

Privacy Notice

Electoral Registration and Elections

Issued on 25 May 2018
by the Electoral Registration Officer and Returning Officer
for Bath and North East Somerset

Introduction

Data Protection law is changing on 25 May 2018 with the introduction of the General Data Protection Regulation (GDPR).

The Electoral Registration Officer and Returning Officer for Bath and North East Somerset have produced this document in order to provide some important information on why we ask for your personal information, what we do with that information and how you can access your records.

All staff employed by the Electoral Registration Officer and Returning Officer have a legal duty to collect, process and keep information about you in accordance with the law.

Data Controller

The Data Controller for the personal data processing described in this Privacy Notice is the Electoral Registration Officer and Returning Officer for Bath and North East Somerset.

Legal Principles of the GDPR

The Electoral Registration Officer and Returning Officer will comply with the data protection principles under the GDPR. Article 5 of the GDPR requires that personal data shall be:

- a) processed lawfully, fairly and in a transparent manner in relation to individuals;
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific

or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and

- f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Why we ask for your personal information

Electoral Registration Officers and Returning Officers have a statutory duty to process certain personal data to maintain a complete and accurate electoral register and for the purpose of administering elections.

Whenever there is an election the Returning Officer receives a copy of the electoral register from the Electoral Registration Officer in order to verify the eligibility of each individual to vote at that election, post poll cards with information about voting and send postal ballot papers to those who have applied to vote by post. The register is also used to check subscribers' details on candidates' nomination papers and to mark the entries of electors who vote at the polling station on polling day.

We collect and keep records about individuals who are eligible to register to vote in Bath and North East Somerset, citizens of countries outside the EU and the Commonwealth, candidates at an election and their agents, staff employed by the Electoral Registration Officer and Returning Officer, and service suppliers.

These records may include:

- Full name, nationality, current and previous address, and any forwarding address
- Previous names (if any) and date of change
- Date of birth and national insurance number
- Passport details of electors registered as British citizens living overseas
- Signature of postal and proxy voters
- Telephone number and email address
- Correspondence from individuals and notes about any relevant circumstances
- Preference in relation to the open register (please see relevant paragraph below)
- Whether you have voted at an election (but not how you have voted)
- Tax status, bank details, vehicle registration number and ID documents of staff employed by the Electoral Registration Officer and Returning Officer

Legal Basis of Processing

Under Article 6.1.e of the GDPR our legal basis for processing the data described in the previous paragraph is that ‘the 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 controller’.

The Electoral Registration Officer’s and Returning Officer’s official authority and duties are set out in the following legislation (as amended):

- Representation of the People Act 1983
- Representation of the People Act 1985
- Political Parties, Elections and Referendums Act 2000
- 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
- European Parliamentary Elections Act 2002
- 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
- The Representation of the People (England and Wales) (Amendment No. 2) Regulations 2014
- The Representation of the People (Supply of Information) Regulations 2014
- The Representation of the People (England and Wales) (Amendment) Regulations 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
- Equality Act 2010 (Section 149)

The full register and the open register

The Electoral Registration Officer keeps two registers: the electoral register and the open register (also known as the edited register).

The electoral register

The electoral register lists the names and addresses of everyone who is registered to vote in public elections. The register 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

A paper copy of the current electoral register is available for public inspection under supervision at Bath Records Office. It contains the name and address of all those registered to vote in the parliamentary constituencies of Bath and North East Somerset.

The electoral register is in alphabetical order by street by electoral area, and not by electors' name.

Information from this register may be recorded only by making hand written notes (photocopying or electronic recording are not permitted by law) and must not be used for direct marketing purposes.

The open register

The open register is an extract of the electoral register, but is not used for elections. It can be bought by any person, company or organisation. 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.

Who has access to your personal information

Certain individuals and organisations are entitled to access basic details about you, i.e. your name and address, your ineligibility for jury service (i.e. if you are aged 76 or over), your voting method and your open register preference. These include:

- Registered political parties and local constituency parties
- Elected representatives, candidates and agents at an election
- Clerks of parish and town councils
- Credit reference agencies
- British Library and National Library of Scotland
- UK Statistics Authority, Electoral Commission, Parliamentary Boundary Commission for England, Local Boundary Commission for England
- Jury Central Summoning Bureau
- National Fraud Initiative and Law Enforcement Agencies for the prevention and detection of crime
- Printing companies appointed to produce electoral forms and election documents

The individuals and organisations listed on the previous page can only use your details for the purpose and manner specified in legislation.

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.register-tovote.service.gov.uk/register-to-vote/privacy>.

Storage and retention of documents

Under the GDPR personal data processed for any purpose shall not be kept for longer than is necessary for that purpose. The Electoral Registration Officer and Returning Officer store personal details in line with statutory retention periods.

Your right to access your records

As a 'data subject' you are entitled to see personal information that is held about you by the Electoral Registration Officer and Returning Officer. This is defined in the GDPR as 'the right of access'.

If you wish to see a copy of the information we hold about you please contact Bath & North East Somerset Council's Data Protection Officer (details below). You will receive a response, free of charge, within one calendar month.

If there is an error in your records you have the right to request it is rectified or erased. These are defined in GDPR respectively as 'the right to rectification' and 'the right to erasure'.

Further information

If you would like to know more about how we process your personal details, please contact the Data Protection Officer:

Data Protection Officer
Bath & North East Somerset Council
Guildhall, High Street
Bath BA1 5AW

E: data_protection@bathnes.gov.uk
T: 01225 396872