

# Elections and Electoral Services

## Privacy Notice for Electors



Under the Representation of the People Act 1983 each Local Authority must by law appoint a 'Returning Officer'. This is a personal appointment with its own statutory functions, separate to the Moray Council.

The Returning Officer has a statutory duty to process certain personal data for the purpose of administering election and referenda; and as such, is subject to the requirements of data protection regulations as a 'data controller'. Denise Whitworth is the Returning Officer for the Moray Council and is the registered Data Controller with the Information Commissioners Office (ICO).

For many of the Returning Officer functions, the Council's elections office 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:

- the Registration Officer appointed by the Council under section 8 of the Representation of the People Act 1983;
- the Returning Officer appointed for the purposes of local authority elections by the Council under section 41 of the Representation of the People Act 1983;
- the Counting Officer responsible for the administration, within the Council's local authority area, of any local, regional or national referendum;
- 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 above or is otherwise required by law be held by an officer of the Council.

For any queries or concerns about how your personal data is being processed you can contact the Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk). You can also consult the information available at the Information Commissioner's websites, [ico.org.uk](http://ico.org.uk).

The personal data that we collect from this process will be deleted once it is no longer required as specified in the appropriate retention schedules. You can view our full list of retention schedules at [www.moray.gov.uk/moray\\_standard/page\\_92820.html](http://www.moray.gov.uk/moray_standard/page_92820.html)

### **As a voter your data is required for the following purposes:**

- Producing poll cards (the card delivered to you prior to a poll indicating your chosen method of voting and other poll information).
- Production of statutory marked registers at the polling station. A register is marked at the polling station to ensure nobody votes more than once (unless they are appointed as a proxy). See below for more information on the marked registers.
- Production of Corresponding Number List, a document used during polling when a ballot paper is allocated to a voter, the voter's electoral number is recorded against the ballot paper number on this list, this is used post poll if an allegation of fraud is made.
- In the administration of postal votes, for the production and issuing of your postal vote pack, for receiving, processing and verifying your postal voting statement, and, for statutory returns and rejection notices as required by statute.
- Determining if you have chosen to vote by way of an absent vote.
- Transferring data regarding those registered as anonymous voters to us by the Electoral Registration Office as required by statute.

### **About the Marked Registers**

Marked Registers include your name, address and elector number. Under the Representation of the People Act 1983 or legislation relevant to that poll, the marked registers can, upon request, can be inspected by the general public. Certain bodies, such as political parties have a statutory right to inspect and/or purchase a copy of the marked registers.

### **Your personal data is used in relation to the above activities under the following legal basis:**

- 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 (i.e. the Returning Officer).

The exception is the use of your personal information taken if you choose to contact us via the Election Helpline, online or via email, which takes place under the following legal basis:

- The data subject (i.e. you) has given consent to the processing.

### **The personal data we use includes:**

- Name
- Qualifying address
- Alternate posting address for postal vote issue, if applicable
- Date of birth for postal vote or attaining the age at which you are eligible to vote for that poll
- Details of your appointed proxy, if appointed
- Elector number
- Where postal voting statements are rejected during processing, we record the reason for rejection
- If you contact us via the election helpline, online or by email we will record your contact details and general information about your query in order to keep track of the customer service that has been provided to you.

### **Third Party Data**

Personal information the Returning Officer processes will often have been provided by you to the Electoral Registration Office directly or via a national online portal hosted by the Cabinet Office.

### **Your information may be shared with the following recipients or categories of recipient:**

- Returning Officer
- The Council's Elections Office
- Electoral Registration Office
- Presiding Officers, Polling Place Inspectors and other staff appointed by the Returning Officer to administer the poll
- If you are voting by post, the printing company contracted to produce the postal vote packs.
- Information included in Marked Registers (name, address and elector number) is statutorily available for public inspection or purchase upon request

The Returning Officer is required by law to protect the public funds it administers. It may share information provided to them with other bodies responsible for auditing,

administering public funds, or where undertaking a public function, in order to prevent and detect fraud.

Personal data relating to this process will not be shared outside of the EU.

**Please note that you have the following rights:**

- To lodge a complaint with the Information Commissioner's Office (see below for contact details)
- To request access to your personal data
- To request rectification or erasure of your personal data, as so far as the legislation permits
- to object to any processing undertaken for the purposes of scientific/historical research and statistics, as so far as the data protection legislation permits
- To object to processing carried out under the 'public task' legal basis
- Where the legal basis for processing is your consent (i.e. if using the Election Helpline), to withdraw consent at any time

Information Commissioner's Office

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone: 0303 123 1113

Email: [casework@ico.gov.uk](mailto:casework@ico.gov.uk)