

Privacy Notice

Oldham MBC – Electoral Services

This privacy notice explains what personal information is collected, what it is used for and who it is provided to. The notice also describes why the Council / Electoral Registration Officer / Returning Officer requires your data, and the legal basis on which they do this.

This privacy notice relates to the Council's Electoral Services Unit ("the Service"). It provides additional information that specifically relates to this particular service, and should be read together with the Council's general privacy notice, which provides more detail on the matters below. Click here to read the Council's general privacy notice

https://www.oldham.gov.uk/info/200148/data_protection_and_freedom_of_information/2078/oldham_council_privacy_notice/1

It should be noted that for many of the Service's functions it will not be processing personal data on behalf of the Council. It will instead be processing personal data on behalf of one or more of the following statutory office holders:

- (a) the registration officer appointed by the Council under section 8 of the Representation of the People Act 1983;
- (b) the acting returning officer for parliamentary elections for any parliamentary constituency for which that position is held under section 28 of the Representation of the People Act 1983 by the registration officer referred to at (a) above;
- (c) the returning officer appointed for the purposes of local elections by the Council under section 35 of the Representation of the People Act 1983;
- (d) the local returning officer for the purposes of the administration of European parliamentary elections within the Oldham MBC local counting area;
- (e) the local returning officer for the purposes of administration of Greater Manchester Combined Authority mayoral elections within the Oldham MBC local authority area;
- (f) the counting officer responsible for the administration, within the Council's local authority area, of any local, regional or national referendum;
- (g) any other statutory office holder whose duties relate to administering elections or referenda and whose office is held by virtue of holding one or more of the offices described in (a) to (f) above or is otherwise required by law to be held by an officer of the Council.

Although when referring to the above statutory office holders this privacy notice generally only makes reference to the "Electoral Registration Officer" or the

“Returning Officer”, the latter term should be understood as referring, insofar as is relevant in the circumstances, to any of (b) to (g) above.

It is important to note that **the Electoral Registration Officer and the Returning Officer are separate data controllers from the Council.**

1. What kinds of personal data does this service collect, use or otherwise process?

This section of the Service’s privacy notice describes how the Service “processes” personal data (such as when it collects or uses such data).

In relation to individuals who are registered, or applying to be registered, to vote the Service will process names, (current and former) addresses, dates of birth and nationalities of individuals. For a limited period the Service may also hold National Insurance Numbers of individuals registered (or registering) to vote.

When you apply to register to vote, 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.registertovote.service.gov.uk/register-to-vote/privacy>

Where it is not possible to verify an elector’s identity via the Individual Electoral Registration Digital Service, there may be additional processing of personal data in respect of supplementary evidence of identity submitted by the applicant.

In relation to particular categories of elector (service voters, overseas electors, crown servants, etc) there may be additional information processed by the Service. For example, in relation to service voters information may be processed relating to type of service (Army/Navy/Air Force), Rank, Regiment and BFPO address.

Where an elector requests an absent vote (i.e. to vote by post or proxy) personal identifiers in the form of signatures and dates of birth will be processed. For postal voters redirection addresses will be collected and for proxy voters details of the electors’ nominated proxies will be processed.

At elections the Service will process, in addition to the information relating to electors, information relating to candidates, candidate’s agents and individuals subscribing candidate’s nomination papers.

Personal data will be processed relating to staff employed by the Service (including staff employed directly by the Electoral Registration Officer or the Returning Officer). Such staff data will include an employee’s name, address, other contact details, national insurance number and bank details.

Personal data relating to individual’s making enquiries to the Service or making submissions to election-related statutory consultations will also be processed.

The Service processes the following special category personal information:

- Race and ethnic origin, insofar as it may be possible for this to be inferred from nationality information.
- Political opinions – such as information contained within subscribed nomination papers.
- Health data – this may be contained within applications to vote by proxy.

In limited circumstances the Service will also process personal data relating to “criminal convictions and offences” (which under the Data Protection Act 2018 includes the alleged commission of offences) – for example the Electoral Registration Officer may receive a request to register to vote from a prisoner on remand or an application for anonymous registration may contain references to the alleged commission of offences by an identifiable third party.

2. What is your personal information is used for?

The Service uses your personal data for electoral registration and administration purposes, including:

- The compilation and maintenance of the electoral register (there are two versions of the electoral register, the full version and the edited/open version – the difference between the two is summarised here: <http://www.electoralcommission.org.uk/faq/voting-and-registration/what-is-the-electoral-register>)
- Fulfilling legal obligations relating to the supply or sale of the electoral register.
- If you apply to be an absent voter, the compilation and maintenance of records of absent voters.
- Fulfilling obligations relating to the supply of absent voting lists.
- For the administration of local and national elections and referenda, including in particular:
 - Determining which electors are entitled to be issued with ballot papers at polling stations.
 - Determining which electors are entitled to vote by way of an absent vote.
 - Issuing poll cards to electors and to proxies.

