

## **PRIVACY NOTICE**

### **Elections and Electoral Services – Temporary Election Staff**

#### **Who we are**

Moray Council, Council Office, High Street, Elgin, Moray, IV30 1BX, [moray.gov.uk](http://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 of Temporary Election Staff that may be collected includes:

- Name, contact details (e.g. phone number, email address and postal address)
- National Insurance Number
- Stated political affiliation (if any).

We will keep a record of your assigned payroll number and the gross amount payable to you. We may require further evidence from you such as copies of your passport or identification or driving licence.

As a member of the Temporary Election Staff your data is required for the following purposes:

- For the 'Staff Canvass' to ascertain your availability and preference for forthcoming temporary election posts.
- Managing election processes in which you are involved. This includes: appointment to temporary election posts and providing information relating to the same, attendance at training, pass and door checklists, ensuring security and efficient administration at polling places, providing contact information to supervisors and colleagues where and whom you are working with, reporting statutory returns to central government.
- Transferring data to neighbouring Local Authorities' elections offices with which the Council shares a cross constituency during certain elections.

- Transferring your data to the Council's Human Resource and Payroll department and HMRC for the purposes of staff fee payments.

## **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**

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

- Presiding Officers (e.g. Moray Council Returning Officer)
- Count supervisors and door supervisors
- Polling Place Inspectors

- Security colleagues (if required)
- Scottish Office (names and payroll number only)
- Scottish Government (names and payroll number only)
- Electoral Claims Unit (names and payroll number only)
- The Council's Human Resources and Payroll department
- HMRC
- Electoral Registration Office (names and phone numbers only)
- Single Point of Contact (SPOC) officer at Police Scotland, if required.

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](http://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](http://www.moray.gov.uk/InformationRights)

Alternatively, email the Council's Data Protection Officer at: [IG@moray.gov.uk](mailto: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/>