

DATA PROTECTION

DATA CONTROLLER

Electoral Registration Officer for Tendring District Council (ERO)

The Electoral Registration Officer for Tendring District Council is committed to protecting your privacy rights.

To comply with Data Protection legislation, the Electoral Registration Officer is registered as a Data Controller with the Information Commissioners Office (ICO). The detail of this registration can be viewed by searching the public register on the ICO website (www.ico.org.uk) for the following registration number: Z6205259


This Privacy Notice explains how we use your information and how we protect your privacy.

The Electoral Registration Officer has a Data Protection Officer to ensure that we respect your rights and follow the law. It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

If you have any concerns or questions about how we look after your personal information or wish to exercise any of Your Rights, please contact :-

The Data Protection Officer
Electoral Registration Officer – Tendring District Council
Town Hall
Station Road
Clacton on Sea
Essex CO15 1SE

ERO-DPOfficer@tendringdc.gov.uk

 01255 686061

What is personal information

Personal information (or Personal Data) can be anything that identifies and relates to a living person (*natural persons*). For example, your name and contact details.

Special Category or Sensitive Personal Information

Some information is considered to be 'Special Category' information and needs more protection due to its sensitivity. This includes information relating to :-

Racial or ethnic origin	Genetic Data
Political Opinions	Biometric Data
Religious or philosophical beliefs	Health
Trade Union Membership	Sex Life or Sexual Orientation

Why we use personal information

To comply with a statutory duty to

- a) compile and maintain a register of Parliamentary and Local Government electors (Section 9 of the Representation of the People Act 1983) and
- b) a register of relevant citizens of the European Union entitled to vote at European Parliamentary elections (Regulation 5(2) European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations 2001).

The legal basis for processing your personal information and Special Category information

In accordance with Article 6 of the GDPR, the processing is necessary for the performance of a task carried out in the public interest and exercise of official authority vested in the ERO as set out in the Representation of the People Act 1983 and associated regulations.

The ERO also processes Nationality information which is 'Special Category Data'. This information is processed in order to determine whether someone is eligible to register to vote and, if so, which elections they may be entitled to vote at.

Additionally, the ERO may also deal with special categories of personal data through: documents received as part of the documentary exceptions process in connection with applications to register and documents received as part of an application for anonymous registration.

In accordance with Article 9, of the GDPR, the processing is necessary for reasons of substantial public interest, with a basis in UK law (Regulation 26 of the Representation of the People Act 2001).

When do we need your consent

In situations where we have no legal obligation to process certain personal data you will have provided us with consent to use that personal information, for example an email address. In these circumstances you have the right to amend or withdraw your consent at any time.

If you wish to exercise this right, please contact elections@tendringdc.gov.uk / 01255 686566.

Who might the ERO collect the data from

- The individual themselves (Data Subject)
- Other Residents in the Tendring electoral area
- Registered electors and their appointed proxies
- Tendring District Council
- Essex County Council
- Other Electoral Registration Officers
- Cabinet Office's IER Digital Service
- Electoral Registration Canvassers
- Private Landlords

What personal data and Special Category data does the ERO process

- Name(s)
- Previous name(s)
- Gender
- Current address(es)
- Previous address(es)
- Alternative postal address
- Date of Birth (DOB) or reason why you are unable to supply a DOB
- National Insurance Number (NiNO) or reason why you are unable to supply a NiNO
- Nationality (Special Category Data)
- Whether you have chosen to opt out of the 'Open' version of the register
- If you are over 76 or under 16/17
- Signature and/or information as to why you are unable to sign in a consistent manner
- Dates of residence at a specified address

- Occupation information for Service Voters, Crown Servants and British Council Employees
- Reason for voting by proxy when submitting an application to vote by proxy at a particular election
- Reason for voting by proxy when submitting an application to vote by proxy for a definite or indefinite period (as per applicable criteria as set out in Schedule 4, Paragraph 3(3) Representation of the People Act 2000)
- Occupation if providing an attestation in support of an application to register, vote by proxy, application to register as an anonymous, overseas or
- Occupation information for emergency proxies on the grounds of employment
- Medical, illness or disability information for emergency proxies applied for due to medical reasons
- Education information for emergency proxies applied for on the grounds of attendance on a course
- Any family relationship a proxy may have with the elector appointing them
- Passport number and the date and place of its issue
- Copies of any of the prescribed documentary evidence required in support of a change of name, application to register or change of nationality
- Whether you voted in a particular election/referendum, the method by which your vote was cast (for example, at a polling station or by post) but not how/ for whom you voted.
- Details of your appointed proxy or if you have been appointed as a proxy
- Details of an individual supporting an absent voter's application to waive the need to provide a signature
- Details of an individual acting as Power of Attorney for the purposes of making an assisted application to register to vote
- Whether your property is a second/holiday home

What optional data the ERO may request from you (with your consent)

- Email Address
- Telephone Number(s)
- Whether information is required in alternative formats (for example, Braille card)

How long does the ERO keep your personal data

Your details will be kept in accordance with our legal obligations and published retention periods. Please see the Returning Officer's Retention Policy for further details.

