

## **Introduction**

This Privacy Notice explains the types of personal information we may collect about you when you interact with us. It also explains how we will store and handle that information, as well as keep it safe and secure.

We will keep our privacy notice under regular review and will advise you of any updates on our website.

This Notice was last reviewed in August 2024.

## **Who we are?**

For the purposes of Data Protection legislation, the Electoral Registration Officer (ERO) and Returning Officer (RO) are data controllers who collect and use information about residents to enable us to carry out specific functions for which we are statutorily responsible.

Our data controller (ERO and RO) is Patrick Melia, Chief Executive.

## **What type of personal information do we collect?**

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 at an election and staff employed by us. These may be written down (manual records) or kept on a computer (electronic records).

These records may include:

- basic details about you, for example, name, address, date of birth and nationality
- unique identifiers (such as your National Insurance number, elector number)
- telephone numbers and email addresses
- photographs (if applying for a voter authority certificate)
- scanned application forms, emails and correspondence, including copies of any evidence to support your application
- details and records about the service you have received
- your previous or any redirected address
- information about other people who live in your house
- if you are under 18 or over 76
- whether you have chosen to opt-out of the open version of the register

In addition, if you work for the RO on election duties or for the ERO for registration duties these may also include:

- payroll and tax status

- bank account details
- next of kin / emergency contact details
- details of previous employment.
- Passport numbers

If you are a candidate at an election, an appointed agent at an election or a campaigner we may also hold these details:

- political party affiliation
- campaign group affiliation
- elections expenses

When you apply to register to vote, apply for a voter authority certificate, postal vote, proxy vote and overseas voter, to verify your identity, the data you provide will be processed by the Individual Electoral Registration Digital Service managed by the Ministry of Housing, Communities & Local Government (MHCLG). As part of this process your data will be shared with the Department of Work and Pensions (DWP) and MHCLG suppliers that are data processors for the Individual Electoral Registration Digital Service.

Where it is not possible to verify an elector's identity via the Individual Electoral Registration Digital Service, there may be additional processing of personal data in respect of supplementary evidence of identity submitted by applicants.

In relation to special categories of elector (service voters, overseas electors, crown servants, etc) there may be additional information processed. For example, in relation to service voters, information may be processed relating to type of service (Army/Navy/Air Force), Rank, Regiment and BFPO address.

Where an elector requests a postal vote, personal identifiers in the form of signatures and dates of birth will be processed and potential redirection addresses.

Where an elector requests a proxy vote, personal identifiers in the form of signatures and dates of birth and voters' details of the electors' nominated proxies. Additionally, for an emergency proxy workplace information, relationship status with the proxy and medical data may be contained within applications

At elections we will process, in addition to the information relating to electors, information relating to candidates, candidate's agents and individuals subscribing candidate's nomination papers.

Personal data will be processed relating to staff employed directly by the Electoral Registration Officer or the Returning Officer. Such staff data will include an employee's name, address, other contact details, national insurance number, bank details and a copy of the evidence of their eligibility to work in the UK (such as a passport).

Personal data relating to individuals making enquiries or making submissions to election-related statutory consultations will also be processed.

In limited circumstances we will also process personal data relating to "criminal convictions and offences" (which under the Data Protection Act 2018 includes the alleged commission of offences) - for example the Electoral Registration Officer may receive a request to register to vote from a prisoner on remand or an application for anonymous registration may contain references to the alleged commission of offences by an identifiable third party.

### **How do we collect personal information?**

We may collect your personal information in a number of ways, for example:

- In person
- In writing - for example, application form, letter or email
- Telephone calls
- Online forms
- From other council records
- From Department for Work and Pensions (DWP) records
- Referrals from another department

### **Why do we collect your personal information?**

We collect your personal information for the following purposes:

- The compilation and maintenance of the electoral register (there are two versions of the electoral register - the full version and the edited/open version)
- to undertake our statutory obligation to ensure that all eligible people in Sunderland are registered to vote
- to enable all registered electors to participate in elections and referendums
- to provide registered electors with a voter authority certificate were requested
- to enable eligible people to stand as candidates in elections in accordance with statutory requirements
- fulfilling legal obligations to publish statutory notices containing personal details of candidates and election agents
- fulfilling legal obligations relating to the supply or sale of the electoral register
- fulfilling obligations relating to the supply of absent voting lists
- for the administration of local and national elections and referenda
- If you are a counting agent, polling agent, postal vote agent, nominating officer or similar official, managing the election processes in which you are involved
- If you are employed by the Electoral Registration Officer or the Returning Officer, managing that employment
- If you make an enquiry or complaint, dealing with that enquiry or complaint.

