



Herefordshire Council Privacy Notice for Electoral Services

Who is processing my data and how we will use the information we hold about you

We use personal data to enable us to carry out specific functions for which we are responsible and to provide you with a statutory service in accordance with data protection law. The Data Controller for the information outlined in this privacy notice is the Electoral Services Officer (ERO) and Returning Officer (RO) for the following purposes:

- to undertake our statutory obligation to ensure that all eligible persons in Herefordshire are registered to vote and maintain a complete and accurate register throughout the year; and
- to enable all registered electors to participate as voters in elections or referendums
- to enable eligible persons to stand as candidates in elections in accordance with statutory requirements

With regard to the above, we will specially use personal information on the Electoral Register to:

- conduct an annual canvas of all households to establish all eligible persons who are entitled to be registered
- produce poll cards and postal ballot packs

Categories of personal data

In order to carry out these purposes we collect and keep records about potential and actual electors, voters, citizens, candidates, agents, staff employed for registration and elections and booking contact details. These may be written down (manual records), or kept on a computer (electronic records). These records may include:

- your name, address, email address and telephone number
- your nationality and date of birth
- Unique identifiers - National Insurance Number
- Signatures for absent vote checking
- Scanned application forms, dates of any letters of correspondence
- Notes about any relevant circumstances that you have told us
- Your previous or any redirection address
- Other occupants in your home
- If you are over 76 or under 16/17
- If you have chosen to opt out of the open version of the register
- To provide additional evidence to confirm your identity such as copies of your passport, marriage certificate or driving licence.

There is certain personal data which is more sensitive such as nationality that is categorised (under the General Data Protection Regulations (GDPR) as special category data. This is because it may reveal a person's racial, ethnic origin or politics. We may also deal with special category data through documents received as part of documentary exceptions process, anonymous registrations, or staff information.

The lawful basis for processing special category data for electoral purposes is the performance of a public task (i.e. maintaining the electoral register, and administering the election) that it is necessary for reasons of substantial public interest and with a basis in UK law.

The Electoral Registration Officer, can only process this special category data if there is a policy document in place which sets out the following:

- the procedures for complying with the data protection principles
- the policies for retention and erasure

Legal basis for processing

The legal basis for processing your personal information is contained in the following legislation

- Representation of the People Act 1983
- Representation of the People Act 1985
- Representation of the People Act 2000
- Political Parties, Elections and Referendums Act 2000
- European Parliamentary Elections (franchise of Relevant Citizens of the Union) Regulations 2001
- Representation of the People (England and Wales) Regulations 2001
- Local Elections (Principal Areas) (England and Wales) Rules 2006
- Local Elections (Parishes and Communities) (England and Wales) Rules 2006
- Electoral Administration Act 2006
- Electoral Registration and Administration Act 2013
- The Electoral Registration (Disclosure of Electoral Registers) Regulations 2013

By law, a person who has received a Household Enquiry Form (HEF) must provide information required to the Electoral Registration Officer (ERO). There is a criminal penalty of up to £1,000 for failing to provide the information to the ERO.

By law, a person who fails to return an Individual Electoral Registration (IER) form can be fined £80.

Information Sharing/Recipients

We may share personal information with partner organisations.

We are required by law to provide copies of the Full Register which is published once a year and is updated every month to [certain organisation and individuals](#). They may use it for their own reasons which are different to ours but they still have to look after the data contained in the register in the same way we do. It is a crime for anyone who has a copy of the Full Register to pass information from this register on to others, if they do not have a lawful reason to see it. The organisations and individuals have restriction notices set out in law on what they can and cannot use the Full Register data for.

In accordance with law, the Full Register has to be made available for public inspection and we do this by making it available to inspect at Electoral Services Office, Town Hall, Hereford.

- Inspection is done under supervision
- People who inspect the register can make handwritten notes but cannot take copies or photographs of the register
- Information taken must not be used for direct marketing purposes, in accordance with data protection legislation, unless it has been published in the Open Register
- Anyone who fails to observe these conditions is committing a criminal offence and will be charged a penalty of up to £5,000.

We are required by law to provide copies of the Marked Register, details whether you have voted (but not how you have voted) to those who are entitled in law to receive it after an election.

We are required to supply where the health and safety of others is at risk, also when the law required us to pass on information under special circumstances, and for crime prevention or the detection of fraud as part of the National Fraud Initiative.

We are required by law to provide copies of the Open Register which is published every month and can be sold to any person, organisation or company who requests it. They may use it for their own reasons that are different to ours but they must look after your data in the same way that we do.

