

Returning Officer Privacy Notice - Electors

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.

Steven Quinn is the Returning Officer for East Renfrewshire and has 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, including but not limited to UK Parliamentary, Scottish Parliamentary, Local Government and local and national referenda. He is registered with the Information Commissioner's Office as a data controller under registration number ZB655762

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.

What is personal data?

Personal data relates to a living individual who can be identified from that data. Identification can be by the information alone or in conjunction with any other information. The processing of personal data is governed by the Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR).

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.

Lawful basis for processing the 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.

The Returning Officer will only process your personal data when there is a lawful reason to do so as set out within the UK GDPR. For the purposes of delivering electoral duties the Returning Officer will rely upon the following legal basis to process personal data:

- 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 his 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.

Who will we share information with?

To enable the Returning Officer to carry out his statutory functions information may be shared with partner organisations including:

- Electoral Commission
- The Electoral Registration Officer
- The Cabinet Office
- The Scotland Office
- The Scottish Government
- Police Scotland
- Neighbouring local authority Returning Officers in the event of cross boundary elections

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.

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.

Where information is shared with other organisations or processed we will ensure adequate protection by ensuring contracts and sharing agreements are in place that define security controls around the sharing of the information.

Who is responsible for your information?

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

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.

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.

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.

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?

We will not keep your information for any longer than it is needed, and will dispose of paper and electronic information in a secure way. Your information will be retained in line with our Corporate Records Retention Schedule which is informed by the Representation of the People's Act 1983, 1985 and 2000 as well as guidance from the Electoral Commission.

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 additional rights:

- Rectify your personal information if it is inaccurate;
- Complete your personal information if it is incomplete;
- Restrict the processing of your personal information in certain circumstances;
- Erase your personal information in certain circumstances.
- Object to the processing of your personal information
- Object to decisions being made by automated means

To exercise any of these rights you can contact the Returning Officer's office regarding your data protection rights, the processing of data, or to request access to information the Returning Officer holds about you by emailing electionoffice@eastrenfrewshire.gov.uk

You have the right to submit a complaint if you are unhappy with the way your request is handled or you disagree with a decision by the Returning Officer, regarding your data. In these circumstances you can contact the Data Protection Officer (DPO) and request a review of the decision by sending an email to DPO@eastrenfrewshire.gov.uk.

If you are not satisfied with the DPO outcome you can raise a complaint with the ICO and details of how to do this can be found on their website at <https://ico.org.uk/make-a-complaint/data-protection-complaints/data-protection-complaints/>

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

Further information

If you would like to know more about how we use your information or you would like to inform us of a change to your contact details, please contact us using the details below:

Democratic Services (Election Office)

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

Tel: 0141 577 3033

Email: electionoffice@eastrenfrewshire.gov.uk

This notice was reviewed and updated in February 2024.