul McAuliffe: I welcome the parties being here today. We invited them to see if the electoral reform Bill was ambitious enough and it is fair to say the new electoral commission, for which we have been waiting nearly 30 years, has a lot of work to do, based on the discussions we have had. I benefit from the questions my colleagues have already asked so I will focus on certain areas.

It appears from what Deputy Ó Broin said that, prior to recent weeks, Sinn Féin did not have a data protection officer or had not put a data protection impact assessment in place. Is that correct?

Deputy Eoin Ó Broin: That is absolutely correct.

Deputy Paul McAuliffe: In answer to Deputy Higgins' questions, Deputy Ó Broin appeared to suggest data from the marked register was being combined with the electoral register.

Deputy Eoin Ó Broin: That is correct.

Deputy Paul McAuliffe: So Sinn Féin is cross-referencing two different data sources without a data protection officer or a data protection impact assessment.

Deputy Eoin Ó Broin: The party has always had a data protection-----

Deputy Paul McAuliffe: That is a "yes" or "no" question. Is Sinn Féin doing that or not?

Deputy Eoin Ó Broin: Can I answer the question? The party has always had a data protection compliance officer. The problem was it was not dedicated and registered with the Data Protection Office. That was an oversight on our part and we have rectified it but we have always had a data protection compliance officer.

Deputy Paul McAuliffe: Sinn Féin is cross-referencing the marked register, which normally arrives in PDF, with the electoral register. Is that correct?

Deputy Eoin Ó Broin: Yes.

Deputy Paul McAuliffe: Is that available for more than one constituency?

Deputy Eoin Ó Broin: I do not understand the specific question.

Deputy Paul McAuliffe: Is Sinn Féin doing that in more than one constituency?

Deputy Eoin Ó Broin: Yes.

Deputy Paul McAuliffe: Sinn Féin has access to a database separate from the marked register of people who have voted, in more than one constituency.

Deputy Eoin Ó Broin: We combine the marked register with the electoral register in individual constituencies, and that would be accessed by people in those constituencies.

Deputy Paul McAuliffe: Are there officials with access to more than one constituency?

Deputy Eoin Ó Broin: No. The databases for the purposes of the constituencies-----.

Deputy Paul McAuliffe: Does nobody in Sinn Féin have access to more than one constitu-

ency?

Deputy Eoin Ó Broin: No. We tightly control and manage who has access to those so it is in the constituencies.

Deputy Paul McAuliffe: Sinn Féin holds a database of who has voted in more than one constituency, something which even the State does not have.

Deputy Eoin Ó Broin: No. We have an online facility that allows candidates and their election teams to access their local electoral registers, whether general or local-----

Deputy Paul McAuliffe: Has Sinn Féin combined that with the marked register?

Deputy Eoin Ó Broin: In those individual constituencies.

Deputy Paul McAuliffe: Sinn Féin has created a database in more than one constituency which records whether someone did or did not vote and the State does not have such a database.

Deputy Eoin Ó Broin: No. The Deputy is misunderstanding how the facility works. We have databases in each constituency that connect the marked register with the local electoral register and is accessed by-----

Deputy Paul McAuliffe: The Deputy said that and I take his answer. Sinn Féin did that without a data protection officer or a data protection impact assessment. I believe that is a breach of data, that that data was collected illegally and that it should be deleted.

I move onto Sinn Féin Facebook strategy. Deputy Ó Broin states they are separate processes and I accept his bona fides on that. Through lead generation forms and surveys, Sinn Féin has collected data. Is that correct?

Deputy Eoin Ó Broin: We do not hold that data. It is held with Facebook or whoever the provider is.

Deputy Paul McAuliffe: Sinn Féin has collected that data.

Deputy Eoin Ó Broin: It is provided with the consent of the people who participate in those surveys.

Deputy Paul McAuliffe: Sinn Féin did that without a data protection officer or a data protection impact assessment.

Deputy Eoin Ó Broin: As I said, we had a data protection compliance officer and we have always taken data protection compliance issues very seriously. The Deputy is right and I will be straight with him that it was an oversight not to have a data protection officer, but we now have one, thanks to the recommendation of the Data Protection Commissioner. That person is-----

Deputy Paul McAuliffe: Facebook's terms and conditions say one should lawfully collect data. Therefore, if-----

Deputy Eoin Ó Broin: We are not collecting the data. It is held by Facebook and we do not get access to it.

