

# Privacy Notice for Electoral Services

## Introduction

This notice is provided within the context of the changes required by the EU General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA).

This document will therefore be subject to ongoing review to ensure it continues to align with the requirements of all applicable legislation.

## Service description

In order for the Thanet District Council to provide electoral services for which the Council is statutorily responsible; it is necessary for the council to collect, store and use information about residents.

The Council keeps records about potential and actual electors, voters, citizens, candidates and their agents, staff employed at an election and the people we need to pay. These are kept either physically or stored electronically.

## What information we hold

In order to provide these services, we may need to process some personal data including:

- Basic details about you – for example, your name, address, date of birth and Nationality;
- Unique identifiers (such as your NI number);
- Scanned application forms & dates of any letters of correspondence;
- Notes about any relevant circumstances that you have told us;
- Your previous or any redirected address;
- The other occupants in your home;
- If you are over 76 or under 18;
- Whether you have chosen to opt out of the Open version of the Register of Electors

## How your information will be used

We will, based on your nationality, include your name on the Electoral Register so that you are able to vote by your chosen method.

## Data Sharing

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 out more information about this here:

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

Other occasions when your information needs to be shared include:

- With our printer and software providers, to compile and manage the register, to print your poll cards, postal vote packs and other electoral material;
- With registered political parties, elected representatives, candidates, agents and other permitted participants who can use it for electoral purposes only;
- With 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) with those who are entitled by law to receive it after an election;
- Where the health and safety of others is at risk; and
- 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 also required by law to report certain information to appropriate authorities – for example:

- Where a formal court order has been issued;
- For the prevention or detection of a crime; and
- To the Jury Central Summoning Bureau indicating those persons who are aged 76 or over and are no longer eligible for jury service

**The Open Register:** 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. The law requires that we make the Open Register available for sale.

You can opt out of this version of the register at any time by emailing [electoral.services@thanet.gov.uk](mailto:electoral.services@thanet.gov.uk)

## Lawful basis for processing data under GDPR

The Council's **lawful bases** for processing your personal information are <sup>1</sup> :

- For the performance of a task carried out in the public interest (under the legislation below);
- That it is necessary for compliance with a legal obligation to which the council is subject

We require the information in order to carry out our duties under:

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<sup>1</sup> Under Article 6 of GDPR.

- The Representation of the People Act 1983;
- The Electoral Administration Act 2006; and
- The Electoral Registration and Administration Act 2013

### **Additional lawful basis for processing other categories of data**

Some of the information that is collected is classified as **special category personal data** or personal data consisting of **criminal convictions and offences** (including alleged offences).

In order to process special category of data, the Council needs to have an additional lawful basis to above. In this instance, special category of data is processed<sup>2</sup> for exercising specific rights of the council (under the regulations above). And where the Council collects and process criminal convictions information<sup>3</sup>, this is done lawfully under the provisions of the Data Protection Act 2018 (DPA)<sup>4</sup>.

### **Retention Period**

Your details will be kept and updated in accordance with our legal obligations and in line with our retention schedule which is available on request.

### **Your Rights**

The Data Protection Act 2018 in conjunction with the General Data Protection Regulation (GDPR) grants a number of other rights. You also have the right to request information that is held about you and this is known as the 'right of subject access'. Making a request for your personal information is known as a 'Subject Access Request'. You are entitled to receive a copy of your records free of charge and within a month. For more information on how we process your personal information and how to make a subject access request, please visit <https://www.thanet.gov.uk/privacy-statement/>

Please note that 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.

You also have the right to rectify errors in your records, the right to withdraw consent given to process your data, and the right to have your data erased when you have withdrawn consent. If you wish to exercise any of these rights, you should contact the Data Protection officer using the contact details provided below..

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<sup>2</sup> Under Article 9 of GDPR

<sup>3</sup> Under Article 10 of GDPR

<sup>4</sup> The DPA 2018 [Part 2, para. 5 (1&2) and para. 6(1&2)] supplements the GDPR by providing the legal basis for processing criminal convictions and offences. In the Council's case, as a 'public authority' and when it is in the public interest to do so.

You have the right to opt out of the open version of the register, at any time, and we must remove you from this version and tell the statutory recipients in the next update.

You have the right to be told if we have made a mistake whilst processing your data and we will self-report breaches to the Information Commissioner.

### **Further information**

If you would like to know more about how we use your information or to exercise any of your rights, please contact the Data Protection Officer (DPO) at Thanet District Council:

Timothy Howes

Data Protection Officer

Thanet District Council

Cecil Street

Margate

CT9 1XZ

Email: [dataprotection@thanet.gov.uk](mailto:dataprotection@thanet.gov.uk)

Tel: 01843 577 000

You also have the right to complain to the Information Commissioner's Office, at:

The Information Commissioner

Wycliffe House, Water Lane, Wilmslow, Cheshire

SK9 5AF

Phone: 0303 123 1113 or 01625 545745

Website: [www.ico.org.uk](http://www.ico.org.uk)