

Electoral Registration Officer (ERO) and Returning Officer (RO) Privacy Notice

This privacy notice is to be read in conjunction with the full Southend-on-Sea City Council privacy notice.

This document sets out how electoral services, the ERO and RO for Southend-on-Sea City Council use and process your information.

The ERO and RO are data controllers who collect and use information about residents, candidates, election agents and election and electoral registration staff to enable the delivery of specific functions for which we are statutorily responsible.

We have a Data Protection Officer who makes sure we respect your rights and follow the law. If you have any concerns or questions about how we look after your personal information, please contact the Data Protection Officer via [email](#) or by calling 01702 215000 and asking to speak to the Data Protection Officer.

The legal basis for processing your data

We collect, use and otherwise process this personal information on the basis of our legal obligations (Article 6(1)(c) of the General Data Protection Regulation (“GDPR”)) and/or its public task functions (Article 6(1)(e) of the GDPR).

In the case of the collection, use or other processing of special category personal data, the additional basis relied upon for processing such information is that it is necessary for reasons of substantial public interest (Article 9(2)(g) of the GDPR).

Electoral legislation requires us to collect and retain data from individuals. This is governed by legislation (including):

- Representation of the People Act 1983
- Representation of the People Regulations 2001
- The Electoral Registration and Administration Act 2013
- The Elections Act 2022

The law makes it a requirement to provide information to an Electoral Registration Officer when requested. This is for the compilation and maintenance of an accurate electoral register. Records are kept for:

ERO:

To compile and maintain a register of Parliamentary and Local Government electors (Section 9 of the Representation of the People Act 1983).

To compile a register of relevant citizens of the European Union entitled to vote at European Parliamentary elections (Regulation 5(2) European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001).

RO:

To conduct a Parliamentary election in accordance with Parliamentary Elections Rules (Section 23 of the Representation of the People Act 1983) – (Acting) Returning Officer.

To act as Returning Officer for the elections of councillors of the district and of councillors of parishes or communities within the district (Section 35 of the Representation of the People Act 1983).

To do whatever things are necessary for conducting a PFCC election in the police area or voting area for which the officer acts (Section 3 of The Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012) – Local Returning Officer.

To do all such acts and things as may be necessary for effectually conducting the election in the manner provided by the relevant rules. (Sections 6 and 9 of The European Parliamentary Elections Regulations 2004) – Local Returning Officer.

This information may be kept in either digital format (i.e. data within a software system or as scanned copies of documents) or hard copy printed format or both.

What type of information is collected about you?

We keep records about potential and actual electors, voters, citizens, candidates and their agents, staff employed at an election and the people we need to pay. These may be written down or kept on a computer.

We also process Nationality information which is 'Special Category Data'. This information is processed to determine whether someone is eligible to register to vote and, if so, which elections they may be entitled to vote at.

Additionally, we may also deal with special categories of personal data through: documents received as part of the documentary exceptions process in connection with applications to register and documents received as part of an application for anonymous registration.

What personal data and Special Category data do we process

ERO and RO

- Name
- Previous name(s)
- Gender
- Current address(es)
- Previous address(es)
- Alternative postal address
- Date of birth or reason why you are unable to supply a date of birth
- National Insurance Number (NINO), or reason why you are unable to supply a NiNO
- Nationality (Special Category Data)
- Whether you have chosen to opt of the open register
- If you are over 76 or under 16/17
- Signature and /or information as to why you are unable to sign in a consistent manner
- Dates of residence at a specified address
- Occupation information for Service Voters, Crown Servants, and British Council Employees

- Reason for voting by proxy when applying to vote by proxy at a particular election
- Reason for voting by proxy when applying to vote by proxy for a definite or indefinite period
- Occupation if providing attestation in support of an application to register to vote by proxy, application to register as an anonymous, overseas
- Occupation information for emergency proxies on the grounds of employment
- Medical, illness or disability information for emergency proxies applied for due to medical reasons
- Education information for emergency proxies applied for on the grounds of attendance on a course
- Family membership of proxy
- Passport number and date and place of issue
- Copies of any of the prescribed documentary evidence required in support of an application/amendment to registration
- Whether you voted in a particular election/referendum, the method by which your vote was cast – but not how you voted
- Appointed proxy name and address
- Name and address of individual supporting waiver application
- Whether your property is a second/holiday home.
- Details of individuals who have supplied us with information regarding your registration

RO only

- Candidate's description - registered political party
- Candidate's description – no party affiliation
- Description and address of land/ premises owned or rented by candidate (Local Government Election)
- Candidate's place of work and employer (Local Government Election)
- Parliamentary Constituency or if address outside the UK, the Country a candidate resides in (UK Parliamentary election)
- Whether you are a polling station voter with a disability who is assisted by a companion
- Expenditure incurred or donations received as declared on Return of Candidate's Spending
- If you are proposing, seconding, or assenting to the nomination of a Candidate
- If you have acted as a witness to a Candidate's consent to nomination
- If you are designated as a Candidate's guest at a verification or count

In addition, if you work for the Returning Officer on election duties or for the Electoral Registration Officer for registration duties these may also include:

- Tax status
- Next of kin / emergency contact details
- Details of previous employment

