

Privacy Notice for Electoral Registration/Elections

Data Controller

Electoral Registration Officer (ERO) / Returning Officer (RO), Council Offices, White Cliffs Business Park, Dover, CT16 3PJ

Contact: Electoral Services email vote@dover.gov.uk Tel: 01304 872344

Data protection officer

Harvey Rudd: Data Protection Officer, Dover District Council, Council Offices, White Cliffs Business Park, Dover, CT16 3PJ, email: dataprotection@dover.gov.uk, Tel: 01304 872321

The Electoral Register

This lists the names and addresses of everyone who is registered to vote in public elections. It is used for electoral purposes, such as making sure only eligible people can vote. It is also used for other limited purposes specified in law, such as:

- detecting crime (e.g. fraud)
- calling people for jury service
- checking credit applications

The Electoral Register can be inspected by anyone.

The open register

This is an extract of the electoral register but is not used for elections. For example, it is used by businesses and charities to confirm name and address details. Your name and address will be included in the open register unless you ask for them to be removed. Removing your details from the open register does not affect your right to vote. If you are concerned that having your name or address on the register may affect your safety, there could be other options available to you. In certain circumstances, you can register without your name and address showing on the register. To find out more, please contact the Electoral Services Team at the address above. You can find out more information about both registers and how they may be used at www.gov.uk/register-to-vote

Processing activity

The ERO has a statutory duty to;

- Maintain a list of UK Parliamentary and local government electors for the area for which they act;
- The requirement to take reasonable steps to obtain information for that purpose and to ensure as far as practicable that persons who are entitled to be registered (and no others) are. This includes collecting nationality data to determine eligibility;
- The requirement to conduct an annual canvass and to send Household Enquiry Forms throughout the year (This will result in the householder disclosing to the Electoral Services Team personal information about other members of the household);
- The requirement to give persons invitations to register;

- The requirement to take steps to encourage participation by electors in the electoral process;
- To meet such standards of performance as set by the Electoral Commission.

The RO must act impartially and ensure that the conduct of an election is in accordance with the law. The RO uses the information collected by the ERO for the Register of Electors and absent voting lists in order to issue poll cards and absent votes to eligible electors. The RO is also required to collect the names, addresses, DOB's, relevant political party of candidates and agents on Nomination Papers/Consent to Nominations/Certificate of Authorisations/Election Agent forms as well as names, addresses and elector numbers of supporters of candidature.

The ERO is required by law to provide the following:

- Full register and monthly updates – supplied to elected representatives; local and national parties; credit reference agencies; Electoral Commission; British Library; Jury Summoning Officer; candidates and election agents
- Open register - for sale to anyone
- Election register and absent voting lists produced on behalf of the RO for each polling station for use by polling staff on election day to check those who are eligible to be issued with a ballot paper.
- Copies of marked register from polling station available for purchase by elected representatives, election agents, local/national political parties
- Election notices on display at Council Offices, on the web and displayed in the relevant electoral area.
- Applications to register are available for inspection for 5 days;
- Full register information to Monitoring Officer at Dover District Council for law enforcement/security purposes
- Documents deposited for the Proper Officer of the Council are available for inspection

Print suppliers receive data files containing name, address, unique elector number and polling station to which allocated to produce poll cards.

Print suppliers receive data files containing name, address, unique elector number and candidate information to produce postal votes and ballot papers.

Print suppliers receive data files containing names, addresses, nationalities and postal vote & opt out preferences to produce household enquiry forms, invitations to register and confirmation of registration letters.

Personal information may also be shared with the police, the National Fraud Initiative, HMRC and other councils when the ERO/RO is permitted to or required to do so by law.