In relation to the above, we will specifically use personal information on the register of electors to:

- conduct an annual canvass of all households to establish all eligible persons who are entitled to be registered, including data matching with nationally and locally held data
- to contact you, via telephone or email, about your registration or to update the register of electors
- produce letters and application forms
- production and issue of voter authority certificates, poll cards to electors and to their proxies, postal voting packs and polling station registers
- determining which electors are entitled to be issued with ballot papers at polling stations
- determining absent vote applications
- If you are an absent voter, the compilation and maintenance of absent voters lists
- If you are a postal voter, receiving and processing your completed postal voting statement

### **Automated Decision Making**

If you are a postal voter, we use your information to make decisions through automated means when we check personal identifiers that you provide against those contained in your original postal vote application. In any case 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 any final decision (i.e. there will always be the involvement of a human decision-maker where the result of the automated process indicates the possibility of a decision to your detriment).

### **How long do you keep the information for?**

The Electoral Registration Officer (ERO) and Returning Officer (RO) need to process your personal data in relation to maintaining the register of electors as well as 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.

### **Who might we share your personal information with?**

We are required by law to provide copies of the full register of electors to certain organisations and individuals (such as political parties, agents, candidates and some government organisations like the Electoral Commission and the Office for National Statistics).

They may use it for their own reasons which are different to ours, but they still must look after the data contained in the register in the same way that we do.

When registering to vote, applying for an absent vote or a voter authority certificate or applying as an overseas voter the data you provide will be processed by the Individual Electoral Registration Digital Service (IERDS), which is managed by MHCLG, to verify your identity. As part of this process,

your data will be shared with the DWP and MHCLG suppliers that are data processors for the IERDS. Find out more information about this at GOV.UK: Register to Vote Privacy Policy.

If you have not opted out of being included on the open register, by law your information can be shared with anyone who requests it. They may use it for their own reasons which are different to ours. You can find out more information about the difference between the full and open registers at GOV.UK: The electoral register and the 'open register'.

In accordance with law, the full register of electors must be made available for public inspection. The current full register of electors is available to be viewed by any member of the public by appointment at City Hall, Plater Way, Sunderland, SR1 3AA or historical registers at Washington Central Library Local Studies, Independence Square, The Galleries, Washington, NE38 7RZ. People who inspect the register must be supervised by a member of staff and are only allowed to take handwritten notes. They are not allowed to take copies or photographs of the register.

Both the full and open registers are comprised of names and addresses. They do not contain any phone numbers or email addresses.

Occasions when your information needs to be shared include:

- To contracted printers to print your poll cards, postal ballot packs and any other electoral material throughout the year
- To registered political parties, elected representatives, candidates, agents and other permitted participants who are able to use the information for electoral purposes only
- Credit Reference Agencies, the British Library, UK Statistics Authority, the Electoral Commission and other statutory recipients of the Electoral Register
- Details of whether you have voted (but **not** how you have voted) to those who are entitled to receive it in law after an election
- where the health and safety of others is at risk
- when the law requires us to pass on information under special circumstances
- crime prevention or the detection of fraud as part of the National Fraud Initiative.

**Anyone who receives information from us has a legal duty to keep it confidential**

We are required by law to report certain information to appropriate authorities – for example:

- where a formal court order has been issued
- to law enforcement agencies for the prevention and detection of crime
- to the Jury Central Summoning Bureau indicating those persons who are aged 76 or over and are no longer eligible for jury services.

We will not share your personal information with any other third parties unless you have specifically asked us to do so.

## **What is our legal basis for using your personal information?**

To use your personal information there must be a lawful basis to do this, such as, through a contract, performing a public task or where there is a legal obligation.

