

Privacy Notice – Returning Officer

How to contact us

The Returning Officer will act as the 'Data Controller' in regard to the personal data you provide to us. The 'Data Controller' is based at Inverclyde Council, Municipal Buildings, Clyde Square, GREENOCK, PA15 1LY.

As required under the Representation of the People Act 1983, all Local Authorities must by law appoint a 'Returning Officer'. The post is a personal appointment with its own statutory functions which are separate from those of Inverclyde Council.

The Returning Officer's Data Protection Officer is Andrew Greer who can be contacted at dataprotection@inverclyde.gov.uk.

What information do we need?

The personal information required by the Returning Officer relates to candidates, agents, the nomination process, staff employment, polling venues and electors and will include details such as the following:

Candidates, candidate's agents and individuals subscribing candidate nomination papers:

- candidate full name(s)
- candidate commonly used name(s)
- candidate date of birth
- candidate full home address
- candidate email address
- candidate telephone numbers
- party name
- candidate signature
- candidate qualification(s)
- subscriber name(s), signature(s) and elector number(s)
- witness personal information and signature
- candidate consent to nomination
- certificate of authorisation (party candidate)
- name, address, office address and signature of appointed election agent
- counting agents and polling agents details
- statement of person(s) nominated
- notice of poll
- election notice(s)
- candidate expenses returns
- declaration of results
- formal notification of election results
- publication of notice of election agents

Election staff:

- personal information relating to appointment of all staff
- name
- address
- date of birth
- National Insurance Number
- Bank details
- e-mail, telephone number(s)

Polling places:

- venue main contact details
- caretaker contact details
- keyholder contact details

Electors:

- full name
- address
- date of birth
- Elector number
- postal vote personal identifies (signature and date of birth)
- poll cards
- postal voting statements
- postal vote registers
- waivers
- absent voter application forms
- issue and return of postal votes

Personal information relating to enquiries to the Returning Officer of submissions to statutory consultations will also be processed.

Why we need this information?

Your personal information will be used by the Returning Officer to process personal information for the purpose of administering all elections, by-elections and referendums.

The Returning Officer requires this personal information by law to enable candidates and agents to stand at an election, staff to be employed, polling venues to be arranged and electors to be verified to enable them to cast their votes. The Returning Officer will not collect any personal data from you that is not needed to fulfil the Returning Officer's statutory duty.

The Legal Basis for using your information

1. **Legal Obligation** – the processing is necessary for compliance with a legal obligation to which the Controller is subject.

2. Public Interest – the processing is necessary to perform a task in the public interest or for official functions and the task or function has a clear basis in law.

The information is required by the Returning Officer in order 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 the Representation of the People (Absent Voting at Scottish Local Government Elections) Amendment Order 2009
- The Representation of the People (Postal Voting at Scottish Local Government Elections) Regulations 2007 and the Representation of the People (Postal Voting at Scottish Local Government Elections) Amendment Regulations 2009
- 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 the Representation of the People (Post-Local Government Elections Supply and Inspection of Documents) (Scotland) Amendment Regulations 2012
- The Absent Voting at Scottish Local Government Elections (Provision of Personal Identifiers) Regulations 2009
- The Scottish Local Government Elections Order 2011 and the Scottish Local Government Elections Amendment Order 2012
- Local Electoral Administration (Scotland) Act 2011 (Consequential Amendments) Order 2012
- The Representation of the People (Variation of Limits of Candidates' Local Government Elections Expenses) (Scotland) Order 2012
- Electoral Registration and Administration Act 2013
- The Scottish Elections (Reduction of Voting Age) Act 2015
- Any future legislation published for Elections and Referendums

3. Performance of a Contract – the processing is necessary for the purposes of carrying out the obligations of the Controller in the field of employment. If you do not provide the information asked for then the Returning Officer will not be able to employ you.

Reasons for processing

Some of the information that is collected and shared is classified as:

- Special category data, specifically, political opinions and as such a secondary legal basis is required for processing this data. The relevant legal basis is 'Substantial Public Interest'.
- Criminal convictions and offences data (including alleged offences). This is processed for the performance of a task carried out in the public interest or to exercise official authority vested in the Returning Officer (see above).

What we will do with your information?

Your information may be shared with the recipients or categories of recipients listed below:

- Electoral Commission
- Electoral Registration Officer
- Police Scotland
- Cabinet Office and Scotland Office (spending returns)
- HMRC
- Neighbouring local authority's Returning Officer in the event of cross boundary elections
- Inverclyde Council's internal teams
- External partners and suppliers in administering electoral events
- Bodies responsible for detecting and preventing fraud
- Bodies responsible for auditing/administering public funds

The Returning Officer may provide personal information to third parties but only where it is necessary, either to comply with the law or where permitted under data protection legislation.

Where information is shared with other organisations/suppliers or processed on the Returning Officer's behalf, sufficient measures will be in place to protect your information with the necessary requirements defined in contracts or information sharing agreements.

In general the Returning Officer does not transfer personal data outside either the UK or the European Union. While it may sometimes be necessary to transfer personal information overseas, any transfers will be in full compliance with data protection legislation and the Returning Office will only transfer data outside the UK and the EU when it is satisfied that the party which will handle the data and the country it is processing it in will provide adequate safeguards for personal privacy.

How long will we keep your information?

The Returning Officer will only keep your personal data for as long as necessary. The information outlined in this Privacy Notice will be kept in accordance with the retention period referred to in the Council's Policy for the Retention and Disposal of Documents and Records Paper and Electronic. Full details of how long the Returning Officer retains personal data can be found by accessing this document on the Council's website at <https://www.inverclyde.gov.uk/law-and-licensing/freedom-of-information>. All personal information will be disposed of securely.

Automated Decision Making

The processing of postal votes uses voter information to make decisions through automated means when it checks personal identifiers that you provide against those contained in your original postal vote application form. However, where the automated process reports that the personal identifiers you have provided do not match those on your original application, a human being will intervene and make a final decision.

Your Rights

When you provide information to the Returning Officer, you will have the following rights:

- To withdraw consent at any time, where the legal basis specified above is consent
- To request access to your personal data
- To object, where the Legal Basis specified above is: i) public task or ii) legitimate interests
- To data portability, where the Legal basis specified above is i) consent or ii) performance of a contract
- To request rectification or erasure of your personal data, as so far as the legislation permits
- To restrict processing in certain circumstances, for example if the information is not accurate

In addition, if you are unhappy with the way the Returning Officer has processed your personal data you have the right to complain to the UK Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF, Tel: 0303 123 1113, Email: casework@ico.gov.uk but you should raise the issue with the Returning Officer's Data Protection Officer first.