Deputy Paul McAuliffe: Deputy Ó Broin suggests Sinn Féin do not have access to the data. I suggest Facebook's terms and conditions say one should use lawful means to collect

data. We have said Sinn Féin does not have a data protection officer or a data protection impact assessment, which, I assert again, is not a lawful collection of data. Sinn Féin uses that data to microtarget ads. Is that correct?

Deputy Eoin Ó Broin: No, we do not.

Deputy Paul McAuliffe: Sinn Féin does not use any lead generation forms, likes or any results received on Facebook to microtarget ads?

Deputy Eoin Ó Broin: No. The only targeting we do on Facebook is using the facilities it has, particularly geography, gender, age, etc.

Deputy Paul McAuliffe: If somebody replies to a survey, Sinn Féin does not advertise to that person.

Deputy Eoin Ó Broin: No. Keep in mind that, in many cases, we do not get the finer detail of their personal data. If we do get it and it is given consensually, it is to reply back to them in terms of the outcomes of the survey or issues related to-----

Deputy Paul McAuliffe: Does Sinn Féin advertise back to them?

Deputy Eoin Ó Broin: Not in that way. If we advertise, it is using the standard tools on Facebook, including the targeting tools it provides.

Deputy Paul McAuliffe: There is a lot of work to do on online political advertising. I think voters knowing that Sinn Féin records whether they voted or not on an active database and knowing that if they contact Sinn Féin about a problem, Sinn Féin will use it to target them for advertising rather than solving the problem, are issues which are not healthy in a democracy. They are not unique to Sinn Féin because they could be used by any other party in the future, although they are not at the moment.

Deputy Eoin Ó Broin: I fully agree with the Deputy's last point, which is why we do not do any of the things he said. We have-----

Chairman: It was not a question. It was just a statement by Deputy McAuliffe. I need to move on. I am short on time.

Deputy Paul McAuliffe: I thank Deputy Ó Broin.

Deputy Francis Noel Duffy: I thank the witnesses for their contributions and for coming in at short notice. For public information, fees associated with marked registers are for the compiling of the register are nominal. It is public information. This Bill is important to us, especially to members of this forum. In recent years, as noted earlier, we have seen the unethical use of social media platforms to microtarget constituents to affect election results in the UK and the US. We cannot allow this type of political engineering to take place in Ireland where constituents are not aware they are being targeted subtly. The main purpose of today's meeting is to allow discourse on this matter and to inform us on how this type of behaviour can be cut out of Irish politics. I hope the eventual outcome of this process will be legislation that legally prohibits unethical data processing.

My question for Deputy Ó Broin is, considering he is not the data officer for the party, who briefed him in advance of this hearing? Is there someone in Sinn Féin who has intimate knowledge of organisational matters and practices within the party who went through things to

help the Deputy to prepare for this meeting? I am not looking for his or her name, but if there is someone who helped the Deputy to prepare, will he tell us why this person was not asked by his party to represent it?

Deputy Eoin Ó Broin: I thank the Deputy for the question. I got advice from the party's data protection officer and from other party members in the head office who would advise on all of these things. The letter that was issued to all parties asked for the general secretary or his or her nominee. I am the nominee of our general secretary, which is what this committee asked.

Deputy Francis Noel Duffy: I thank Deputy Ó Broin. I think the intent of that letter was that it would be somebody from head office.

Chairman: I appreciate Deputy Duffy keeping to the time.

Senator Victor Boyhan: I am taking the second slot for the Independent Group. The question that needs to be answered by Sinn Féin and the Social Democrats is if they will explain the manner in which their parties use targeted advertising deliberately to show political advertisements to people on the basis of their gender, age and location. I am conscious of time. Do the witnesses favour the continuation or would they be supportive of ending the practice of marked registers being made available to political parties?

Mr. Brian Sheehan: I thank the Senator. The Social Democrats do not hold any information on voters or marked registers. We have a database of members' information and we have access to the registers which are supplied by the city and county councils. We do not collect marked registers and we do not store the information about marked registers.

We target advertising based on geography if a candidate is in a specific geographic area. That is the primary way we do it. That is gleaned from information a person supplies to Facebook, like all the advertisements that appear on Facebook in that sense. It is transparent. Facebook implemented a system where you can look up who is targeting you and who is paying for the advertisements. We are happy with that transparency and think it can be enhanced significantly.

I do not quite know why marked registers are available. I do not think that people would like the idea of knowing a record was kept of whether they voted or not. People are wary of large databases of information holding personal information such as that. We have long been advocates of an electoral commission with a much enhanced electoral register, so there is obviously a need to collect some information to know percentages of voting and so on, but I do not think that information should be available.

