

A: Implied consent-based processing:

It can be reasonable and proportionate to provide first name, last name, email address, and membership number to a third-party online voting system for the purpose of supporting an EGM without explicit consent, provided certain conditions are met. This can be compatible with UK GDPR and the Data Protection Act 2018, if done lawfully, fairly, and transparently, under an appropriate lawful basis other than consent — typically "legitimate interests" or "contractual necessity", depending on the relationship and the organisation's governing documents.

Detailed Explanation:

1. Lawful Basis for Processing (Consent is not the only basis)

Under UK GDPR, consent is only one of six lawful bases for processing personal data. For managing and administering an A/EGM (a core function of many membership organisations), other lawful bases may be more appropriate, including:

- Legitimate interests (Article 6(1)(f)): e.g., managing the membership, running governance processes like elections and EGMs.
- Performance of a contract (Article 6(1)(b)): if the membership contract requires EGM participation or voting rights.

If running the A/EGM and enabling member participation in votes is part of the organisation's governing responsibilities, explicit consent is not required, as long as members would reasonably expect their data to be used this way.

Key Point: If relying on legitimate interests, a Legitimate Interests Assessment (LIA) should be documented to demonstrate that processing is necessary, proportionate, and does not override members' rights.

2. Purpose Limitation & Data Minimisation

The purpose — enabling secure online voting — is clear, specific, and legitimate.

The data being shared (name, email, membership number) appears proportionate to enable:

- Authentication/verification of members.
- Secure, personalised access to voting systems.
- Accurate recording of voting outcomes linked to membership records.

Membership number is a good way to ensure uniqueness without overexposing other identifiers.

Data minimisation principle is satisfied if these details are necessary for voting and no excessive information is provided.

3. Security & Due Diligence of Third Party

If the third-party online voting system has been vetted for security and compliance, and an appropriate data processing agreement (DPA) is in place, this satisfies:

- Article 28 (Processor obligations) of UK GDPR.
- Duty to ensure appropriate technical and organisational measures (Article 32).

4. Transparency & Fair Processing

Even without seeking explicit consent, members should be clearly informed (e.g., in a privacy notice) that:

- Their data will be shared with a secure voting system for A/EGM purposes.
- The purpose and legal basis of the data sharing.
- Their rights, including the right to object (though, for core membership functions, objections may not always be upheld).

Compatibility with UK GDPR & Data Protection Act 2018:

Sharing name, email, and membership number with a secure third-party voting platform, without explicit consent but under a clear lawful basis (legitimate interests), is lawful, fair, and proportionate under UK GDPR and the Data Protection Act 2018, if:

- The processing is necessary for the purpose (enabling voting/participation in A/EGM).
- Members have been informed of this use of data.
- A DPA (contract) is in place with the provider.
- A legitimate interests assessment has been carried out.

