

Privacy Notice – Electoral Services

Our Commitment to Your Privacy

As part of our commitment to protecting your information, we have updated and developed Privacy Notices to explain how we collect, store, and handle your personal data.

We have always been careful to protect your information, but this is part of our ongoing commitment to be transparent about how we use your information and keep it safe. This will also give you more clarity over how your information is being managed.

In addition, we have addressed the standards introduced by the UK General Data Protection Regulation (GDPR) and the Data Protection Act (DPA) 2018.

Who we are

The Electoral Registration Officer (ERO) / Returning Officer (RO) are a 'data controller' of the personal data we collect about you. The Electoral Registration Officer / Returning Officer is registered with the Information Commissioner's Office (ICO) as a 'data controller' under Z6088754. We will use information we collect from you for the lawful purposes of maintaining the register of electors and administering elections and referendums.

Please read the following information together with details from Appendix 1 – ERO statutory duties list and Appendix 2 – ERO / RO legislation.

What information do we collect

To meet our statutory obligations, we keep records about potential and actual electors, voters and their proxies, citizens, candidates and their agents, staff employed at the annual canvass and elections, as well as people responsible for the venues we hire.

These records may include:

- Your name, address, nationality, date of birth, national insurance number, any previous name(s), telephone numbers and email addresses
- Signatures for absent vote checking
- Scanned application forms and signatures,
- Notes about any relevant circumstances you have told us
- Your previous, redirected, or correspondence address
- Other occupants in your home
- If you are over 76 or aged 16/17
- Whether you have chosen to opt out of the open version of the Electoral Register.

- Bank details for staff we employ at elections and premises we hire as polling stations and election purposes.
- Elector number
- Your photograph
- Any additional information or documents you have supplied to us as part of any application or required identity checks.

Under the GDPR and the DPA, the lawful bases we rely on for processing this information are:

- GDPR Article 6(1)(c) Legal Obligation – processing is necessary for compliance with legal obligation to which the Council is subject
- GDPR Article 6(1)(e) Public Task – processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Council.

The lawful basis on which we collect and use special category data is:

- GDPR Article 9(2)(g): Processing is necessary for reasons of substantial public interest (as set out in the Representation of the People Act 1983 and associated regulations).

Why we collect your data

We will only use the information you give us for electoral purposes, including matching it against other sources of data to support electoral register and postal and proxy applications. We will look after personal information securely and we will follow the data protection legislation. We will not give personal information about you, or any personal information you may provide on other people, to a third party unless we must by law. Please see 'When we'll share your data' for further details.

The information contained on the electoral register is used to conduct an annual canvass of households to ensure the register is kept up to date in accordance with electoral regulations. We will use information for any statutory reviews of electors' eligibility on the electoral register. We will also use personal data contained on the electoral register and absent vote lists to issue poll cards and postal votes to electors at elections and referendums.

We will also use your data to process applications for a Voter Authority Certificate (VAC) where necessary. This includes:

- Establishing the identity of people who apply for a VAC
- Dealing with complaints about applications for a VAC
- Responding to appeals about refusals to issue a VAC

From 2024, we will collect the details of people delivering completed postal votes by hand to our offices and to polling stations. This is a new requirement introduced by the Elections Act 2022.

How we collect your data

We collect data in several ways, including where you share information with us. Information may be collected on paper or online forms, by telephone, text/SMS, email or by a member of staff. Records may be written down or kept on a computer.

We will process your personal information in accordance with our obligations under the GDPR and the DPA 2018. We treat it with the utmost care and take appropriate steps to protect it.

When we'll share your data

We are required to share your data with several different bodies for purposes of managing the electoral register, elections, and referendums.

- To verify your identity when registering to vote, applying to vote by post or proxy or applying for a voter authority certificate the data you provide will be processed by the Individual Electoral Registration Digital Service managed by the Government Cabinet Office. As part of this process your data will be shared with the Department of Work and Pensions (DWP) and the Government Cabinet Office suppliers that are data processors for the Individual Electoral Registration Digital Service. You can find more information about this and other privacy notices on GOV.UK
 - www.registertovote.service.gov.uk/register-to-vote/privacy
 - <https://proxy-vote.service.gov.uk/privacy>
 - <https://postal-vote.service.gov.uk/privacy>
 - <https://voter-authority-certificate.service.gov.uk/privacy>
- Before conducting the annual canvass to update the electoral register, the Electoral Registration Officer must disclose data to the Cabinet Office as part of a national data match process. The national data match process involves the checking of information already held on the electoral register against data held by the DWP.
- Information provided for the issuing of VAC's and applying for a postal or proxy vote is managed and stored on the ERO Portal hosted by the DLUHC.
- Software providers, contracted printers and suppliers who will use the information only on our instructions (e.g. annual canvass, poll cards, postal votes). They will not use it for any other reasons and data sharing agreements will be in place as required.
- Other departments in the Council for the purpose of collecting debt, preventing fraud, identifying the misuse of public funds and any legal and statutory requirements
- Further detailed information on how staff and candidate/agent records may be shared are included within our separate privacy notices for staff and candidates and agents, which are provided when relevant and available upon request.

