



## MONMOUTHSHIRE COUNTY COUNCIL DATA PRIVACY NOTICE

<b>Directorate:</b>	Enterprise
<b>Service Area:</b>	Elections and Democratic Services
<b>Contact Details:</b>	John Pearson
<b>Privacy Notice Name:</b>	<a href="#">{Click here}</a>

### How we will use your information

#### Categories of personal data obtained

The Electoral Registration Officer is allowed to access Council records in order to help maintain the register of electors (Section 9A of the Representation of the People Act 1983)

#### Source of the personal data

This information was shared with the Electoral Registration Officer by Monmouthshire County Council and includes the use of the property gazeteer for address details and Council tax records to confirm the names and addresses of electors.

We publish a record of all council decisions and meetings, as well as any background information and reports that inform discussion. In order to provide this service, we may need to process some or all of the following categories of personal information about members of the public, consultants, elected members:

- contact details

Under GDPR legislation, we are permitted to use your information this way because we have a statutory duty to provide make records of council meetings and decisions available to the public.

### Your Obligations

#### You have an obligation to provide the information requested

Section 9 of the Representation of the People Act 1983 requires the Electoral Registration Officer to maintain a register of electors whilst Section 10 requires the ERO to carry out an annual canvass of properties.

Regulation 23 of the Representation of the People Regulations makes it an offence not to comply with a request for information from the ERO – maximum £1,000 fine or £5,000 or six month imprisonment if false information provided.

### Purpose and legal basis for using your information

#### Our legal reason(s) for using your information:

- a. We are under legal obligation to process your information
- b. Processing is necessary for the performance of a public task

Your name and address will form part of the electoral register and your date of birth will be held (not on the register) to ensure you are over 18 for voting purposes and under 76 for exemption



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from Jury service. Additionally your nationality is held to enable the Returning Officer to allow you to vote at the elections you are entitled to.

National Insurance numbers are required by the ERO in order to carry out an identity check with DWP. These are not retained following your registration.

If you are an absent voter (postal or proxy) the ERO must also keep a copy of your signature and date of birth in order to check these identifiers against your postal vote.

The Returning Officer will also process information from election candidates and their agents.

The ERO will give you the option to provide an email address or telephone number. This will only be used if you need to be contacted about your registration – it will never be shared. You may ask for these to be removed from our records at any time.

### **Purpose of processing**

The ERO will process your data in order to publish both a full and open access electoral register. The RO will use your data in order to manage elections.

You may opt out of the open access register at any time. This register can be bought by any person and used for any purpose (e.g. by charities and businesses for marketing). The full register is only available for inspection (people may make hand written notes from it) at my office and what that information can be used for is limited by law. For an explanation of the full and edited registers see appendix 1.

### **Legal basis for processing**

There is a statutory requirement to process to your information, as detailed below:

Section 9 of the Representation of the People Act 1983 requires the Electoral Registration Officer to maintain a register of electors and Regulation 93 of the Representation of the People Regulations requires the publication of a second 'open access' register. Regulation 26 of the Regulations allows the ERO to process National Insurance numbers and dates of birth.

The Representation of the People Act (Section 23) requires the RO to administer parliamentary elections.

In order for the processing of personal data to be lawful under the Data Protection Act, a valid condition from Schedule 2 of the Act must be identified, which is outlined below:

Processing of your personal data is necessary in order to comply with the legal obligations of the ERO and RO. The lawful basis for the processing is the performance of a public task and in the public interest, as provided for by electoral law.

The Data Protection Act 1998 provides extra protection for certain classes of information called 'sensitive personal data'. The collection of Nationality information falls within the definition of sensitive personal data. It is collected for the lawful purpose of processing registration applications.

### **Who will have access to your information?**

The Data Controller for your information is Monmouthshire County Council.  
Email: [dataprotection@monmouthshire.gov.uk](mailto:dataprotection@monmouthshire.gov.uk)



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Other Data Controllers may also be responsible for your information, depending on the specific circumstances. Please contact the Service Area for further information.

The majority of council meetings are transacted in public. Agendas and reports for all council and committee meetings are made available to the public five days in advance.

Minutes and details of decisions are also published on our website once available. If you ask a question, or participate in a discussion, some information about you will be included in this record.

### **These are the departments we share your data with internally:**

Monmouthshire County Council is entitled to receive a copy of the electoral register (Reg 107 of Representation of the People Regulations 2001).

Councillors are entitled to the register for their electoral division (Reg 103 of Representation of the People Regulations 2001).

### **These are the agencies/ organisations we share your data with externally:**

The following have a statutory right to be provide with the register:-

MPs are entitled to the register for their constituency (Reg 103 of Representation of the People Regulations 2001).

