

# **LONDON BOROUGH OF WANDSWORTH**

## **ELECTORAL SERVICES PRIVACY NOTICE**

### **YOUR PERSONAL DATA**

The EU General Data Protection Regulation came into force on 25 May 2018. Together with the Data Protection Act 2018, the new regulations apply to every organisation that processes your personal information.

The new regulation sets out some key principles and following its introduction will make the questions and processes below clearer and more transparent for all citizens.

- a) Why is information recorded about you?
- b) What is the information used for?
- c) How long will we hold your information for?
- d) When and under what circumstances do we share your information and why?
- e) Anyone who gets information has to keep it confidential or we cannot share it with them.
- f) The right for you to access your information. If you want to know what information we have about you, please email us at [sarw@richmondandwandsworth.gov.uk](mailto:sarw@richmondandwandsworth.gov.uk).
- g) The right to have errors in your information corrected. If you aware of errors in your information, please email us at [dpo@richmondandwandsworth.gov.uk](mailto:dpo@richmondandwandsworth.gov.uk).
- h) The right to have non statutory information held about you deleted. There are limitations to this right, as the Electoral Register is a document of record and is kept indefinitely.

## ABOUT THIS PRIVACY NOTICE

This privacy notice will change and be updated as the new regulations come into force and as our arrangements with suppliers and partners develops.

This notice is to be read in conjunction with the Wandsworth Council Privacy Notice: [wandsworth.gov.uk/the-council/open-data-and-transparency/privacy/wandsworth-council-privacy-notice](https://www.wandsworth.gov.uk/the-council/open-data-and-transparency/privacy/wandsworth-council-privacy-notice)

The legislation is new and wide ranging, but we are committed to making sure that we set the highest standards of good practice in how it is implemented. This privacy notice may be updated frequently as new advice in relation to GDPR is adopted.

This privacy notice applies to the following Elections and Electoral Registration processes:

- a) Where you have made a general enquiry over the phone, in writing or by email and where you have given us your personal details as part of that enquiry.
- b) Where you have registered to vote by submitting an application. It also applies where you have registered to vote with the Government's [gov.uk/register-to-vote](https://www.gov.uk/register-to-vote) service and they have sent us your details.
- c) Where you have applied to vote by post, in writing, or by submitting a scanned application by email.
- d) Where you have applied to vote by proxy, in writing, or by submitting a scanned application by email.
- e) Where you have applied to work for the Returning Officer at an Election or Referendum.
- f) Where you have applied to work for the Electoral Registration Officer for the purpose of conducting a canvass of electors.

It does not apply to any other processes that the London Borough of Wandsworth has in place.

## THE DATA CONTROLLER

The Data Controller (acting on behalf of the Electoral Registration Officer and Returning Officer):  
**Electoral Services, Wandsworth Borough Council**

Address:

**London Borough of Wandsworth  
Town Hall  
Wandsworth High Street  
London  
SW18 2PU**

ICO registration number: **ZA468391**

The Data Protection Officer for all of the processes can be contacted at [dpo@richmondandwandsworth.gov.uk](mailto:dpo@richmondandwandsworth.gov.uk).

## COLLECTING INFORMATION

The Electoral Registration Officer and Returning Officer are obliged to process your personal data in relation to preparing for and conducting elections. Your details will be kept and updated in accordance with our legal obligations and in line with statutory retention periods.

We use information about citizens, electors and voters to enable us to carry out specific functions for which we are responsible and to provide you with a statutory service.

We keep records about potential and actual electors, voters, citizens, candidates and their agents, staff employed at an election or for a canvass of electors and the people we need to pay. These may be manual records (written down) or electronic records (e.g. kept on a computer).

## WHAT IS THE ELECTORAL REGISTER?

There are two versions of the register. Using information received from the public, registration officers keep two registers – the electoral register and the open register (also known as the edited register).

### The Electoral Register

The Electoral Register is a public document that lists the names and addresses of everyone who is registered to vote in public elections. The Electoral Register is used for electoral purposes, such as making sure only eligible people can vote. It is also used for other limited purposes specified in law, such as: detecting crime (e.g. fraud), calling people for jury service and checking credit applications. You can view the Electoral Register under strict supervision for research purposes. Using information from the Electoral Register for commercial or any other purposes is forbidden unless it has been published in the open version of the register. Anyone who fails to observe these conditions is committing a criminal offence and may be charged a penalty of up to £5,000. If you are concerned that having your name or address on the Electoral Register may affect your safety, there could be other options available to you, such as anonymous registration. In certain limited circumstances, you can register without your name and address showing on the register.

