

RETURNING OFFICER AND ELECTION TEAM PRIVACY STATEMENT

This privacy notice explains the information we need in order to carry out the Returning Officer's duties in respect of all elections, by-elections and referenda held in the local authority area of the City of Edinburgh Council, part thereof, or beyond including but not limited to UK Parliamentary, Scottish Parliament, Local Government, Community Councils, and local and national referenda.

Data Controller

Returning Officer, Election Office Level 6, City Chambers, 249 High Street, Edinburgh EH1 1YJ.
elections@edinburgh.gov.uk The post of Returning Officer is a personal appointment with its own statutory functions. These are separate from those of the City of Edinburgh Council.

What is personal information?

Personal information can be anything that identifies and relates to a living person. This can include information that when put together with other information can then identify a person. For example, this could be your name and contact details. This notice explains the high-level principles we operate to in using your personal data and under what conditions we share your information.

Some personal information might be 'special'

Some information is 'special' and needs more protection due to its sensitivity. It's often information you would not want widely known and is very personal to you. This is likely to include anything that can reveal your:

- religious or philosophical beliefs
- ethnicity
- physical or mental health
- trade union membership
- political affiliations / opinions
- genetic / biometric data
- sexuality and sexual health
- criminal history.

What do we do with your personal information?

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 purpose other than that for which the personal information was collected, they will provide you with information on that purpose before doing so. In general terms, they will process personal information relating to:

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:

- 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 including 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)
- candidates expenses returns
- verifying and counting the votes cast
- declaration of results
- formal notification of election results.

Agents (Election, Polling, Counting)

To be able to stand 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
- the provision of polling stations
- the 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 Polling Station Inspectors, Presiding Officers, Poll Clerks, Postal Vote Opening Staff, Count Staff and any other person employed by the Returning Officer for election purposes
- election training.

Polling Stations / Polling Places

The standard information that we process in accordance with administering an election is:

- Venue main contact information (name, contact address, contact telephone number(s))
- Venue caretaker information (name, contact address, contact telephone number(s))
- Venue keyholder information (name, contact address, contact telephone number(s)).

Electors

The standard information that we process in accordance with administering an election is:

- full name
- date of birth
- address
- elector number
- postal vote personal identifiers -signature and date of birth
- printing and issue of poll cards
- printing and issue of postal votes
- postal voting statements
- postal vote rejection notices
- waivers
- 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.

With whom do we share your personal data?

We will only use the information you give us for electoral/election purposes. We will look after personal information securely and will follow the data protection legislation.

We will not give personal information about you or any personal information you may provide on other people to anyone else or another organisation unless we have to by law.

To provide you with good quality services and to meet our legal obligations, we will sometimes share your personal information between teams with the Council, and with external partners and agencies involved in administering elections and referenda.

The Returning Officer may also 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.

Organisations who we may share your information with include:

- Police Scotland
- Electoral Commission
- Electoral Registration Officer
- Cabinet Office and Scotland Office
- HMRC
- Neighbouring local authority's Returning Officers in the event of cross boundaries elections
- Voluntary organisations and private sector service providers.

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

Details of transfers to third country and safeguards

Your information will be stored and processed on servers based within the European Economic Area. While it may sometimes be necessary to transfer personal information overseas, any transfers will be in full compliance with data protection legislation. We will take all practical steps to make sure your personal information is not sent to a country that is not seen as 'safe' either by the UK or EU Governments.

Lawful basis

The Returning Officer's lawful basis for processing your personal information is:

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

The information 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
- Elections Act 2022
- any future legislation published for Elections and Referenda.

Reasons for processing

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

- Personal data concerning your political opinions is classed as 'Special Category' data, and as such a secondary legal basis is required for processing this data. The relevant legal basis is the 'Political Parties' condition of the 'Substantial Public Interest' subsection of the Data Protection Act 2018 (Schedule 1, Part 2, Paragraph 22)
- criminal convictions and offences (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).

Retention period

The Returning Officer will keep your personal information for the minimum period necessary. The information outlined in this privacy notice will be kept in accordance with the retention period(s) referred to in the Returning Officer's Information Asset Register and as required by statute unless exceptional circumstances require longer retention e.g. pending legal action. All information will be held safely and disposed of securely.

Your rights

The personal information we hold about you is your information and the law gives you a number of rights in relation to that information:

- you have the right to be informed about the information we hold and how we process it
- you have the right to access all the information we hold about you as prescribed by the data protection legislation
- you have the right to require us to rectify any errors in the information we hold about you
- you can ask for your personal information to be deleted under certain circumstances but we can't delete your information 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
- you have the right to ask us to restrict your information from being processed under certain circumstances
- you have the right to object to us collecting or processing personal information about you though this may affect our ability to provide services to you
- you have the right 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. However this only applies if we're using your personal information with consent (not if we're required to by law) and if decisions were made by a computer and not a human being

Data Protection Officer (DPO)

Kevin Wilbraham, Council's Information Governance and Strategic Complaints Manager, Information Governance Unit, City of Edinburgh Council, Waverley Court - 2:1, 4 East Market Street , Edinburgh, EH8 8BG

Email: dataprotectionofficer@edinburgh.gov.uk | Tel: 0131 200 2340

If any 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.

If you are still unhappy with how the DPO has handled your complaint you may contact:

UK Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF T: 0303 123 1113 E: casework@ico.gov.uk W: <https://ico.org.uk>

Changes to this Privacy Notice

This privacy notice will be regularly reviewed and updated.