We need your information for the following services and functions

Your information will be used for the functions of the Electoral Services Department. The functions of the department are undertaken on behalf of the Electoral Registration Officer (ERO)/Returning Officer (RO) who is a data controller and collects your personal data from you for the purpose of:

- Registering your right to vote
- Processing any absent (postal or proxy) voting requests
- Producing and maintaining an accurate register of electors
- Contacting residents and electors regarding electoral registration or elections
- Delivering elections and referendums
- The production of Voter Authority Certificate (VAC)

When do we need your consent

In situations where we have no legal obligation to process certain personal data you will have provided us with consent to use that personal information, for example an email address. In these circumstances you have the right to amend or withdraw your consent at any time. If you wish to exercise this right, please contact

Who your information will be shared with

The full register is published once a year and is updated every month and can only be supplied to the following people and organisations:

- Electoral Registration Staff and Canvassers
- Elected Representatives (MP, MEPS, Local Councillors)
- Candidates standing for elections
- Registered political parties and local constituency parties
- Polica Area Returning Officer (PARO) Eastern Region
- Southend-on-Sea City Council
- Leigh-on-Sea Town Council
- Electoral management software supplier
- Contracted electoral print supplier
- British Library
- UK Statistics Authority
- Electoral Commission
- Boundary Commission for England
- Jury Summoning Bureau
- The Council Parish and Community Councils
- Police Forces, National Crime Agency
- Public Library or local authority archive services
- Government departments or bodies
- Credit Reference Agencies
- National Fraud Initiative
- Electoral Registration and Returning Officers

Please refer to regulations 97 - 109a of the Representation of the People Regulations 2001 for more information on who can obtain a copy of the register and what it can be used for.

The ERO is required to disclose data to the Minister for the Department for Levelling Up, Housing and Communities (DLUHC). This is part of a national data matching exercise. The purpose of the exercise is to help identify properties where residents may have changed. This information is used to determine how properties are contacted during the annual canvass.

To verify your identity, the data you provide on an application form to register to vote will be processed by the Individual Electoral Registration Digital Service (IER-DS) managed DLUHC. As part of this process your data will be shared with the Department of Work and Pensions and the DLUHC suppliers that are data processors for the IER-DS. You can find more information about this [here](#).

If you apply to vote by post or proxy, your information will be processed by the Electoral Registration Officer Portal (EROP). As part of this process your data will be shared with DWP.

If you apply for a Voter Authority Certificate (VAC), your information will be processed using the EROP. As part of this process your data will be shared with DWP.

Staffing data may be shared with other Returning Officers and Electoral Registration Officers as appropriate. All staff details will also be shared with the payroll department and HMRC in order to make payments.

Details of candidates, election agents, subscribers to nomination papers and other political campaigners may be published where the law requires.

The ERO publishes two versions of the electoral register:

The full register contains data on all registered electors.

Inspection of the full register

- Inspection of the register will be under supervision
- Handwritten note only
- Information taken must not be used for direct marketing purposes, in accordance with data protection legislation, unless it has been published in the open version
- Anyone who fails to observe these conditions is committing a criminal offence and will be charged a penalty of up to £5,000.

The open register contains the same information as the full register but is not used for elections or referendums. It is possible to opt-out of the open register. It is updated and published every month and can 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 online directory firms.

You can choose whether to have your personal details included in the open version of the 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.

How long we will keep your information

The Electoral Registration Officer and Returning Officer are obliged to process your personal data in relation 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.

Keeping your information secure

We make every effort to keep your information safe:

- We take appropriate care to secure the information we hold about you
- We have robust technical security such as passwords and information encryption
- We have policies and procedures to make sure your information is only available to our employees who need to see it to do their job, and we train these employees appropriately
- We establish robust procedures and contracts to extend these protections to any other person or organisation we may need to give your information to

Transfer of information abroad

- Most of the personal information we store is held on systems in the UK, but there are some occasions where your information may leave the UK either in

order to get to another organisation or if it is stored in a system outside of the EU.

- We will have additional protections on your information if it leaves the UK ranging from secure ways of transferring information to ensuring we have a robust contract in place with that third party.
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- We will take all practical steps to make sure your personal information is not sent to a country that is not seen as 'safe' either by the UK or EU Governments.

Your rights

The Data Protection Act 2018 allows you to find out what information is held about you, on paper and computer records. This is known as a 'subject access request' and applies to your Electoral Services records along with all other personal records. If you wish to see a copy of your records, you should contact us. You are entitled to receive a copy of your records free of charge, within a month. In certain circumstances access to your records may be limited, for example, if the records you have asked for contain information relating to another person.

You have the right to request the erasure of your personal data ('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.

The Data Protection Act 2018 also allows you other rights; for example, if there is an error in your records you have the right to make sure it is rectified or erased. You have the right to opt out of the open version of the register, at any time, and we must remove you from this version and tell the statutory recipients in the next update. You have the right to be told if we have made a mistake whilst processing your data and we will self-report breaches to the Information Commissioner.

If you are dissatisfied with how the Electoral Registration Officer/Returning Officer has used your personal information you have a right to complain to the Information Commissioner's Office. Please [email](#) directly.