### The Open Register

The Open Register is an extract of the Electoral Register; however, it is not used for elections. It can be bought by any person, company or organisation. For example, it can be used by businesses and charities to confirm name and address details. Your name and address will be included in 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.

## OCCASIONS WHEN YOUR INFORMATION NEEDS TO BE DISCLOSED (SHARED) INCLUDE:

- a) To contracted printers to print your poll cards, postal vote packs and other electoral material.
- b) To registered political parties, local constituency parties, candidates standing for elections, election agents, elected representatives (such as local councillors and MPs), recognised third parties and other permitted participants who are able to use it for electoral purposes only.
- c) To the following organisations or individuals (as set down in legislation): registered credit reference agencies, British Library, Jury Central Summoning Bureau, UK Statistics Authority, Electoral Commission, Local Government Boundary Commission for England, Parliamentary Boundary Commission for England, National Crime Agency, Greater London Authority, partner Electoral Registration and Returning Officers, Police Forces, Security Service, GCHQ, Secret Intelligence Service, UK Statistics Authority, government departments or bodies and other statutory recipients of the Electoral Register.
- d) Details of whether you have voted (but not how you have voted) to those who are entitled in law to receive this information after an election or referendum.
- e) Where the health and safety of others is at risk.
- f) When the law requires us to pass on information under special circumstances.
- g) For crime prevention or the detection of fraud as part of the National Fraud Initiative.

## **1. MAKING A GENERAL ENQUIRY WHERE YOU SEND US PERSONAL DETAILS**

- 1.1 Your personal data will be held by the London Borough of Wandsworth for the purpose of answering your query.
- 1.2 Where you have phoned us on 020 8871 6023 with your information, the Council's Contact Centre is authorised to receive and record such information.
- 1.3 The information that we hold will be the information that you have given us.
- 1.4 The lawful basis for holding this data will be because you have consented to it. By making a query you have given your explicit consent for us to process your data in order to answer that query.
- 1.5 You can ask us to stop processing your data, but if you do that then we will not be able to answer your query.
- 1.6 The data will be held by the London Borough of Wandsworth so we can refer back to it if you make a subsequent query.
- 1.7 We will not undertake any data profiling or automated decision making or transfer your data outside of the EEA.
- 1.8 You can ask for your personal data to be removed by exercising your right to be forgotten and contacting us at [dpo@richmondandwandsworth.gov.uk](mailto:dpo@richmondandwandsworth.gov.uk).

## 2. REGISTERING TO VOTE

- 2.1 Your personal data will be held by Electoral Services, Wandsworth Borough Council.
- 2.2 We may keep the following information about electors and potential electors. Not all of the information we keep is used in the electoral register. The information record we may hold is as follows:
- a) Basic details about you (such as your name, address, date of birth and nationality)
  - b) Unique identifiers (such as your National Insurance number)
  - c) Scanned application forms and dates of relevant correspondence
  - d) Copies or details of proof of identity and eligibility
  - e) Notes about relevant circumstances that you have told us about
  - f) Details and records about the service you have received
  - g) Your previous and any redirected / forwarding addresses
  - h) The other occupants in your home
  - i) If you are aged 76 or over or if you are 16 or 17 years old
  - j) Whether you have chosen to opt out of appearing on the Open Register
  - k) Your signature
  - l) Contact details including telephone numbers and email addresses
- 2.3 The lawful basis for holding this information is the performance of a public task, in the public interest as provided by electoral law.
- 2.4 The legislation in question is the Representation of the People Act 1983, The Representation of the People (England and Wales) Regulations 2001 and the Electoral Registration and Administration Act 2013.
- 2.5 To verify your identity, the data you provide will be processed by the Individual Electoral Registration Digital Service managed by the Cabinet Office. As part of this process your data will be shared with the Department of Work and Pensions and the Cabinet Office suppliers that are data processors for the Individual Electoral Registration Digital Service. You can find more information about this here: [registertovote.service.gov.uk/register-to-vote/privacy](https://registertovote.service.gov.uk/register-to-vote/privacy).
- 2.6 Your personal information will be passed to an external printing company for the purpose of printing and posting correspondence relating to elections and electoral registration e.g. Household Enquiry Forms (as part of the canvass of electors), Invitations to Register to Vote, Evidence Request Letters (requesting further information to enable us to process your application to register to vote) and Household Notification Letters (confirming who is registered to vote at your address). The information passed on is your address, name, nationality, elector number, whether you are a postal voter or proxy voter, whether you have chosen to appear on the Open Register and whether you are aged 76 or over. Your date of birth will also be provided if you are 16/17 years old or if you are a postal voter or proxy voter. They will destroy your data after two months and not use it for any other purpose. The agreed retention period may be altered when the data sharing contract is next signed. If the contractor that provides this service changes then this privacy notice will be updated.
- 2.7 Your address, name and elector number will be passed to an external printing company to print and post your poll cards. They will destroy your data after an agreed period and not use it for any other purpose. The agreed period will be defined when the data sharing contract is next signed. If the contractor that provides this service changes then this privacy notice will be updated.

