

Returning Officer and Election Team Privacy Notice

The Representation of the People Act 1983 requires each Local Authority to appoint a Returning Officer. The Returning Officer is a personal appointment with its own statutory functions separate from those of East Renfrewshire Council.

Returning Officers have a statutory duty to process certain personal data for the purposes of all elections, by-elections and referenda held in the local authority area of East Renfrewshire Council including but not limited to UK Parliamentary, Scottish Parliamentary, Local Government and local and national referenda.

This privacy notice explains what personal data is collected, what it is used for, who it is provided to, under what conditions your data may be shared and the lawful basis on which the Returning Officer seeks to rely upon to justify the processing of personal data.

What is personal information?

Personal information is anything that can identify and relate to a living person. This may include information that when put together with other information can then identify a living person. For example, this could be your name, address and contact details.

Special Category data

Some data because of its sensitivity needs more protection and can be information you would not want widely known as it is very personal to you. This is known as Special Category data.

Special Category data is data relating to the processing of personal data regarding racial or ethnic origin, political opinions, criminal convictions, religious or philosophical beliefs, or trade union membership and the processing of genetic data, biometric data, data concerning health or data concerning a person's sex life or sexual orientation.

The Returning Officer will have a requirement to process some types of Special Category Data and in particular:

- Political opinions – such as information contained within subscribed nomination papers.

Who will we share information with?

To enable the Returning Officer to carry out her statutory functions information may be shared with partner organisations. This will be securely shared and in compliance with the data protection legislation.

The Returning Officer may also make any disclosures required by law and share information with other bodies responsible for detecting/preventing fraud or auditing/administering public funds.

It may be necessary for the Returning Officer to appoint other organisations to carry out some activities. This may include, the Council for payment processing, printers, delivery organisations, mailing houses and contractors or consultants providing services.

Organisations with whom the Returning Officer may share your information include:

- Electoral Commission
- The Electoral Registration Officer
- The Cabinet Office
- The Scotland Office

- The Scottish Government
- HMRC
- Police Scotland
- Neighbouring local authority Returning Officers in the event of cross boundary elections
- Voluntary organisations and private sector service providers.

Information will only be shared with partners or suppliers who have sufficient measures in place to protect your personal data and can meet their legal obligations under data protection legislation. These requirements will be set out in contracts and/or data sharing agreements.

Who is responsible for your information?

The Returning Officer is personally responsible for ensuring that they comply with the requirements of data protection legislation.

Lorraine McMillan is appointed by East Renfrewshire Council as the Returning Officer. The Returning Officer is a controller of data and is shown on the Information Commissioner's Office [Register of Fee Payers](#) under reference ZA473444.

It should be noted that the Returning Officer is a separate controller from the Council and the Electoral Registration Officer.

In undertaking the services and functions it should be noted that the Returning Officer will not be processing personal data on behalf of the Council. It will instead be processing personal data on behalf of one or more of the following statutory officer holders:

- The Registration Officer appointed by the Council under section 8 of the Representation of the People Act 1983;
- The Returning Officer appointed for the purpose of local elections by the Council under Section 41 of the Representation of the People Act 1983;
- The Counting Officer responsible for the administration with the Council's local authority area, of any local, regional or national referenda;
- Any other statutory office holder whose duties relate to administering elections or referenda and whose office is held by virtue of holding one or more of the offices described above or is otherwise required by law be held by an officer of the Council.

What do we do with your personal data?

The Returning Officer has a statutory duty to process personal information for the purpose of administering all elections, by-elections and referenda. Where they intend to process your personal information for a different purpose, they will provide you with information on that purpose before doing so.

In general terms, they will process personal information relating to Candidates, Agents, Election Staff, Polling Stations/Polling Places and Electors.

Candidates

To be able to stand as a candidate at an election, you are required by law to provide the Returning Officer with personal information. In general terms, the Returning Officer will process personal information relating to:

- Full names, commonly used names, date of birth, home address, email address, telephone numbers, party name, signature, qualifications, subscriber name(s), signature(s), and elector number(s), witness personal information including signature, consent to nomination, certificate of authorisation (party candidate), name, address,

office address and signature of appointed election agent, counting agents and polling agent details, statement of person(s) nominated, notice of poll, election notices, candidate expense returns, verifying and counting the votes case, declaration of results and formal notification of election results.

Agents

To be able to be appointed as an agent at an election, you are required by law to provide the Returning Officer with personal information. In general terms, the Returning Officer will process personal information relating to:

- Publication of notice of election agents, administering the nomination process, provision of polling stations and provision of the count.

Election Staff

To be able to work at an election, you are required to provide the Returning Officer with personal information. In general terms, the Returning Officer will process personal information relating to:

- Full name, address, date of birth, National Insurance Number, bank details, email address, telephone number/s, appointment and remuneration of Presiding Officers, Poll Clerks, Postal Vote Opening Staff, Count Staff and any other person employed by the Returning Officer for election purposes and election training.