<https://www.tendringdc.gov.uk/sites/default/files/documents/council/elections%20%26%20voting/ERO%20Retention%20Policy%20-%20250518.pdf>

Who might the ERO need to share relevant information with

- Cabinet Office Individual Electoral Registration Digital Service (IERDS) -

To verify your identity, the data you provide will be processed by the Individual Electoral Registration Digital Service managed by the Cabinet Office. As part of this process your data will be shared with the Department of Work and Pensions and the Cabinet Office suppliers that are data processors for the Individual Electoral Registration Digital Service. You can find more information about this here <https://www.registertovote.service.gov.uk/register-to-vote/privacy>

- Electoral Registration Staff and Canvassers
- Registered political parties
- Elected representatives for the Tendring electoral area
- Candidates and Agents for the Tendring electoral area
- Local Constituency parties
- Tendring District Council
- Returning Officer (RO) for the Tendring electoral area
- Acting Returning Officer (ARO) for Harwich & North Essex Parliamentary Constituency
- Police Area Returning Officer (PARO) for the Eastern Region
- Other Electoral Registration Officers
- Credit Reference Agencies
- The Electoral Commission
- The British Library
- The Jury Central Summoning Bureau
- Third Parties registered with the Electoral Commission
- Electoral Management Software Supplier
- Contracted Electoral Print Suppliers
- Cabinet Office (National Fraud Initiative)
- Department of Work and Pensions
- Home Office
- Police
- Any individual appointed as your proxy/postal proxy
- Other residents at your registered address
- Anyone assisting you in submitting or completing an application to register to vote or for a postal or proxy vote
- Designated government contacts for EU Member States (European Parliamentary Elections only)

Automated Decision Making

The Electoral Registration Officer for Tendring District Council does not conduct any automated decision processing.

How we protect your data

We'll do what we can to make sure we process records about you (on paper and electronically) in a secure way, and we'll only make them available to those who have a right to see them. Examples of our security include:

- Encryption, meaning that information is hidden so that it cannot be read without special knowledge (such as a password). This is done with a secret code or what's called a 'cypher'. The hidden information is said to then be 'encrypted'.
- Controlling access to systems and networks means we can prevent people who are not allowed to view your personal information accessing it.
- Protecting your data through the effective use of relevant IT Security controls. We have a range of IT Security measures in place to help protect your data from viruses, malware, ransomware, intrusion, loss, theft and other related risks.
- Conducting privacy impact assessments (PIA) to ensure end-to-end protection when necessary.
- Training our staff enables us to make them aware of how to correctly handle information and how and when to report if something goes wrong.
- Regular testing of our technology and ways of working to ensure they remain suitable; including keeping up to date with the latest security updates (commonly called patches).
- Use of secure file transfer protocols

Your Rights

Data Protection law gives you a number of legal rights. These are:-

The right of access

You can ask the Council (or any organisation) for a copy of the personal information it holds or processes relating to you. We should provide the information within 1 month. If there is a great deal of information or it is difficult to identify and retrieve then we can apply a time extension and let you know.

The right to rectification

Everyone is entitled to have their own personal data rectified / changed if it is inaccurate or incomplete. If an organisation has shared the personal data in question with anyone then it must also take all reasonable steps to inform them of the change. You will be asked to provide evidence of your identity and the correction so that the organisation can ensure your privacy rights are protected.

The right to erasure

The right to erasure can sometimes be referred to as 'the right to be forgotten'. However this is not an absolute right. You can only request the deletion or removal of personal data where there is no compelling reason for an organisation to keep it. Where the organisation has a statutory obligation or a legally justifiable reason to keep the information they must let you know.

The right to restrict processing

In some circumstances you have a right to restrict what processing an organisation carries out or ask that they stop processing your personal data. When processing is restricted, the organisation may continue to store your data but not to process it further. However this right cannot overrule any legal obligation placed on the organisation to continue processing your personal information.