- 2.8 Your personal information will be passed to an external company to provide the household response service (online, text and telephone) for the annual canvass of electors and household confirmation exercise. The information passed on is your address, name, nationality, whether you are a postal voter or proxy voter, whether you have chosen to appear on the Open Register and whether you are aged 76 or over. Your date of birth will also be provided if you are 16/17 years old. They will destroy your data after an agreed period and not use it for any other purpose. The agreed period will be defined when the data sharing contract is next signed. If the contractor that provides this service changes then this privacy notice will be updated.
- 2.9 We are legally obliged to pass your personal details to registered credit reference agencies where requested. Details of these credit reference agencies can be found on our website: [wandsworth.gov.uk/creditreferencing](http://wandsworth.gov.uk/creditreferencing)
- 2.10 If you choose to appear on the Open Register, your personal details may also be transferred to the marketing section of a registered credit reference agency and any other organisation or individual who requests access to the Open Register and pays the Electoral Registration Officer the statutory fee.
- 2.11 You can ask us to stop processing your personal data in this way by opting out of the Open Register when you submit an application to register to vote or at any time after that by contacting us at [electoral@wandsworth.gov.uk](mailto:electoral@wandsworth.gov.uk) with your request.
- 2.12 You can object to us processing information that we hold about you that is not needed for the electoral register such as your telephone number or email address. We only hold this information so that we can contact you about your registration; it is not used for any other purpose. If you wish to object, you should contact us at [dpo@richmondandwandsworth.gov.uk](mailto:dpo@richmondandwandsworth.gov.uk) with your request.
- 2.13 You cannot object to us processing your data for electoral registration or election purposes. We hold the information on the Electoral Register indefinitely. Your right to be forgotten does not apply to the Electoral Register.
- 2.14 We will not undertake any data profiling or automated decision making or transfer your data outside of the EEA.
- 2.15 We are required by the above laws to report certain information that we hold to appropriate authorities that are not connected with Electoral Registration. These circumstances are:
- a) Where a Court has made an order requiring that we provide information.
  - b) Where law enforcement agencies require information for the prevention and detection of crime.
  - c) Providing information to the Jury Central Summoning Bureau to indicate those persons eligible for jury service.

### **3. APPLYING TO VOTE BY POST**

- 3.1 Your personal data will be held by Electoral Services, Wandsworth Borough Council.
- 3.2 The lawful basis for holding this information is the performance of a public task, in the public interest as provided by electoral law.
- 3.3 The legislation in question is The Representation of the People (England and Wales) Regulations 2001 and The Local Elections (Principal Areas) (England and Wales) Rules 2006.
- 3.4 In the course of administering your postal vote, your address, name, elector number and ballot paper number(s) will be transferred to an external printing company to print and post your postal poll card and postal vote pack. They will destroy your data after an agreed period and not use it for any other purpose. The agreed period will be defined when the data sharing contract is next signed. If the contractor that provides this service changes then this privacy notice will be updated.
- 3.5 You can object and stop us processing your data for this purpose but if you do then you will not be able to vote by post.
- 3.6 We will not undertake any data profiling or transfer your data outside of the EEA.
- 3.7 We will use an automated decision-making system to check your personal identifiers (signature and date of birth) when you return your postal vote statement. This system will not be able to decide if your vote is valid, that decision is made by the Returning Officer.