Information requirements

To be able to vote in any election or referendum for which you are eligible, you are required by law to provide personal information for inclusion in the electoral register. In general terms, the ERO/RO process personal information relating to:

- your name, address, nationality and date of birth
- unique identifiers (such as National Insurance Number)
- signatures for absent vote checking
- scanned application forms, documentary evidence, correspondence
- notes about any relevant circumstances that you have told the Electoral Services Team about

- your previous or any redirected address
- other occupants in your home
- if you are over 76 or under 16/17
- whether you have chosen to opt out of the open version of the register
- certificates of registration
- bank details and car registration numbers of staff employed for electoral purposes
- documentary exceptions process (physical or mental health details) documents received as part of an application for anonymous registration
- staff appointment information
- records of persons supplied with absent voting lists
- records of persons supplied with the electoral register
- records of persons who pay to receive the electoral register

Lawful bases

The **lawful bases** for processing your personal information are:

- for the performance of a contract or taking steps to enter into such a contract i.e. where you are employed on polling station duties or as a canvasser
- consent to use your email and/or telephone number
- for the performance of a public interest task which has a clear basis in law (see above) or in the exercise of official authority vested in the Data Controller
- to comply with the ERO/RO's legal obligation(s); for examples please see the annex to this privacy notice.

Reasons for processing - some of the information that is collected and shared is classified as:

- special category personal data;
- criminal convictions and offences (including alleged offences).

This is processed for reasons of substantial public interest under the laws that apply to the ERO/RO (see above) where this helps to meet the broader social obligations such as where it is necessary to fulfil legal obligations and regulatory requirements. Dover District Council has a Data Policy that sets out how this information will be handled.

Data Processors

To verify your identity, the data you provide will be processed by the Individual Electoral Registration Digital Service managed by the Cabinet Office. As part of this process your data will be shared with the Department of Work and Pensions and the Cabinet Office suppliers that are data processors for the Individual Electoral Registration Digital Service. You can find more information about this here: <https://www.registertovote.service.gov.uk/register-to-vote/privacy>.

Data sharing

The information held on the electoral register can be supplied to the following persons and/or organisations:

- British Library and national Libraries (Scottish and Welsh)
- Public Library or local authority archive services
- UK Statistics Authority
- Electoral Commission
- Boundary Commission for England
- Jury Summoning Bureau (indicating those persons who are aged 76 or over and are no longer eligible for jury service)
- Elected Representatives (MP, MEPs, local Councillors)
- Police and Crime Commissioner
- Candidates standing for elections
- Local and National Political Parties
- Dover District Council
- Civica UK Limited
- Parish and Community Council
- Police Forces, National Crime Agency
- Government departments or bodies
- Credit Reference Agencies
- Cabinet Office (National Fraud Initiative)
- Electoral Registration Officers
- Returning Officers

The ERO/RO also rely on a number of exemptions, which allow them to share information without needing to identify a lawful basis for the sharing and without needing to provide you with information about the sharing. Please refer to the Kent & Medway Information Agreement for further details on the sharing arrangements.

You are reminded that the Electoral Register can be inspected by anyone and the Open Register can be bought by any person, company or organisation.

Retention

The ERO/RO will only keep your personal information for as long as is necessary in line with relevant legislation. The ERO/RO has a data retention schedule which lists how long your personal information will be kept. The data retention schedule will be reviewed from time to time and therefore the time periods specified in it may change.

Your rights

Right to access

The ERO will confirm an elector's registration for the current year in writing to their registered address only. No information will be confirmed over the telephone or by email.

Right to request rectification and to object

Updates to registration can occur between January and September each year by way of the monthly update process but there are statutory deadlines for receipt of applications and when the amendment comes into effect. Credit reference agencies, elected representatives, local/national political parties receive updates on a monthly basis on request.

You can request to have your name removed from the Open Register which is available for sale to any person for any purpose. The details will be updated in line with the monthly procedure listed above.

There is a "clerical error" provision to amend the register up to 9pm on polling day in accordance with legislation (Section 13B of Representation of the People Act 1983).

Right to withdraw consent

You cannot withdraw your details from the Full Register of Electors as you have a legal obligation to provide information about registration to the ERO, (see Representation of the People (England & Wales) Regulations 2001 Part 3 Reg 23). However you can remove your details from the Open Register which can be sold to anyone for any purpose.

There is no provision in law to amend a register retrospectively once it has been published.

Personal information cannot be removed retrospectively from Notices already published; please see retention schedule for more information.

If you have provided the ERO/RO with email/telephone details and no longer wish them to be used to contact you, you can advise the Electoral Services Team by email/letter/telephone and it will be actioned within 5 working days. Please note that these contact details are never passed on or published anywhere and are purely used to contact you if there is a problem with your registration.