Deputy Eoin Ó Broin: I thank Senator Boyhan for his questions. With respect to ending the marked register, I am personally agnostic on it. I do not think the party has ever been asked to take a position. It is a useful tool to assist increased voter turnout. Given that in some areas there is declined voter turnout, I would carefully weigh the pros and cons of what the Senator is proposing. It is certainly something we should consider.

With respect to targeted advertisements, it is similar to what Mr. Sheehan said. If I am boosting a post in my constituency, I may only want it to go to the people who live in Clondalkin or Lucan and therefore use the geography function. If I am posting something about renters, I might use an age category. In general, we would use the tools available on Facebook. All of that is recorded and publicly accessible through the Facebook advertisement library and, in that sense, it is quite transparent.

I think we have an important job with this legislation to look carefully at online advertising to make sure the Bill we pass has the strongest possible regulations. It was interesting that when Facebook came before the committee, it wanted us to weaken what is in the legislation. Sinn Féin will work with all members of this committee to make sure this Bill, which will regulate online advertising for elections for the first time, is as rigorous as possible. We can have strong regulations when it comes to other areas of advertising during elections and I would like to see the same level of rigour, transparency, accountability and limitation on large spending on online advertising too.

Senator Victor Boyhan: I ask the other witnesses their view on the marked registers, their retention and the practice of being able to pay a fee to receive them from the Clerk of Dáil Éireann.

Mr. Darragh McShea: I replied to Senator Boyhan earlier and confirmed that in the most recent elections, we have not requested the marked registers. There could be a role for the marked registers from the point of view of needing transparency. People need to know the pattern of people turning out to vote. There could be a role with people openly being able to see that, in certain polling stations, there has not been 100% turnout and that, in other areas, there is no turnout. It is important that people are able to see the marked register. The problem arises where the marked register is then collated and compared with other data and information, where it can then be used and effectively turned into an electioneering tool. I stated the register of electors has an important role for our democracy. Every person going forward for election should have an entitlement to know the potential electors. I do not think anyone would disagree with that. That is part of democracy. What happens is that-----

Chairman: I am sorry to interrupt Mr. McShea.

Mr. Darragh McShea: -----everybody begins collating various sources of information and layering on top things like the marked register and other information.

Chairman: Sorry, Mr. McShea.

Mr. Darragh McShea: That is where problems arise. I would say that as opposed to excluding people from being able to see the marked register in a transparent way, perhaps clearer guidance and legislation needs to be published about what purposes are appropriate.

Chairman: I need to interrupt. I hope Mr. McShea can hear me now. We have to move on. The remaining witnesses can provide a written response to Senator Boyhan's question on the marked register.

Senator Mary Seery Kearney: I am mindful my time is short. There needs to be a clarification about data controllers. Today when we are talking about the national offices and national political parties, we are operating in an environment where the national party is the data controller of the information it holds. Each individual member, whether a candidate, a local representative or a representative at national level, is also an individual data controller. Deputy Gould did not appear to understand that distinction in the line of questioning he engaged in, so clearly more training is needed for Sinn Féin.

I go to the Sinn Féin privacy notice regarding the Abú database, which clearly states the database comprises the electoral register and the marked electoral register, with additional canvass information. The screenshot of the dashboard of the Sinn Féin Abú database, as published by Philip Ryan, a journalist for the *Irish Independent*, shows that people are under headings

of hard support, soft support, strong opposition, unknown or not in, and whether they voted in previous elections or did not vote. There are buttons for analytic statistics. There is an opportunity to create a canvass relating to an individual. There are shared canvasses and there is manual voter match. In the context of the information it states it collects, the lawful basis of processing does not appear to set out in the privacy notice or on what it is relying. There seems to be an indication that it uses legitimate interest. For legitimate interest to be lawfully used as a basis for processing, it must pertain only to members of an organisation, former members or people who are actively engaged with the organisation. Where does the Sinn Féin data protection impact assessment, DPIA, cover the use of the electoral register, marked and unmarked, in the Abú system?

Deputy Eoin Ó Broin: As the Senator is aware, I am not a lawyer, so let me try my best-----

Senator Mary Seery Kearney: The Deputy is not a lawyer but he is here to answer for the party in respect of the system.

Deputy Eoin Ó Broin: I am and I will do my best to answer. The legal basis for the information we collect in canvasses and put in the Abú system is section 48 of the Data Protection Act 2018. We believe all of the information on the system is fully compliant with that and, as the Senator is aware, the Data Protection Commissioner is currently engaging extensively with my party. If that office has any concerns, it will let Sinn Féin know and we will address those concerns. We are-----

Senator Mary Seery Kearney: Is the Deputy's party publishing the DPIA?