Members of the National Assembly for Wales are entitled to the register for their constituency or region (Reg 103 of Representation of the People Regulations 2001).

Candidates at elections are entitled to a copy of the register for the seat they are contesting (Reg 108 of Representation of the People Regulations 2001).

Local political constituency offices are entitled to receive a copy of the register covering their constituency (Reg 105 of Representation of the People Regulations 2001).

A community or town council is entitled to receive a copy of the register covering their area (Reg 107 of Representation of the People Regulations 2001).

A registered political party or recognised third party (and permitted participants at referenda) are entitled to receive a copy of the full register (Reg 109 of Representation of the People Regulations 2001).

The Police are entitled to receive a copy of the full register (Reg 109 of Representation of the People Regulations 2001).

The National Library for Wales is entitled to receive a copy of the full register (Reg 97 of Representation of the People Regulations 2001).

The Electoral Commission is entitled to receive a copy of the full register (Reg 100 of Representation of the People Regulations 2001).

The Boundary Commission is entitled to receive a copy of the full register (Reg 101 of Representation of the People Regulations 2001).



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The RO for the Newport East and Torfaen constituency is entitled to receive a copy of the register for their area (Reg 98 of Representation of the People Regulations 2001).

Credit Reference Agencies are entitled to receive a copy of the full register for the purpose of performing credit checks on payment of the statutory fee. (Regs 113 & 114 of Representation of the People Regulations 2001).

Government departments may also purchase the full register (Regs 113 & 114 of Representation of the People Regulations 2001).

The Courts Service are entitled to receive the register in order to summon residents for Jury service (Juries Act)

The edited register must be sold to any person who requests a copy (Reg 110 of Representation of the People Regulations 2001).

Access requests for Crime prevention – Personal information may be provided if the ERO is satisfied that the rules for the purposes of the prevention and detection of crime, or the apprehension or prosecution of offenders have been met.

### **Details of transfers to any countries outside of the European Economic Area**

The RO will share your name, address and elector number with print suppliers in order to produce poll cards and postal vote stationery. A contract and data sharing agreement to protect personal data is in place.

The ERO will share your name, address, nationality and indicate if you are 76+ with print suppliers in order to produce annual canvass forms. A contract and data sharing agreement to protect personal data is in place.

The ERO will share your name, address, date of birth, National Insurance number, nationality and previous address with the Cabinet Office and DWP for the purpose of carrying out identity checks for new registration applicants. A data sharing agreement is in place to protect personal data.

The ERO will share the electoral register with the Cabinet Office as part of the National Fraud initiative (Part 6 of the Local Audit and Accountability Act 2014)

### **There are circumstances where we are legally obliged to share your information with :**

Government Law Enforcement Agencies e.g. with the Police under the Prevention or Detection of Crime Act.

### **Requests for information**

All recorded information held by Monmouthshire Council may be subject to requests under the Freedom of Information Act 2000, Environmental Information Regulations 2004 and General Data Protection Regulation including any other Data Protection law.

If the information you provide is subject to such a request, where possible Monmouthshire County Council will consult with you on its release. If you object to the release of your information we will withhold your information if the relevant legislation allows.

### **How long will we retain your information?**

How long Monmouthshire County Council retains information is determined through statutory requirements or best practice.



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Electoral Registers – 15 years in order to check entitlement to register of overseas electors.

Absent Vote identifiers – 5 years then 'refreshed' or deleted and right to vote by post / proxy removed.

Registration Forms and evidence as to age, nationality(including HEFs and ITRs) for the lifetime of that register (1Year)

Election documents are stored securely for 1 year.

Candidate's home address forms at a Parliamentary election are destroyed on the 21<sup>st</sup> day after the member has been returned.

Candidate's election expenses are kept securely for two years (except European and town/community candidate expenses that are stored for 1 year)

### **Your Rights**

**Your rights under the General Data Protection Regulation are:**

- The right of access
- The right to rectification
- The right to the rectification, blocking, erasure or destruction of your information in certain circumstances.
- The right to restrict processing
- The right to compensation if Monmouthshire County Council fail to comply with certain requirements of General Data Protection Regulation in respect of your information.

For further information please refer to [www.ico.org.uk](http://www.ico.org.uk)

### **Complaints Procedure**

If you object to the way that Monmouthshire County Council is handling your data, you have the right to complain. Please contact the Service Area detailed at the top of this document outlining your issues. Please follow this link for further information on the complaints process.

If you remain unhappy you also have a right to complain to the Information Commissioner's Office [www.ico.org.uk](http://www.ico.org.uk)

**Privacy Notice No:**

(This will be allocated after complete)

**Date Created:**

{Click here}

**Date Published:**

{Click here}

**Version Number:**

{Click here}