



Privacy Notice – Electoral Services

Background

Our core data protection obligations and commitments are set out in the council's primary privacy notice.

This notice provides additional privacy information as regards electoral services for:

- persons registering to vote; and
- candidates standing in elections

Purpose

We collect your personal information for the following purposes:

- To undertake our statutory obligation to ensure that all eligible persons in Chorley are registered to vote; and
- To enable eligible persons to stand as candidates in elections in accordance with statutory requirements

Categories of personal data

Electoral Registration

In order to carry out these purposes we collect and obtain your name, address, email address and telephone number. Sometimes we collect other information you may feel is sensitive to you. This might be your nationality, date of birth, national insurance number or the reason why you might require a postal or proxy vote. We may also ask you to provide additional evidence to confirm your identity such as copies of your passport, marriage certificate or driving licence.

There is certain personal data such as nationality that is categorised (under the General Data Protection Regulation (GDPR) as special category data. This is because it may reveal a person's racial or ethnic origin.

The Electoral Registration Officer, as Data Controller, can only process special category data if he has a policy document in place which sets out details of the retention and erasure of special category data.

Candidates standing for Election

In order to carry out these purposes we collect and obtain your name, date of birth, address, email address and telephone number.

Legal basis for processing

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

Electoral Registration

- Representation of the People Act 1983
- Representation of the People Act 1985
- Representation of the People Act 2000
- European Parliamentary Elections (franchise of Relevant Citizens of the Union) Regulations 2001
- Representation of the People (England and Wales) Regulations 2001
- Electoral Administration Act 2006
- Electoral Registration and Administration Act 2013

By law, a person who has received a Household Enquiry Form (HEF) must provide the 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.

Candidates standing for Election

- Local Elections (principal Areas) (England and Wales) Rules 2006

How Electoral Services deals with your information

Electoral Services undertake a number of functions, all of which are governed by legislation. We are required to adhere to a series of regulations, statutory deadlines and procedures. Whilst undertaking these statutory processes, we receive and check information with a variety of official bodies outlined below.

How we treat the information and documentation is also governed by legislation. There is one main piece of legislation to which we must have regard; this is the General Data Protection Regulations (GDPR). This legislation includes provision for the public to have clear information about how information is dealt with and how to get access to the information that they need.

What information does the Electoral Services team collect?

Electoral services obtain specific information from individuals as required by law to enable us to fulfil our statutory obligations. We will only request information necessary to enable us to undertake these statutory functions and will only hold the information for as long as required in accordance with our retention procedures.

Details of the main processes undertaken by the team and the general personal data held are details below.

Register of Electors

The Register of Electors is revised once every year (usually on 1 December or the nearest working day following 1 December) and is updated monthly from January – September. The personal data published on the Register of Electors is:

- Name
- Address
- Voting franchise – which can indicate general areas of nationality



This data is not published if an elector has successfully applied to register to vote anonymously. There are a strict set of conditions which must be met in order to be able to apply to be on the Register of Electors in this way.

The Register of Electors is a public document and may be inspected, under supervision from a council employee, by any member of the public. There are also a variety of persons and organisations who are entitled to receive copies of the Register of Electors and its' updates on publication. The comprehensive list of those bodies is available on the Electoral Commission's website.

The Register of Electors is retained for fifteen years for the purposes of checking the validity of overseas electors. Following the fifteen year period, hard copies of the register are sent to the county archivist at:

Lancashire Archives, Bow Lane, Preston, Lancashire, PR1 2RE

Open Register

As a part of an application to the register or as a response to the annual canvass, electors may make a decision about their inclusion on the Open Register. The open register is an edited extract of the electoral register which is available to any person or organisation who wishes to buy a copy. Any individual may amend their preference to appear on the Open Register either as part of their application or at any time afterward.

Opting out of the open register does not affect the voting rights of the individual.

The Open Register is published yearly and updated monthly in line with the full Register of Electors.

Applications to Register of Electors

The council appoints an Electoral Registration Officer in order to maintain a register of electors for the borough in line with the Representation of the People Act 1983. A full list of legislation governing electoral registration is available at the end of this privacy notice (Appendix 1). Electoral registration requires the collection of personal data. This includes:

- Name
- Address
- Any previous address within the last 12 months
- Date of birth
- Nationality
- National Insurance number
- Contact details (these are optional)

The information provided is shared securely with:

- The Department for Work and Pensions (DWP) via the Government's Individual Electoral Registration Digital Services (IER-DS)

To verify your identity, the data you provide will be processed by the Individual Electoral Registration Digital Service (IER-DS), managed by the Cabinet Office. As part of this process your data will be shared with the DWP and the Cabinet Office suppliers that are



data processors for IER-DS. You can find more information about this here:
<https://www.registertovote.service.gov.uk/register-to-vote/privacy>

If any applicant fails this process (either by not supplying the required data or if the matching algorithm at DWP fails), then a secondary process is established whereby the ERO will request further personal information from the applicant to establish their identity. This will take the form of identification documents such as a passport or photographic driving licence. These documents are not shared with anyone outside of the electoral services team and are only used to manually verify the identity of an elector.

Paper applications are scanned and securely destroyed following scanning onto the electoral software system. The National Insurance number is redacted from these scans after thirteen months. Applications are retained for fifteen years.

If you have opted to be included in the Open Register, by law your register information can be shared with anyone 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.

In accordance with law, the Full Electoral Register has to be made available for public inspection and we do this by making it available to inspect at Chorley Council. Inspection is done under supervision. People who inspect the register can make handwritten notes but cannot take copies or photographs of the register.

