

Elections and Electoral Services

Privacy Notice for Candidates and Agents



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 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 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. You can also consult the information available at the Information Commissioner's websites, 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

As a candidate or agent for an election we require your data for the following purposes:

- Processing and determining candidate nomination papers, agent appointment form, publishing statutory notices containing your details, and producing ballot papers and other poll material.
- Administering, managing and recording the poll processes in which you are entitled to be involved
- Maintaining historical records of candidates, nominees and elected members participating in all elections, by-elections and referendum results in the Moray area for public consumption, such as the election results, or nomination and membership records
- Producing and maintaining records of candidates, election agents, sub agents, polling agents, counting agents and postal vote agents as required by statute.
- Administering the election expenses return (candidate spending) , holding of statutory returns relating to campaign/candidate spending during poll campaigns and publication of statutory notices regarding the same

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).

Personal data concerning your political opinions is classed as ‘Special Category’ data, and as such a secondary legal basis is required for processing this data. The relevant legal basis is the ‘Political Parties’ condition of the ‘Substantial Public Interest’ subsection of the Data Protection Act 2018 (Schedule 1, Part 2, Paragraph 22).

The personal data that may be required includes:

- Name
- Address
- Contact details (e.g. phone number, email address)
- Written signature
- Description – of political party or if standing as an ‘independent’
- For local government candidates, place of work may be required for qualifications
- Electoral Register number
- Bank details for the reimbursement of statutory candidate deposits for some polls
- If a candidate for community council, whether or not you are currently an existing member
- Data required for Election expenses return (candidate spending): details of elections expenses, office address, election agent details

Third Party Data

Some of the information processed by the Returning Officer may have been provided by a third party as part of the election process. This would be from the registered political party or their nominating officer with which you are affiliated, or the appointed election agent appointed by you.

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

- The Council’s Returning Officer and, in the case of Local Government Elections, the relevant council departments and for Community Council elections, the Council’s Community Council Liaison Officer
- Printing companies contracted to produce printed material related to the poll
- Staff required to administer and manage the poll (e.g. door supervisors, polling place inspectors)
- Single Point of Contact (SPOC) officer at Police Scotland, if required
- Scottish Government, Scottish Parliament, Scottish Office, Cabinet Office or UK Government as may be required for a particular poll for statutory returns
- The Councils Payment section for the reimbursement of statutory candidate deposits for some polls
- Where information is required for material intended for public consumption, this information will be available to the general public. On request the Election expenses return (candidate spending) is made available to the public under supervision.

The Council’s 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

Information Commissioner’s Office

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

Telephone: 0303 123 1113 Email: casework@ico.gov.uk