#### **4. APPLYING TO VOTE BY PROXY**

- 4.1 Your personal data will be held by Electoral Services, Wandsworth Borough Council.
- 4.2 The lawful basis for holding this information is the performance of a public task, in the public interest as provided by electoral law.
- 4.3 The legislation in question is The Representation of the People (England and Wales) Regulations 2001 and The Local Elections (Principal Areas) (England and Wales) Rules 2006.
- 4.4 Your address, name and elector number will be passed to the Returning Officer and the London Borough of Wandsworth or an external printing company so that they can print and post your proxy poll card.
- 4.5 You can object and stop us processing your data for this purpose but if you do then you will not be able to vote by proxy.
- 4.6 We will not undertake any data profiling or automated decision making or transfer your data outside of the EEA.



## **5. IF YOU WORK FOR US**

- 5.1 Electoral Services are responsible for producing the electoral register and administering elections. This involves the employment of canvassers to visit properties and helping residents complete their registration forms. At election time we employ hundreds of people in temporary roles such as working in polling stations, opening postal votes and at the counting of the votes.
- 5.2 The law requires employers to collect various information from employees. We are also required to pay people for their services and therefore a certain amount of information is necessary.

### **AT AN ELECTION OR REFERENDUM FOR THE RETURNING OFFICER**

- 5.3 Xpress Software Solutions Limited (XSSL) which is a company registered in England and Wales with company number: 04152280. It is a business of Electoral Reform Services Limited (ERS). XSSL is registered for VAT under registration number: 771293714. The XSSL registered office is at: 33 Clarendon Road, London, N8 0NW. They will destroy your data after an agreed period and not use it for any other purpose. The agreed period will be defined when the data sharing contract is next signed. If the contractor that provides this service changes then this privacy notice will be updated.
- 5.4 Your personal data will be transferred to XSSL for the purposes of running the online Mobile Election App (MEA) account. The data will be held by ERS only for so long as they need to provide the MEA service to us at an election.
- 5.5 Your personal data will be transferred to Payroll Business Solutions Ltd. for the purposes of running a payroll and providing statutory returns to HMRC. The data will be held by Payroll Business Solutions Ltd. for as long as they need to provide information on the payroll to HMRC.
- 5.6 Your contact details may be shared with other staff working in your polling station, so they can contact you on or just before polling day.
- 5.7 We may also need to share your contact details with police investigating any incidents that may have taken place at the polling station.
- 5.8 You can object and stop us processing your data for this purpose but if you do then you will not be able to work for us.

### **CANVASSING OF ELECTORS FOR THE ELECTORAL REGISTRATION OFFICER**

- 5.9 Your personal data will be transferred to Richmond and Wandsworth Payroll Services for the purposes of running a payroll and providing statutory returns to HMRC. The data will be held by Richmond and Wandsworth Payroll Services for as long as they need to provide information on the payroll to HMRC. This data sharing is governed by a master data sharing agreement signed by the London Borough of Wandsworth for the provision of services across the Council.
- 5.10 You can object and stop us processing your data for this purpose but if you do then you will not be able to work for us.

## 6. INFORMATION COMMON TO ALL PROCESSES

- 6.1 There will be no processing of your data by any of the parties listed, other than that necessary and associated with the process.
- 6.2 You have the right to request that any information held incorrectly is rectified. You can do this by contacting us at [dpo@richmondandwandsworth.gov.uk](mailto:dpo@richmondandwandsworth.gov.uk) . If the information is held incorrectly on the electoral register because you have changed address then you should update your details by submitting an application at [gov.uk/register-to-vote](https://www.gov.uk/register-to-vote).
- 6.3 If you are unhappy with how the Election Registration Officer or the Returning Officer has processed your data, you can contact us at [dpo@richmondandwandsworth.gov.uk](mailto:dpo@richmondandwandsworth.gov.uk).
- 6.4 If you are unhappy with how we have dealt with any complaint; you can complain to the Information Commissioner: [ico.org.uk](https://ico.org.uk).
- 6.5 ICO helpline: 0303 123 1113
- 6.6 The Wandsworth Council Privacy Notice can be viewed here: [wandsworth.gov.uk/the-council/open-data-and-transparency/privacy/wandsworth-council-privacy-notice](https://www.wandsworth.gov.uk/the-council/open-data-and-transparency/privacy/wandsworth-council-privacy-notice)