

PRIVACY NOTICE

Elections and Electoral Services – Candidates and Agents

Who we are

Moray Council, Council Office, High Street, Elgin, Moray, IV30 1BX, moray.gov.uk 01343 543451, is a Local Authority established under the Local Government etc. (Scotland) Act 1994. The Representation of the People Act 1983 requires each Local Authority to appoint a Returning Officer. The Returning Officer is a personal appointment with its own statutory functions separate from those of Moray Council. The Returning Officer for Moray Council has a statutory duty to process certain personal data for the purpose of administering election and referenda. They are registered with the Information Commissioner's Office as a Data Controller and are the Data Controller of the personal data being collected.

Why your personal data is being collected

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.

Candidates/Agents

The personal data that may be required includes:

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

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.

Personal data collected from other sources

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 your appointed election agent.

Personal data you have provided about other people

If you have provided, or have been asked to provide, someone else's personal data for a specific purpose; if reasonable to do so then please make sure that you have told them that you have given their personal data to us for this purpose.

Legal basis

The Returning Officer has a statutory duty to process personal data for the purpose of administering all elections and referenda. As such, the legal basis for the processing is Article 6(1)(e) of the United Kingdom General Data Protection Regulation (UK GDPR), because your personal data 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 personal data is required by the Returning Officer to carry out their duties under legislation including:

- Local Government (Scotland) Act 1973 (as amended)
- Representation of the People Acts 1983, 1985 and 2000
- Scotland Acts 1998 and 2012
- Political Parties, Elections and Referendums Act 2000
- Representation of the People (Scotland) Regulations 2001
- Scottish Parliament (Constituencies) Act 2004
- Electoral Administration Act 2006
- Local Electoral Administration and Registration Services (Scotland) Act 2006
- The Representation of the People (Absent Voting at Scottish Local Government Elections) Regulations 2007 and all subsequent amendment regulations
- Political Parties and Elections Act 2009
- The Scottish Parliament (Constituencies and Regions) Orders 2010 and 2014
- Fixed Term Parliament Act 2011
- Local Electoral Administration (Scotland) Act 2011
- The Representation of the People (Post-Local Government Election Supply and Inspection of Documents) (Scotland) Regulations 2007 and all subsequent amendment regulations.

- The Representation of the People (Variation of Limits of Candidates' Local Government Elections Expenses) (Scotland) Order 2016
- Electoral Registration and Administration Act 2013
- Scottish Elections (Reduction of Voting Age) Act 2015
- Any future legislation published for Elections and Referenda
- The Scottish Local Government Elections Rules 2002 and any subsequent amendment rules
- The Scottish Parliament (Elections etc.) Order 2015

Personal data that counts as 'special category data', such as data concerning your political opinions, must satisfy extra conditions when processed. The legal basis for processing this special category data is Article 9(2)(g) of the UK GDPR, and Schedule 1, Part 2, Paragraph 22 of the Data Protection Act 2018 ('Political Parties'); the processing is necessary for reasons of substantial public interest.

Who this personal data will be shared with

- 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 Council's 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 may be shared internally with authorised officers of the Council if having access to personal data is a necessary part of their roles to ensure records are accurate and up to date. It may also be shared with other relevant Council departments where applicable.

How long the information is held for

Your personal data will be securely stored by the Council on behalf of Returning Officer for a pre-determined length of time. Information is only kept for the minimum amount of time necessary. The Council maintains a record retention schedule that sets out how long it retains different types of personal data. This is available on our website: www.moray.gov.uk/RetentionSchedules (under Section 5 of the Records Management Plan).

The Council stores information within the UK.

Your rights

The Returning Officer is the Data Controller for this personal data. You have legal rights about the way the Returning Officer handles and uses your personal data. These include the right to ask for a copy of it, to ask the Returning Officer to correct it and to ask the Returning Officer to stop doing something with your personal data. As so far as the legislation permits, you also have the right to request the deletion of your data, and to object to the processing.

For more information about these rights, please see the Information Management pages on the Council's website here: www.moray.gov.uk/InformationRights

Alternatively, email the Council's Data Protection Officer at: IG@moray.gov.uk

You also have the right to make a complaint to the Information Commissioner's Office. They are the body responsible for making sure organisations like the Council handle your personal data lawfully.

Information Commissioner's Office

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

Telephone: 0303 123 1113 Website: <https://ico.org.uk/>