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

Absent vote applications

Electors may make an application to vote by post or by proxy. Applications to register for an absent vote include:

- Name
- Address
- Date of birth
- Signature

Absent vote applications are scanned into the electoral software system and hard copies are stored in a locked filing cabinet in a locked office. Applications can be deleted on a signed request from the elector at any point not more than eleven days before an election. Permanent or temporary absent votes which are in place for over five years are reviewed on a five-yearly basis to ensure that signatures are up to date.

Before an election, lists of absent voters and their personal identifiers are shared with:

- The Returning Officer for the election (this may not be the same person as the ERO)

This is to enable Returning Officers to verify that the postal votes that are returned from electors are genuine.

Absent voting lists and the information contained on the absent voting record which would be used to generate the lists in case of an election are available for public inspection and copies may be supplied on request to:

- Elected representatives for the specified area



- Local constituency political parties
- Political parties
- Candidates at an election

The information supplied on the absent voting lists do not contain the personal identifiers (date of birth and signature) provided on the application.

Canvass

The ERO is required by legislation to undertake a canvass of all properties under their jurisdiction each year. The ERO also has discretion to undertake a canvass at any other time of year, and is required to follow up non-responding properties and individuals with personal visits. The ERO is required to collect personal data for this process, which includes:

- Name
- Address
- Nationality

This information is used to inform the ERO of the current status of electors under their jurisdiction, to comply with their duty to keep the electoral register accurate. Information for electors already on the register is pre-filled on the forms used for canvass. This data is shared with:

- The appointed printers for the ERO
- Providers of an automated response service

Returned paper canvass forms are retained until the register is published before they are securely destroyed. Scanned and electronic responses are retained for fifteen years.

Marked registers

Electoral registers are also used at elections to ensure that electors do not vote more than once by being marked. Before an election, these registers are shared with:

- The Returning Officer for the election (this may not be the same person as the ERO)

After an election, the marked registers are retained by the ERO and are available for inspection or purchase by specified persons. These registers do not show how any person has voted but whether or not they collected their ballot paper at a polling station or returned their postal vote.

Marked registers are retained for one year following the day after the result of poll is declared and then securely destroyed.

How the ERO collects and stores personal data

The ERO collects the required information in a variety of ways. Information can be obtained from application forms, digital applications via the government website, or provided in person or via email or the telephone.

Details are also checked against other internal council systems such as Council Tax for verification purpose, and personal data is also collected from other local authorities, council tax and benefits systems and IER-DS.

Why the ERO collects and stores personal data



The ERO needs to process your personal data to enable us to undertake our statutory functions (see Appendix 1). Some special category data, such as certain identification documents (if required) may be processed in order to complete the application process or determine the validity of an application.

Who has access to the data

Your personal information is published on the Register of Electors as outlined above. Access to the register, absent vote lists and open register is governed by legislation. The Register of Electors is a public document as is available for inspection by any person, under supervision, who may make handwritten notes. The Open Register is a separate public document and is not subject to the same restrictions as the Register of Electors with regard to recording information during inspection.

The ERO only shares information as required by legislation to those with access to it.

How does the ERO protect data?

The ERO takes the security of your data seriously. There are internal policies and controls in place to ensure that data is not lost, accidentally destroyed, misused or accidentally disclosed, and is not accessed except by our employees in the proper performance of their duties.

Where the ERO engages third parties to process personal data on its behalf, such as using an automated response service at annual canvass, they do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

For how long does the ERO retain data?

The ERO holds your personal data for as long as required. In most instances this means that your entry on the Register of Electors will be retained for fifteen years. Some data, such as absent vote applications or applications to register, will be held for shorter periods than this. It will only be held for as long as the ERO believes that there is a need to do so.

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.

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.

Your rights as a data subject

As a data subject, you have a number of rights. You can:

- access and obtain a copy of your data on request;
- require the council to change incorrect or incomplete data;
- require the council to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing; this does not apply where the council has a statutory requirement to process your data
- object to the processing of your data where the council is solely relying on legitimate interests as the legal ground for processing; and
- ask the council to stop processing data for a period if data is inaccurate or there is a dispute about whether or not your interests override the council's legitimate grounds for processing data.

Complaints

We do our best to comply with all the relevant legislation concerning the treatment of your personal information. If you think we've got something wrong, please contact us by email to elections@chorley.gov.uk or phoning 01257 515151 and we will investigate your complaint.

The council also has a formal complaints system, and if you prefer you can use this, details of the council's complaints procedure can be found on Chorley Borough Council's website:

<https://myaccount.chorley.gov.uk/Forms/Complaints.aspx>

<http://www.chorley.gov.uk/Documents/Complaints%20v1.pdf>

If you are not satisfied with the way we have answered a request from you or handled your personal information, you have the right to make a complaint to the Information Commissioner who may be contacted at <https://ico.org.uk/>

This right is not dependant on you raising a complaint with us first but we would encourage you to contact our DPO so we can consider your concerns as quickly as possible

Updates

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.

Use of Cookies

The Chorley Council Web site use "cookies" to help you personalise your online experience. A cookie is a text file that is placed on your hard disk by a Website via your web browser. Cookies cannot be used to run programs or deliver viruses to your computer. Cookies are uniquely assigned to you and can only be read by a web server in the domain that issued the cookie to you.



For more information please refer to our Cookies page [here](#)

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Appendix 1: Legislative framework for electoral registration

- Representation of the People Act 1983
- Representation of the People Act
- 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 Electoral Registration and Administration Act 2013 (Transitional Provisions) Order 2015
- 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 Representation of the People (England and Wales) (Amendment) (No. 2) Regulations 2015
- The Representation of the People (England and Wales) (Amendment) Regulations 2016
- The EU General Data Protection Regulation (GDPR) 2018
- The Representation of the People (England and Wales) (Amendment) Regulations 2018
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