

Privacy Notice

This document describes how and why we collect, store, protect, process and share the data you give to us.

We collect personal data to enable us to compile the Electoral Register process electoral nominations and otherwise run elections. We use the data we collect to conduct elections, register individuals to vote and make sure the process is carried out fairly and legally.

Date of Issue: 24th August 2021 Update

History:

21 May 2018	First issue of a new Privacy Notice
23 March 2019	Electoral Nominations guidance added
6th October 2020	Updated link to Civica/CES Privacy Notice
Version 4	Updated link to IERDS information, DPO information and service name

Directorate: Resources

Service: Legal & Democratic

Team: Elections and Land Charges

About the Organisation

The Electoral Registration Officer is the Data Controller. This means it is ultimately responsible for the data it holds about you.

Contact Address:

West Berkshire District Council ("the Council")
Market Street
Newbury
Berkshire
RG14 5LD

ICO Registration Number: **ZB364489**

The Data Protection Officer (DPO)

As the Electoral Registration Officer is the Data Controller, there is no requirement to have a DPO however the Council has some information including contact details for their DPO on the website which can be found here: www.westberks.gov.uk/dpofficer

THE PERSONAL DATA WE HOLD ABOUT YOU

We will process the following personal data about you:

Electoral Registration

When we issue an electoral registration form, we collect:

- your name
- address
- email address (optional)
- telephone number (optional)

Sometimes we collect other information you may feel is sensitive to you. This might be your nationality, date of birth, national insurance number or the reason you might require a postal or proxy vote.

We may require further evidence from you such as copies of your passport, marriage certificate or driving licence.

Nomination papers

When we issue a nomination form (for nominating someone to stand as a candidate), the document prompts the electoral agent (or candidate) to ask for a range of information from the person nominated, the person/s proposing and the person/s seconding.

This will usually take the form of:

- names
- addresses (of nominees, proposers, seconders, assentees and witnesses)
- polling district
- elector number
- signature/consent

These details are collected and held on Council's electronic database, provided by XSSL, and will be protected using up-to-date technical and organisational security measures.

PURPOSE AND LEGAL BASIS FOR PROCESSING YOUR PERSONAL DATA

In accordance with the data protection laws, we need a "legal basis" for collecting and using information about you. There are a variety of different legal bases for using personal data which are set out in the data protection laws.

We have set out below the different purposes for which we collect and use your personal data, along with the legal basis we rely on to do so.

Electoral Registration

We use this data to ensure you are eligible to vote in elections and ensure you are registered correctly. To do so we need information that identifies you, and connects you to an address in West Berkshire.

Date of birth and National Insurance Number are used to verify your identity against the Individual Electoral Registration digital service (see below).

We collect your nationality to work out which elections you are eligible to vote in in the UK.

Electoral Nomination Papers

The Council uses the data collected on nomination papers solely to make sure nominations for electoral candidates (in local, parliamentary and European elections) are valid and that the elections are therefore being held fairly.

Electoral agents/candidates have certain duties under the law to explain how they will use the information they capture from nominees, proposers, seconders and assentees at the point they collect the data. Agents/candidates then pass the data they have collected to the council for processing; the council makes a reasonable assumption that details have not been falsified or obtained without permission and that agents have observed the law in compiling the nomination papers.

The legal basis for processing this data is:

Public Task: Article 6e of the GDPR namely the processing is necessary for the performance of a task carried out in the public interest.

Legal Obligation: Article 6c of the GDPR namely the processing is necessary for compliance with a legal obligation to which the controller is subject.

- We are legally processing your data under the requirements of the Representation of the People Act 1983 and the Representation of the People Regulations 2001. As such, there is no legal right to refuse processing as we are legitimately required to do so by UK law.
- Nomination papers are processed in line with the requirements of The Local Elections (Principal Areas) (England and Wales) Rules 2006 (as amended).

Consent: Article 6a of the GDPR namely you have given consent to the processing of his or her personal data for one or more specific purposes. No one can be forced to stand as a nominee or forced to propose, second or assent to their standing. These elements are all by common consent, but the processing that the council undertakes is according to its legal duty once the information is received.

SHARING YOUR PERSONAL DATA

Electoral Register

We are required to provide copies of the full electoral register to certain organisations and individuals by law. They may use it for their own reasons that are different to ours, but they still have to look after it in the same way.

Our software providers (Civica Election Services) will also store your information, but only on our instructions. They would not use it for any other reasons, and they have to look after it in the same way we would. You can view their privacy information online at <https://www.civica.com/en-gb/civica-election-services-privacy-policy/>

To verify your identity, the data you provide will be processed by the Individual 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 by visiting <https://www.gov.uk/government/publications/about-individual-electoral-registration-ier>

If you have opted to be included in the open register, by law your information can be shared with anyone who requests it. They may use it for their own reasons that are different to ours, but they still have to look after it in the same way. The electoral register can also be viewed, but not copied, by anyone who requests it upon appointment at the Council Offices.

Nomination Papers

Nomination papers are only seen by Electoral Services staff to ensure that nominees are entitled to stand. They are, however, available to inspect by anyone who wishes to make an appointment to do so as public documents. Someone who makes an appointment is only allowed to inspect the papers under supervision and make notes manually (i.e. they are not allowed to photocopy or photograph the papers).

Nominees have the right for their home address not to be published on the Council's website by indicating this on the form.

We may also share your data if we are required to do so by law, for example by court order or to prevent fraud or other crime.

RETAINING YOUR PERSONAL DATA

Your personal data will not be kept longer than necessary.

You can check how long the Council will keep each type of data against our retention schedule (www.westberks.gov.uk/retention).

Nomination papers are kept for one year after the election has ended, assuming no pending legal action is underway. Papers are securely destroyed at the end of this time period.

YOUR RIGHTS

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a "data subject access request"). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
-

- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.
- **Withdraw consent** to the processing of your personal data at any time, where processing is based on your consent. To withdraw your consent, please contact our Data Protection Officer using the contact details below. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

HOW TO MAKE A REQUEST

If you wish to make a request associated with any of the rights listed above, contact the Council using the contact details at the top of this notice.

INTERNATIONAL TRANSFERS

Your personal data will not be processed outside the UK or by an international organisation.

COMPLAINTS

If you consider that your personal data has been misused or mishandled, you may make a complaint to the Information Commissioner, who is an independent regulator. Further information can be found at: <https://ico.org.uk/make-a-complaint/your-personalinformation-concerns/>

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow

Cheshire SK9
5AF
0303 123 1113

Email: casework@ico.org.uk

Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.

CHANGES TO THIS PRIVACY NOTICE

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.