

PRIVACY NOTICE

Elections and Electoral Services – Electors

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.

The personal data that will be collected 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.

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 after the 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, 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.

Personal data collected from other sources

Personal data 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.

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.

Automated Decision Making

If you are a postal voter your information will be used to make decisions through automated means as checks are made against personal identifiers that you provide against those contained in your original postal vote application. In cases 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 the final decision and ensure that the results of automated processing are not to the detriment of living persons.

Legal basis

The Returning Officer has a statutory duty to process personal data for the purpose of administering all elections, by-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

Who this personal data will be shared with

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 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/>