If you have opted to be included in the Open Register, by law your register information can be shared with anyone who requests it. You can choose whether or not to have your personal details included in the Open register. However, they will be included unless you ask for them to be removed. Removing your details from the Open Register will not affect your right to vote

The [Open and Full versions of the Electoral Register](#) **do not** contain your telephone number and/or email address.

The process of checking citizens' personal identifiers to ensure eligibility for inclusion in the Electoral Register is controlled by the Cabinet Office via the Individual Electoral Registration Digital Service (IERDS). This includes:

- The Department of Work and Pensions who use data provided to verify the identity of new applicants. You can view their privacy information [here](#).
- The Cabinet Office will inform the old local authority of people who have moved area.

Information will be processed with the European Economic Area (EEA) and will not be shared with overseas recipients.

The Cabinet Office suppliers are data processors for the IERDS service. [You can find out information about this](#).

Subject to strict agreements describing how it will be used, your information may also be shared with:

- our software provider – sorts any issue with the software which could relate to an individual's record, but only on our instruction. You can view their privacy information [here](#).
- printers – process your information to produce election and registration information, but only on our instructions i.e. poll cards, postal packs and forms
- contractor – process information to deliver election material, but only on our instructions i.e. delivery of polling booths to polling stations
- Hoople Ltd – process your information to produce staff payments for elections and canvass, but only on our instructions

We will not normally share your information with organisations other than our partner organisations without your consent. However, there may be certain circumstances where we would share without consent such as where we are required to do so by law – for example:

- where a formal court order has been issued
- to law enforcement agencies for the prevention or detection of crime
- to the Jury Central Summoning Bureau indicating those persons who are aged 76 or over and are no longer eligible for jury service

Any information which is shared will only be shared on a need to know basis, with appropriate individuals. Only the minimum information for the purpose will be shared. Anyone who receives information from us has a legal duty to keep it confidential and safe.

Automated decisions

For Electoral Services, all decisions made regarding electoral registration and candidates standing for election involve human intervention.

Data retention

Electoral Registration

We will retain any documents that contain your personal information (e.g. HEF and ITR forms) for only as long as it takes for your registration application to be determined following which we securely dispose of the documents.

We retain electronic information about persons on the electoral register for only as long as they remain registered, following which the information will be deleted.

The Electoral Registration Officer and Returning Officer are obliged to process your personal data in relating to preparing for and conducting elections. Your details will be kept and updated in accordance with our legal obligations and in line with statutory retention periods. All information will be held securely and destroyed under confidential conditions.

Candidates standing for election

We are required by law (Principal Area Rules 2006) to retain candidate nomination papers for candidates standing in elections for no longer than 12 months after the election, following which the documents are securely destroyed.

Home address forms provided by candidates standing in General Elections are retained for a period of 21 days after the return of the legal writ, following which they are securely disposed of. However, if an election petition relating to the election is presented within the 21 calendar days, the home address forms must be kept securely until the conclusion of the petition proceedings (including any appeal from such proceedings). They must then be securely destroyed on the next working day following the conclusion of the proceedings or appeal.

We are required by law to retain candidate election expenses documents for a period of no more than 2 years from the date on which the expenses are received. At the end of the two year period, the respective candidate can request the return of the expenses documents. Otherwise the expenses documents will be securely disposed of.

How to exercise your rights

You have a number of rights under data protection law, including the right to request your information.

To request your records, you will need to put your request in writing and provide proof of identification to the Information Governance Team, Herefordshire Council, Plough Lane, Hereford HR4 0LE or via email, informationgovernance@herefordshire.gov.uk

You also have a right to make a complaint about our handling of your personal data to the Information Commissioner's Office <https://ico.org.uk/>

Providing Accurate Information

It is important that we hold accurate and up to date information about you in order to assess your needs and delivery the appropriate services. If the information we hold about you is inaccurate you have a right to have this corrected and you have the right to request completion of incomplete data, please ensure that you inform us as soon as possible so that we can update your records.

Further information

If you have any questions or concerns about how your information is used, please contact Electoral Services Office in the first instance. You can also contact the Data Protection Officer, Carol Trachonitis, at Herefordshire Council, Plough Lane, Hereford HR4 0LE, telephone (01432) 260616, email: informationgovernance@herefordshire.gov.uk

More information about data protection and how it applies to you can be found on the Information Commissioner's Office website at <https://ico.org.uk/>

We may update or revise this Privacy Notice at any time but the most up to date version will always be provided on this web page

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