We collect, use and otherwise process this personal information on the basis of our legal obligations (Article 6(1)(c) of the General Data Protection Regulation ("GDPR")) and/or its public task functions (Article 6(1)(e) of the GDPR).

In the case of the collection, use or other processing of special category personal data, the additional basis relied upon for processing such information is that it is necessary for reasons of substantial public interest (Article 9(2)(g) of the GDPR).

The ERO/RO has specific statutory powers to collect retain and process personal data from individuals and inspection of other council records is mostly governed by legislation (including):

- The Local Government Act 1972
- Representation of the People Act (1983, 1985 & 2000)
- Representation of the People Regulations (multiple dates)
- Political Parties, Elections and Referendums Act 2000
- European Parliamentary Elections Act 2002
- Local Government Act 2003
- Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006
- Electoral Administration Act 2006
- Local Elections (Principal Areas) (England and Wales) Rules
- Local Authorities (Referendums) (Petitions) (England) Regulations 2011
- Police Reform and Social Responsibility Act 2011
- Local Authorities (Conduct of Referendums) (England) Regulations 2012
- Neighbourhood Planning (Referendums) Regulations 2012
- The Electoral Registration and Administration Act 2013
- The Elections Act 2022
- The Local Government (Disqualification) Act 2022
- The Voter Identification Regulations 2022

The law makes it compulsory to provide information to an ERO when requested. This is for the compilation and maintenance of an accurate electoral register. Records are kept for:

- potential electors who need to register to vote
- non-eligible citizens so we can stop inviting them to register
- electors who have registered to vote.
- Returning Officers have statutory duties to collect and retain information from:
  - candidates and their agents
  - staff employed at an election
  - voters.

This information may be kept in either digital format (i.e. data within a software system or as scanned copies of documents) or hard copy printed format or both.

### **Partner organisations**

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: <https://www.registertovote.service.gov.uk/register-to-vote/privacy>.

Information will be processed within the EEA and will not be shared with overseas recipients.

If your details are in the open version of the Electoral Register, your name and address can be sold to third parties who may use it for any purpose. You can opt out of appearing on this version at any time during the year, and are given the option annually as part of the canvass of all households in the area.

The Ministry of Housing, Communities & Local Government (MHCLG) is required to provide a website to publish the candidate addresses – the Police Area Returning Officer uploads the content of the candidate addresses onto MHCLG [choosemypcc.org.uk](http://choosemypcc.org.uk) website. The Police and Crime Commissioner Elections Order 2012 provides further information about role.

The website is provided by the Secretary of State for the Ministry of Housing, Communities & Local Government (MHCLG)

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

Information provided to Electoral Services is held securely on our network or in secure premises, if provided in paper format. Other than those individuals and organisations that we are required to share your information with only officers working within, or authorised by, Electoral Services have access to the information database.

### **Can I see my records?**

Data Protection law 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 Services records along with all other personal records.

If you wish to see a copy of your records you should contact the Data Protection Officer (details below). You are entitled to receive a copy of your records free of charge, within a month.

In certain circumstances access to your records may be limited, for example, if the records you have asked for contain information relating to another person.

## **What are your rights?**

Your individual rights are set out in law. Subject to some legal exemptions, you have the following rights:

- Right to be informed
- Right of access
- Right to rectification
- Right to erasure
- Right to restrict processing
- Right to data portability
- Right to object
- Rights in relating to automated decision making and profiling
- Right to rectify or erase error in your records
- Right to opt-out of the open version of the register

## **Contact us**

If you would like to exercise your rights in relation to your personal information, or you feel that something has gone wrong with your personal information, you can contact us in either of the following ways:

- By email: [Data.Protection@sunderland.gov.uk](mailto:Data.Protection@sunderland.gov.uk)
- By telephone: 0191 520 5555
- In writing: Data Protection, Sunderland City Council, City Hall, Plater Way, Sunderland SR1 3AA

If you feel that the Council has not handled your information correctly you can contact the Information Commissioner's Office (ICO). The ICO is the Government's Independent Body responsible for overseeing data protection. In most cases the ICO will only review cases that have exhausted the Council's internal procedures.

The ICO's contact details are as follows: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, SK9 5AF. More information can be found on the ICO's website at [www.ico.org.uk](http://www.ico.org.uk)