

# Privacy Notice: Legal & Democratic Services Electoral Registration Officer and Returning Officer

This Privacy Notice tells you about what information we collect about you, how we use that information and who we share it with.

## Who we are and what we do

The Electoral Registration Officer (ERO) for Durham County Council (a Data Controller) is responsible for the annual production and publication of the Register of Electors and its update and maintenance throughout the year in compliance with government statutory regulations and performance standards set by the Electoral Commission. The ERO also maintains a record of electors who have elected to vote by post or proxy – this process includes renewal of signatures every 5 years.

The Returning Officer for Durham County Council is responsible for the delivery of all Parish, County, Parliamentary and PCC elections and referendum in the Durham County area and must account for the costs of running these elections.

For the purposes of Data Protection, the Electoral Registration Officer (ERO) and Returning Officer (RO) are the Data Controllers who collect and use information about residents, candidates, election agents and election and electoral registration staff to carry out specific functions which it is statutorily responsible.

## What type of personal information do we collect and how do we collect it?

We keep records about potential and actual electors, voters, candidates and their agents, staff employed at an election, the people we need to pay and anyone responding to a public consultation. These may be written down or in digital format (ie. data within a software system or scanned copies of documents).

We may collect the following personal information about you:

- Basic details about you – for example, your name, address, date of birth and nationality
- Unique identifiers (such as your National Insurance Number)
- Your signature
- Contact details including telephone numbers and email addresses
- Scanned application forms and dates of any letters of correspondence
- Copies or details of written and photographic proof of identity and eligibility
- Notes about any relevant circumstances that you have told us
- Previous address or forwarding addresses
- The occupants in your property
- If you are over 76 or under 18
- Whether you have chosen to opt out of the Open version of the Register of Electors

In addition, if you work for the Returning Officer on election duties or the Electoral Registration Officer for registration duties, we may also collect the following information:

- Bank Details

- Tax status
- Details of previous employment
- Copies of details of Right to Work documentation and eligibility
- Proof of Identity

If you are a candidate at an election or an appointed agent at an election, we may also your political party affiliation.

We collect and receive information about you in the following ways:

- Paper Form
- Online Form
- Details over the telephone
- By email
- Inspection of other council records (as governed by legislation)

### **What is our lawful basis to obtain and use your personal information?**

We collect and use your personal information so that either we can comply with our legal obligations, or we can perform a task in the public interest or for our official functions, under Article 6.

When we collect special category personal information, we rely on one of the following Article 9 conditions:

- Processing is necessary for reasons of substantial public interest;
- Explicit consent, your or your representative have given us explicit consent for example to identify your political opinions for the purposes of an election;
- Public domain, you have made your information publicly available; or
- Archiving, research, statistical purposes.

### **What is your personal information used for?**

The Electoral Registration Officer collects and processes information about you for the following purposes:

- Registering you to vote (or recording that you are ineligible to vote)
- Processing an application for a postal or proxy vote
- Processing Voter Authority Certificate applications
- Producing and maintaining an accurate register of electors
- Delivering elections and referendum
- Consulting on polling district reviews

The Returning Officer collects and processes information about you for the following purpose:

- To process your application for candidature.
- To process staff applications for employment and to add you to the staff and payroll database to facilitate payments to be made
- Consulting on polling district reviews

### **Will your personal information be shared?**

To verify your identity, the data you provide to register will be processed by the Individual Electoral Registration (IER) Digital Service, which is managed by the Department for Levelling Up, Housing and Communities (DLUHC). As part of this process, your data will be shared with the Department of Works and Pensions (DWP). You can find more information about voting privacy at

[www.registertovote.service.gov.uk/register-to-vote/privacy](http://www.registertovote.service.gov.uk/register-to-vote/privacy)

To ensure that our data is accurate and current, we match our records with Council Tax data. Data is also shared with Council Tax for crime prevention and the detection of fraud as part of the National Fraud Initiative.

The Electoral Registration Officer publishes two versions of the register:

- The full electoral register lists the names and addresses for everyone who is registered to vote in elections. It is also used for other purposes specified in law, such as – detecting and preventing crime, calling people for jury service and checking credit applications
- The open register is an extract of the full register but is not used for elections. It can be bought by any person or company on request. Your name and address will be included on the open register unless you ask for them to be removed. Removing your details from the open register does not affect your right to vote.

If you are concerned that having your name on the electoral register may affect your safety, there may be options available to you so that you can register without your details showing on the register.

The electoral register is published annually on 1 December and is updated on the first working day of each month between January and September

Access to the full electoral register and absent voter records is limited to those prescribed in legislation and is sent to external organisations for the purpose of credit referencing, statistical purposes and historical record.