Deputy Eoin Ó Broin: We believe we are, first of all-----

Senator Mary Seery Kearney: It is a "Yes" or "No" question. Is the Deputy's party publishing the DPIA?

Deputy Eoin Ó Broin: We will strictly follow the advice and guidance of the Data Protection Commissioner on that and all issues related to this matter.

Senator Mary Seery Kearney: Best practice suggests it needs to publish the DPIA.

Deputy Eoin Ó Broin: We will take our guidance from the Data Protection Commissioner and be fully compliant with the law as recommended by the officeholder whose statutory function is to regulate all of these matters.

Senator Mary Seery Kearney: The Abú system was created in 2019, yet the 2018 accounts for Sinn Féin show computer and IT expenditure of €116,000. The accounts for 2019 show an expenditure of €88,500, while the accounts for the Six Counties in the same year show an expenditure of €41,500. What was that expenditure on?

Deputy Eoin Ó Broin: I do not know. I am here to answer questions relating to the Abú system, which is from 2019, and the Electoral Reform Act. I am happy to answer questions on the issues I was invited to speak to.

Senator Mary Seery Kearney: This is about the use of the electoral register and the Sinn Féin privacy notice as published in the public domain states categorically that the Abú system is the electoral register and marked register, yet the Deputy cannot account for the expenditure on IT and computers.

Deputy Eoin Ó Broin: In the years preceding the Abú system and in the years the Abú system has been there, the party has had lots of IT expenditure and lots of other online facilities including websites, etc. The SIPO requirements allow us to stipulate the way it is presented in our returns. As I stated when asked earlier about the costing of the Abú system, I am more than happy to request that information from the party and provide it by way of an email to the clerk to the committee today.

Senator Mary Seery Kearney: All right. On the issue of the legitimate interest, Sinn Féin states it uses the data “in our legitimate interest of pursuing our political activities”, those of Sinn Féin, that is, and that it does not disclose the data to third parties “other than those who provide a service to us which requires access to our database”. Does that include third parties who operate data analytics? Is it data analysts? Does it include such services?

Deputy Eoin Ó Broin: No, absolutely not. We do not employ any of those services. It refers to the people who do the hard graft of getting other people, such as me, elected, including canvassers and volunteers as well as members of the election directorate of the individual candidates at a general election or local election level.

Senator Mary Seery Kearney: That goes beyond the obligations under data protection and the principles of GDPR, namely, data minimisation and having restricted access. It goes way beyond that when one is disclosing the sort of information around hard, soft or strong opposition and when a person voted. There is clearly potential in the Abú system for analytics and statistics. There are clear options in it to go way beyond merely recording what people have on clipboards in terms of a paper trail. The training manual that was published states:

Abú records multiple contacts and we will be using that to present info differently in time. This provides for a practical recording of the verify and engagement phases as well as the identify stage.

I ask the Deputy to explain that.

Deputy Eoin Ó Broin: Whoever wrote that needs to learn how to construct English language sentences properly. My understanding is that when one is entitled, as we are under section 48 of the Act, to gather certain forms of information about voting intentions for the purposes of contesting elections - and that is what this is all about - one can do so for a specified period and, therefore, see, for example, whether one’s vote is increasing or decreasing and then respond both as candidate and as a party in a constituency to ensure the work one does on the ground enables one to get elected. That is all prescribed within the relevant section of the Act, or my interpretation of the relevant section of the Act, in terms of the purpose for which this information is collected. Let me be clear that this information is used for no purpose other than getting people such as me and Deputy Gould elected. It is not cross-referenced with any other source of information or used for any other purpose. It is not given to anyone outside our canvass and campaign teams. I again point out that the Data Protection Commissioner is looking at all of this and it is that office, rather than any member of this committee, that will determine whether we are compliant or if we need to improve our systems.

Senator Mary Seery Kearney: The section referring to the disclosure of information suggests that includes disclosure to database developers. Does the Abú system employ blockchain technology?

Deputy Eoin Ó Broin: No.

Senator Mary Seery Kearney: Is the Deputy saying that absolutely and categorically?

Deputy Eoin Ó Broin: I do not think I could be more clear.

Senator Mary Seery Kearney: Coming back to the manual and bearing in mind that the Deputy is one of the trainers-----

Deputy Thomas Gould: Will I get an opportunity to come back in? I am just looking at the-----

Senator Mary Seery Kearney: Excuse me, Deputy, you have had your time.