- If you are a postal voter, issuing your postal vote pack and receiving your completed postal vote and postal voting statement.
- If you are a candidate at an election, processing and determining your nomination papers, publishing statutory notices containing your details, producing ballot papers and managing election processes in which you will be involved.
- If you are an election agent at an election, publishing statutory notices containing your details and managing election processes in which you will be involved.
- If you are a counting agent, polling agent, postal vote agent, nominating officer or similar official, managing election processes in which you will be involved.
- In its capacity as custodian of the Council's copy of the electoral register, deciding how that copy may be used.
- If you make an enquiry or complaint, dealing with that enquiry or complaint.
- If you are employed by the Service (including staff employed directly by the Electoral Registration Officer or the Returning Officer), managing that employment.

The powers to do much of the above come from the following legislation:

- Local Government Act 1972;
- 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 Act 2002;
- Local Government Act 2003;
- Electoral Administration Act 2006;
- Electoral Registration and Administration Act 2013;
- Representation of the People (England and Wales) Regulations 2001;
- Representation of the People (Combination of Polls) (England and Wales) Regulations 2004;
- Business Improvement Districts (England) Regulations 2004;
- Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006;
- Local Elections (Principal Areas) (England and Wales) Rules 2006;
- Local Elections (Parishes and Communities) (England and Wales) Rules 2006;
- Local Authorities (Referendums) (Petitions) (England) Regulations 2011;
- Local Authorities (Conduct of Referendums) (England) Regulations 2012;
- Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012;

- Neighbourhood Planning (Referendums) Regulations 2012;
- Representation of the People (Provision of Information Regarding Proxies) Regulations 2013;
- Combined Authorities (Mayoral Elections) Order 2017.

3. What is the lawful basis we are relying on to use personal information?

The Service collects, uses and otherwise processes this personal information on the basis of its 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).

The statutory basis for the above is as detailed in section 2 of this notice.

4. Where has your personal information come from?

The personal information that the Service processes will often be provided by you directly, such as where to apply to register to vote, apply to have an absent vote or put yourself forward to stand for election. In the case of electoral registration applications using the online portal your information will often be provided to us via the Individual Electoral Registration Digital Service managed by the Cabinet Office.

On occasion, personal information may be obtained by the Service from third parties, when we exercise our powers to obtain such information. Individuals may also provide us with information about other people, such as where an individual completes a household enquiry form and includes information about other residents.

5. Who we will share your personal data with:

Your personal data is shared securely with the following organisations where it is necessary and appropriate, or required by law, to do so.

- The Electoral Registration Officer is legally obliged to provide electoral register information (in some cases upon publication and in other cases upon request) to:
 - The British Library
 - The Returning Officer
 - The Statistics Board
 - The Electoral Commission
 - The Local Government Boundary Commission for England
 - Elected Representatives
 - Election Candidates
 - Constituency Political Parties
 - National Political Parties
 - The Council
 - Police forces and similar agencies
 - Public libraries and local authority archive services

- In relation to the edited/open version of the electoral register, to any person paying the statutory fee
 - In relation to the full version of the electoral register, to government departments and other specified public bodies upon payment of the statutory fee
 - In relation to the full version of the electoral register, to credit reference agencies upon payment of the statutory fee
 - To members of the public inspecting the electoral register (please note that the full electoral register can only be inspected under supervision and extracts may only be taken by way of handwritten notes).
- The Electoral Registration Officer is legally obliged to provide absent voter information to:
 - Elected Representatives
 - Election Candidates
 - Constituency Political Parties
 - National Political Parties
- The Returning Officer is legally obliged to publish certain personal information (such as that relating to election candidates and election agents) in the form of public notices.
- The Electoral Registration Officer makes the marked versions of the electoral register and the absent voting lists (i.e. the registers and lists that indicate who has voted at a particular election or referenda) available for inspection in certain circumstances. Copies may also be supplied, in certain circumstances, to:
 - The Electoral Commission
 - Elected Representatives
 - Constituency Political Parties
 - National Political Parties
 - Election Candidates
 - Police forces and similar agencies
 - Government departments and other specified public bodies

Automated decision making:

If you are a postal voter, the Service uses your information to make decisions through automated means when it checks personal identifiers that you provide against those contained in your original postal vote application. In any case where the automated process reports that the personal identifiers you have provided do not match those on your original postal vote application, there will be an intervention by a human being who will make any final decision (i.e. there will always be the involvement of a human decision-maker where the result of the automated process indicates the possibility of a decision to your detriment).

What rights do you have in relation to your personal information?

To read about what rights you have regarding the personal information used for this service, please click here https://www.oldham.gov.uk/info/200148/data_protection_and_freedom_of_information/2072/your_data_rights/1

How to contact us:

If you have any questions or concerns about how the Council, the Electoral Registration Officer or the Returning Officer uses your personal information, please contact the Council's Data Protection Officer (who also acts as the Data Protection Officer for the Electoral Registration Officer and the Returning Officer). The contact details are found here https://www.oldham.gov.uk/info/200148/data_protection_and_freedom_of_information/2071/data_protection_officer_and_further_information/1

Complaints or queries:

If you have any concerns about the way the Council, the Electoral Registration Officer or the Returning Officer processes your personal information, you have the right to complain to the Information Commissioner's Office. The contact details are found here https://www.oldham.gov.uk/info/200148/data_protection_and_freedom_of_information/2071/data_protection_officer_and_further_information/1