The right to data portability

Following a request for disclosure of your data, you have the right to ask for your information in a digital format so that you can reuse it for other purposes. For example, data portability could be used to upload your information to a third party price comparison website to compare and identify best value for something like utilities or mobile phone use. It is unlikely that data portability will apply to most of the services you receive from the Council.

The right to object

Everyone has the right to object to the processing of their data in limited circumstances.

However you can only object based on “grounds relating to your particular situation”. For example you may need to maintain a higher level of security due to the type of job you have. In these situations an organisation must stop processing your personal data unless it can demonstrate compelling grounds for the processing, which override your interests, rights and freedoms or where processing is for the establishment, exercise or defence of legal claims.

Rights related to automated decision making and profiling

You have a right to request that decisions based solely on automated processing, including profiling, which may produce a legal effect or affect them significantly, to have some form of human input so they are not automatically generated by a computer.

This right is in place to ensure that potentially damaging decisions are not taken without some form of human intervention. This right also applies to ‘profiling’.

However, this Right will not apply if the decision:

- is necessary for entering into, or performance of, a contract between you and the data controller (the Council)
- is authorised by law, or
- is based on your explicit consent

Organisations are required to ensure that appropriate safeguards are in place to protect your rights, freedoms and legitimate interests and you can ask to have any computer-made decisions explained to you.

How to request your personal information

All requests for access to personal information must be made by the person to whom the information relates or their authorised representative. Requests should be made in writing – this includes email – and should include sufficient

information to clearly identify you so that we don't provide your information to someone attempting to impersonate you. For example, your full name, address, other contact details we may record, a copy of your driving license, a utility bill, etc. In this way we can ensure your privacy rights continue to be protected.

If you wish to authorise someone to act on your behalf – this could be another individual or an organisation, such as your legal representative or Citizens Advice, it is important that you make your wishes clear and provide a form of authority to them so that we know they are acting under your instruction.

Please send your requests to :-

The Data Protection Officer
Electoral Registration Officer – Tendring District Council
Town Hall
Station Road
Clacton on Sea
Essex CO15 1SE

ERO-DPOfficer@tendringdc.gov.uk

How to make a complaint about how your information is used

If you need to make a complaint about how your personal information is being used by the Council, please send your complaint in writing (you can use email if you wish) and provide as much information as possible so that we can conduct an investigation.

If you wish to appoint someone to act on your behalf – this could be another individual or an organisation, such as your legal representative or Citizens Advice, it is important that you make your wishes clear and provide a form of authority to them so that we know they are acting under your instruction.

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Essex CO15 1SE

ERO-DPOfficer@tendringdc.gov.uk

How to request a restriction in the use of your information

If you need to request a restriction in the use of your information, please send this in writing (you can use email if you wish) and provide as much information as possible so that we can consider your request.

If you wish to appoint someone to act on your behalf – this could be another individual or an organisation, such as your legal representative or Citizens Advice, it is important that you make your wishes clear and provide a form of authority to them so that we know they are acting under your instruction.

Please send your requests to :-

The Electoral Registration Officer
Tendring District Council
Town Hall
Station Road
Clacton on Sea
Essex CO15 1SE
elections@tendringdc.gov.uk
01255 686566

How to correct inaccurate information

If you need to request a correction to inaccurate information, please contact us.

Electoral Registration Officer
Tendring District Council
Town Hall
Station Road
Clacton on Sea
Essex CO15 1SE
elections@tendringdc.gov.uk
01255 686566

How to request deletion of your information

There are no provisions for you to request that your information be deleted from the electoral register unless you are no longer eligible to vote.

If you believe this to be the case, please contact :-

The Electoral Registration Officer
Tendring District Council

Town Hall
Station Road
Clacton on Sea
Essex CO15 1SE
elections@tendringdc.gov.uk
01255 686566

Moving your information to another provider (portability)

The Right of Data Portability is not relevant to this function.

Where can you get advice?

If you have any worries or questions about how your personal information is processed please contact :-

The Data Protection Officer
Electoral Registration Officer
Tendring District Council
Town Hall
Station Road
Clacton on Sea
Essex CO15 1SE

ERO-DPOfficer@tendringdc.gov.uk

01255 686061

For independent advice about data protection, privacy and data sharing issues, you can contact the UK Information Commissioner's Office (ICO) at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

Telephone: 0303 123 1113 (local rate) or 01625 545 745 national rate

www.ico.org.uk

casework@ico.org.uk