(Interruptions).

Chairman: Deputy Gould, please.

Senator Mary Seery Kearney: Deputy Gould has had his time. It is clear there is a cover-up going on if he needs to talk over me in the same way that Mr. Carroll, the Fine Gael general secretary, was not allowed to answer his question.

Chairman: I thank the Senator. There is one minute for Fianna Fáil to come back in for its last slot. I apologise, but we have run over time and I will have to cut the speaker short.

Senator Mary Fitzpatrick: Can we allow Senator Seery Kearney to finish? It was really rude how she was interrupted.

Chairman: Had Senator Seery Kearney finished her question?

Senator Mary Seery Kearney: No, I had not.

Chairman: I ask her to finish her question. We might be able to get a written response to it or fit in a quick verbal response if possible.

Senator Mary Seery Kearney: The manual states: ““You can use the search function in the Abú system to find the person you have engaged with online, tag them as a social media engager and follow up with a canvass on their doorstep”. That implies that more than the electoral register is being stored on the Abú system as it has that facility and that is stated in black and white in the manual.

Deputy Eoin Ó Broin: It is a completely fair question. That is the sentence on which I have commented publicly to say it is very badly worded. To be clear, if somebody engages with me on social media in the course of an election campaign, what I would like to be able to do is canvass that person on the doorstep. If I engage with the person and he or she consensually lets me know where he or she lives, then when I am going to canvass that area and have the canvass sheets with me, I will try to speak to the person face to face. However, we do not take any information without people’s consent. We do not upload any information from social media onto the Abú system. It is purely the electoral register and information related to voting intentions which we are legally entitled to collate under the Data Protection Act 2018.

Senator Mary Seery Kearney: Actually, the privacy notice is silent on consent and it relies on legitimate interest. Sinn Féin is failing in the transparency obligations in that regard.

Chairman: I thank the Senator. I have to call a halt to the questioning. As regards the DPIA the Senator referenced and its publication, I ask the Deputy to furnish the committee with

a copy of it when it is published.

Deputy Eoin Ó Broin: We will first seek advice from the Data Protection Commissioner. Subject to her advice, we will absolutely assist the committee in whatever way possible.

Chairman: I thank the Deputy.

Deputy Paul McAuliffe: To come back on the point just made by Deputy Ó Broin, it is not correct to state that Irish voters gave permission for Sinn Féin to record on a central database whether they voted. It is incorrect to state that. Sinn Féin did so without voters' permission. The information is made available but it is not permitted to record it on a database. It is wrong that Sinn Féin is recording whether people voted on a live database. No other party represented at the committee has stated that it does that and no voter of whom I know would be comfortable with Sinn Féin recording whether he or she voted.

Senator Mary Seery Kearney: The voter actions of 3.5 million people have been recorded unlawfully.

Deputy Eoin Ó Broin: Does the Chairman wish for me to respond?

Chairman: I thank members. We have reached the end of our allotted time. I thank all of the witnesses for their engagement. It has been very helpful. The meeting is adjourned-----

Senator John Cummins: Chair, I would ask before you conclude the meeting that you address the issue that I raised at the outset, which was a formal request that the general secretaries of Sinn Féin, People Before Profit and the Independent groups to come before this committee. It is unacceptable that we did not have an accountable officer here from Sinn Féin and I formally put that request here.

Chairman: I note Senator Cummins's request. As the Senator knows, we will deal with that request and the committee will decide whether it will issue that request to the general secretaries of those-----

Senator John Cummins: Chair, I need to know why the invitation issued to Sinn Féin, which was marked on the Teams website as "Invite to general secretary of Sinn Féin", was addressed to Deputy Eoin Ó Broin. Deputy Ó Broin has confirmed to this committee meeting that he is neither the general secretary of the party, nor a member of the Ard Comhairle, nor a member of the national council and nor a trustee of the party. How did that happen? It should not have happened. It was marked to the general secretary. Deputy Ó Broin is not the general secretary of Sinn Féin. That should not have happened and I request that the general secretary of that party come before this committee, along with the secretaries general of People Before Profit and the Independent groups.

Chairman: I thank Senator Cummins. We can address all correspondence matters at our next meeting. I thank the witnesses. Our next meeting is on Tuesday, 25 May 2021, at 11.45 a.m.

The joint committee adjourned at 11.45 a.m. until 11.45 a.m. on Tuesday, 25 May 2021.