Polling Stations/Polling Places

It is necessary to process the following information in administering the election:

- Venue main contact, caretaker or keyholder information – name, contact address.

Electors/Voters

Information processes about electors in administering an election will be:

- Full name, Date of Birth, Address, Elector Number, Postal Vote personal identifiers, printing and issue of poll cards, printing and issue of postal votes, postal vote rejection notices, absent voter application forms, managing the postal voting process including the issue and return of postal votes, provision of polling facilities.

It will sometimes be necessary to process personal information to protect individuals from harm or injury, to prevent and detect crime, to comply with legal orders, and to provide information in accordance with a person's rights. The Returning Officer will only process your personal information when it is lawful to do so.

The Returning Officer is legally obliged to publish certain personal information (such as that relating to election candidates and election agents) in the form of public notices.

Lawful basis for processing the data

The lawful basis for processing the personal data is set out in the Data Protection Act 2018. The lawful basis for processing an individual's personal data is:

- Legal obligation – the processing is necessary for compliance with a legal obligation to which the controller is subject
- Public Task – the processing is necessary to perform a task in the public interest or of official functions, and the task of function has a clear basis in law.

The lawful basis for processing Special Category data is:

- it is necessary for reason of substantial public interest, on the basis of Union of Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

The information is required by the Returning Officer to carry out duties under the following legislation:

- The Local Government (Scotland) Act 1973 (as amended)
- Representation of the People Acts 1983, 1985 and 2000
- Scotland Acts 1998 and 2012
- Political Parties, Elections and Referendums Act 2000
- Representation of the People (Scotland) Regulations 2001
- Scottish Parliament (Constituencies) Act 2004
- Electoral Administration Act 2006
- The Local Electoral Administration and Registration Services (Scotland) Act 2006
- The Representation of the People (Absent Voting at Scottish Local Government Elections) Regulations 2007 and all subsequent amendment regulations
- Political Parties and Elections Act 2009
- The Scottish Parliament (Constituencies and Regions) Orders 2010 and 2014
- Fixed Term Parliament Act 2011
- Local Electoral Administration (Scotland) Act 2011
- The Representation of the People (Post-Local Government Election Supply and Inspection of Documents)(Scotland) Regulations 2007 and all subsequent amendment regulations.
- The Representation of the People (Variation of Limits of Candidates' Local Government Elections Expenses)(Scotland) Order 2016
- Electoral Registration and Administration Act 2013
- The Scottish Elections (Reduction of Voting Age) Act 2015
- Any future legislation published for Elections & Referenda
- The Scottish Local Government Rules 2002 and any subsequent amendment rules
- The Scottish Parliament (Elections Etc) Order 2015

This is not an exhaustive list

Automated Decision Making

If you are a postal voter your information will be used to make decisions through automated means as checks are made against personal identifiers that you provide against those contained in your original postal vote application.

In cases 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 the final decision and ensure that the results of automated processing are not to the detriment of living persons.

Providing accurate information

It is important that we hold accurate and up to date information. If any details have changed or change in the future, then individuals should ensure that they inform the Returning Officer as soon as possible to allow for records to be updated.

How long do we keep your personal information?

The Returning Officer will keep your personal information for the minimum period necessary. The retention period is 2 years or as required by statute unless exceptional circumstances require longer retention, for example, pending legal action. All information will be held safely and disposed of securely.

What rights do I have to my personal data?

Under data protection legislation, individuals have the right to request access to information about them that the Returning Officer holds. At any point while in possession of or processing your personal data, you have the following rights:

- to be informed about the information we hold and how we process it
- access to all the personal information we hold about you as prescribed by the data protection legislation
- to require us to rectify any errors in the information that is held about you
- in certain circumstances you can ask for personal information to be deleted but this cannot happen where we are required to have it by law, where it is used for freedom of expression, for public health or statistical purposes, for scientific or historical research where it would make information unusable or where it is necessary for legal claims
- ask us to restrict your information from being processed under certain circumstances
- to object to us collecting or processing personal information about you though this may affect our ability to provide services to you
- to ask for your personal information to be given back to you or another service provider of your choice in a commonly used format. This is called data portability and only applies if we're using your personal information with consent (not if we're required by law) and if decisions were made by a computer and not a human being.

Please note that you will be asked for identification should you choose to exercise any of the above rights in relation to personal data.

Data Protection Officer (DPO)

If an individual has a concern about the way in which the Returning Officer is collecting or using their personal information, then they should raise their concern in writing with the DPO. Contact details are:

Address:

Data Protection Officer
East Renfrewshire Council
Eastwood Park
Rouken Glen Road
Giffnock G46 6UG

Telephone: 0141 577 3344

Email: DPO@eastrenfrewshire.gov.uk

If you are still unhappy with how the DPO has handled your complaint you can seek more information about your rights from the UK Information Commissioners Office. Contact details are:

Address: UK Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone: 03031231113

Email: casework@ico.gov.uk

Website: <https://ico.org.uk>

Changes to this Privacy Notice

This privacy notice will be regularly reviewed.