We share your information with the following organisations:

- British Library
- UK Statistics Authority (Office for National Statistics)
- The Electoral Commission
- Parliamentary Boundary Commission for England
- Local Government Boundary Commission for England
- Jury Central Summoning Bureau
- Elected Representatives (including MPs, MEPs, local councillors with the registration area)
- Police & Crime Commissioner
- Candidates for the following elections – UK Parliament, Local Government, European Parliament, Police & Crime Commissioner
- Local Constituency Parties
- Registered Political Parties
- Parish & Community Councils
- Local Authority Archives Service

As the electoral register is a public document, anyone can inspect it on request. This will be conducted under supervision. Hand-written notes are allowed but no copies or photographs can be taken.

Your information will be shared with our software providers and printers for the purposes of carrying out our statutory duties for elections and electoral registration.

Details of candidates, election agents and subscribers to nomination papers will be published where the law requires so will appear on statutory notices and ballot papers.

Staff information will be shared with our Payroll Section to enable payments to be made for employment undertaken. They in turn will send all payment information to HMRC for tax purposes.

The Council will not share your information for marketing purposes, unless it has been published in the open register and will only use any contact details you may have supplied for electoral purposes.

### **How do we keep your information secure?**

The security of your personal information is important to us. The records we keep about you are secure and are confidential within the Council. The Council have a range of procedures, policies and systems to ensure that access to your records are controlled appropriately.

Anyone who receives information from us is also under a legal duty to only use the information for the purposes agreed and keep the information secure and confidential.

We secure information by controlling access to systems and networks, which allows us to stop people who are not allowed to view your personal information from getting access to it. We also provide training for our staff which allows us to make them aware of how to handle information and how and when to report when something goes wrong.

### **How long will we keep your personal information?**

The collection and retention of data and inspection of other council records is governed by legislation (including):

- Representation of the People Act 1983
- Representation of the People Regulations 2001
- The Electoral Registration and Administration Act 2013
- Elections Act 2022

The law makes it compulsory to provide information to the Electoral Registration Officer when requested. This is for the compilation and maintenance of an accurate electoral register.

The Electoral Registration Officer and Returning Officer are obliged to process your personal data and this data will be kept and updated in accordance with our legal obligations and in line with statutory retention periods.

The retention periods for this service are as follows:

- Legislation requires that once published, electoral registers are kept permanently as a historical record and for the checking of overseas registration qualifications.
- With regards to applications for absent votes, this information is kept for as long as you require to vote in this manner.
- Legislation requires that the majority of election documents are kept for one year with the exception of home address forms (at UK Parliamentary

Elections) which are only kept for 21 days and election expenses forms which are to be retained for 2 years.

- Staff details will be kept on our staff database for as long as you wish to remain available for employment.

### **Personal information processed outside of the European Union (EU)?**

We do not process your personal data outside of the EU

### **What are your information rights?**

The Data Protection Act 2018 allows you to find out what information is held about you, on paper and computer records. This is known as 'right of subject access' and applies to your electoral records along with other personal records. If you wish to see a copy of your records you should contact the Data Protection Officer (DPO) at the address listed below.

Your Information Rights are set out in the law. Subject to some legal exceptions, in addition to access to your personal records, you also:

- Have the right to request the erasure of your personal data ('right to be forgotten'). You have the right to request that we stop or restrict the processing of your personal data, in certain circumstances, as we may be required to hold or process your information to comply with a legal requirement
- Have the right to make sure that if there is an error in your records, that it is corrected
- Have the right to opt out of the Open Register, at any time, and we must remove you from this version and tell the statutory recipients in the next update
- Have the right to be told if we make a mistake whilst processing your data and we will self-report breaches to the Information Commissioner

To exercise your rights, you can apply on line or download an application form from the [DCC website](#) or you can contact the data protection team at [inforights@durham.gov.uk](mailto:inforights@durham.gov.uk)

To learn more about these rights please see the [ICO website](#).

### **Further Information**

Our Data Protection Officer (DPO) provides help and guidance to make sure we apply the best standards to protecting your personal information. If something goes wrong with your personal information, or you have questions about how we process your data, please contact our Data Protection Officer at

[DPO@durham.gov.uk](mailto:DPO@durham.gov.uk) or write to:

DPO  
Floor 4 Room 143-148,  
Durham County Council  
County Hall,  
Durham  
DH1 5UF

Information Commissioner's Office:

Information Commissioner's Office

Wycliffe House

Water Lane Wilmslow

Cheshire

SK9 5AF

Telephone: 0303 123 1113 (local rate) or 01625 545 745