The Full and Open Electoral Registers

The information you provide is used to produce and maintain the full electoral register and the open (edited) register, which include name and address details.

The full register is published once a year and is updated every month. We are required to provide copies of the full electoral register to certain individuals and organisations in accordance with the specific legislative provisions. It may only be supplied to the following people and organisations:

- Credit reference agencies, the British Library, the Office of National Statistics, the Electoral Commission and the Boundary Commissions and other statutory recipients of the Electoral Register.
- Jury Summoning Bureau
- Electoral Registration officers and Returning officers
- Registered local and national political parties, elected representatives, town and parish councils, candidates at elections and other permitted participants who are able to use it for electoral purposes only
- Crime prevention or the detection of fraud as part of the National Fraud Initiative Police Forces and other agencies for the prevention or detection of crime.
- Government departments, local authorities and agencies for the purpose of collecting debt, preventing fraud, protecting public health interests, identifying the misuse of public funds, purpose of security, law enforcement, crime prevention and any legal or statutory requirements.

We are also required to supply to political parties and candidates copies of the lists of absent voters and overseas electors, who can use it for electoral purposes only. Anyone who receives information from us has a legal duty to keep it confidential. It is a crime for anyone who has a copy of the full register to pass information from this register to others, if they do not have a lawful reason. The full list of people entitled to be supplied with the electoral register can be viewed on the Electoral Commission's website: [Electoral commission website - People entitled to be supplied with the Electoral Register](#)

The full electoral register is a public document and can be viewed under supervision of our staff. Anyone inspecting the register can only take extracts by handwritten notes. The information must not be used for direct marketing purposes unless it has been published in the open (edited) register. Anyone who fails to observe these conditions is committing a criminal offence and may incur a penalty of up to £5,000.

The open register is an extract of the full register. It is updated and published every month and may be sold to any person, organisation or company for a wide range of purposes. It is used by businesses and charities for checking names and address details; users of the register include direct marketing firms and also online directory firms.

You can choose when you register whether you would like to be excluded from the open register. You can also opt out of the open register at any time by contacting electoral services. Your name and address will be included in the open register unless you ask for it to be removed. Removing your details from the open register will not affect your right to vote.

Know your rights

You are entitled to request a copy of any information that we hold about you. Any such requests must be made in writing. If the information we hold about you is inaccurate you have a right to have this corrected and you have a right to request completion of incomplete data.

You have the right to request the erasure of your personal data in certain circumstances ('right to be forgotten'). You have the right to request that we stop, or restrict the processing of your personal data, in certain circumstances. Where possible we will seek to comply with your request, but we may be required to hold or process information to comply with a legal requirement.

If you want to contact us with regards to your rights under data protection legislation, please contact: dataprotection@n-kesteven.gov.uk

How do we protect your information

We comply with all laws concerning the protection of personal information and have security measures in place to reduce the risk of theft, loss, destruction, misuse or inappropriate disclosure of personal information.

How long do we keep your information

The period of time that we will hold this data for will depend on our legal obligations which set statutory retention periods. The register is regularly reviewed, and new updates are published frequently; these are public records. We will retain any documents that contain your personal information for only as long as it takes for your registration application to be determined following which we securely dispose of the documents unless required under legal order to retain. We retain electronic information about persons on the electoral register for as long as they remain registered. After this, your information will be securely deleted.

Where can I get advice and/or make a complaint

If you have any concerns or questions, or would like to make a complaint, regarding data protection matters, please contact our Data Protection Officer at dataprotection@n-kesteven.gov.uk or by calling 01529 414155.

For independent advice and/or to make a complaint about data protection, privacy and data sharing issues, you can contact the Information Commissioner's Office (ICO) at:

Information Commissioner's Office
Wycliffe House
Water Lane

Wilmslow
Cheshire SK9 5AF.

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number.

Alternatively, visit ico.org.uk or email icocasework@ico.org.uk

Appendix 1 – ERO statutory duties

The ERO has the following statutory duties:

- 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 (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.

Appendix 2 – ERO / RO legislation

Electoral and Elections law is spread across many different statutes and regulations. The following list is the foremost legislation for managing the Electoral Register and Elections / Referendums. For a full list of all legislation and applicable regulations please visit <https://www.legislation.gov.uk>

- 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)
- 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
- Elections Act 2022