Right to data portability

Where information has been collected by the ERO/RO on grounds of consent or in the context of an employment contract, you have the right to obtain and reuse personal information you have provided (in automated form) for your own purposes by asking the Electoral Services Team to move, copy or transfer your personal information from one IT environment to another, in a safe and secure way without hindrance to user ability. However, the ERO/RO can only offer data portability where they are able to, as they may be subject to system restrictions.

Right to erasure (right to be forgotten)

This right does not apply where the lawful basis for processing your personal information is the performance of a public task (such as the maintaining of the electoral register) or where your personal information is necessary for archival in the public interest e.g. you cannot ask the ERO to remove you from 'old/historical' electoral registers since your inclusion on those registers originated from a legal obligation. However, you can request that information collected on grounds of consent (for example, where you give consent to the use of your email address) is deleted or removed at any time. The RO is required to publish notices relating to an election. Although you could not use the 'right to be forgotten' to require that your details be removed from statutory notices, you can exercise the right to have your details removed from notices the RO has made available on Dover District Council's website after the election, if the deadline for the election petition had passed (when the notices serve no further GDPR Electoral Registration Officer Privacy Notice purpose). The RO will either remove the notices from the website, or remove your personal information contained in these notices, once the petition deadline for that election has passed.

Right to lodge a complaint

If you wish to complain about how the ERO/RO is processing your personal information please contact:

Dover District Council
Council Offices
White Cliffs Business Park
Dover
CT16 3PJ
email: dataprotection@dover.gov.uk
Tel: 01304 872318

You also have the right to complain to the Information Commissioner's Office, at:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Phone: 03031 231 113 or 01625 545 745
Website: www.ico.org.uk

Consequences of failing to supply data

- Non-inclusion of members of the household on the register of electors thereby denying them the ability to vote.
- A fine of £80 for failing to provide the information required from an Invitation to Register and an unlimited fine and up to 6 months in prison for knowingly providing false information.
- A fine of up to £1000 for failing to provide the information from a Household Enquiry Form and an unlimited fine and up to 6 months in prison for knowingly providing false information.
- If an application to vote by post or by proxy does not contain all of the required information the application will be deemed invalid and the elector will have to vote at the polling station allocated to them.
- If a candidate/election agent does not supply all of the required information their Nomination Papers will be rejected as invalid.

Please refer to Dover District Council's Corporate Privacy Notice at www.dover.gov.uk for further details about your rights and how your personal information is processed.

Annex

- Representation of the People Act 1983
- Representation of the People Act 1985
- Representation of the People Act 2000 (Schedule 4)
- The Representation of the People (England and Wales) Regulations 2001 (as amended)
- European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001
- Electoral Administration Act 2006
- The Electoral Registration and Administration Act 2013
- The Electoral Registration and Administration Act 2013 (Transitional Provisions) Order 2013
- The Representation of the People (England and Wales) (Amendment and Description of Electoral Registers) Regulations 2013
- The Representation of the People (Appointment of Proxies) Regulations 2013
- The Representation of the People (England and Wales) (Amendment) Regulations 2014 and The Representation of the People (England and Wales) (Amendment No.2) Regulations 2014
- The Representation of the People (Supply of Information) Regulations 2014
- Electoral Registration Pilot Scheme Order 2014
- The Representation of the People (England and Wales) (Amendment) Regulations 2015
- The Electoral Registration and Administration Act 2013 (Transitional Provisions) Order 2015
- The Representation of the People (England and Wales) (Amendment) (No. 2) Regulations 2015
- The Representation of the People (England and Wales) (Amendment) Regulations 2016
- The Representation of the People (England and Wales) (Amendment) Regulations 2018
- Parliamentary Election Rules
- Political Parties, Elections and Referendums Act 2000
- The Local Elections (Principal Areas) (England & Wales) Rules 2006
- The Local Elections (Parishes & Communities) (England & Wales) Rules 2006
- Police & Crime Commissioner Rules 2012
- European Parliamentary Elections Act 2002
- Local Authorities (Conduct of Referendums) (England) Regulations 2012
- Neighbourhood Planning (Referendums) Regulations 2013