

DATA PROTECTION

DATA CONTROLLER

**The Returning Officer – Tendring
Electoral Area**

The Returning Officer for the Tendring Electoral Area is committed to protecting your privacy rights.

In compliance with Data Protection legislation, the Returning 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 Returning 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
The Returning Officer – Tendring Electoral Area
Town Hall
Station Road
Clacton on Sea
Essex CO15 1SE

RODPOfficer@tendringdc.gov.uk

01255 686062

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) conduct a Parliamentary election in accordance with Parliamentary Elections Rules (Section 23 of the Representation of the People Act 1983) – (Acting) Returning Officer
- b) act as Returning Officer for the elections of councillors of the district and of councillors of parishes or communities within the district (Section 35 of the Representation of the People Act 1983)
- c) do whatever things are necessary for conducting a PCC election in the police area or voting area for which the officer acts (Section 3 of The Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012) – Local Returning Officer
- d) to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by the relevant rules. (Sections 6 and 9 of The European Parliamentary Elections Regulations 2004) – Local Returning Officer

The legal basis for processing your personal 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 (administering of elections) and exercise of official authority vested in the RO (or relevant designation) as set out in the Representation of the People Act 1983 and associated regulations.

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 RO collect the data from

Residents in the Tendring electoral area
Registered electors and their appointed proxies
Candidates
Election Agents
Counting Agents
Postal Voting Agents
Polling Agents
Electoral Registration Officer for the Tendring District
The Electoral Commission
Tendring District Council
Returning Officer's Staff
Registered Political Parties
Local Constituency Parties
Parish Councils
Other Returning Officers (or equivalent designations)
Elected representatives

What personal data does the RO process

- Name(s)
- Current address(es)
- Previous address(es)
- Alternative postal address
- Date of Birth (DOB)
- Elector number
- Method of voting (polling station, postal, proxy or postal proxy)
- Voting franchise (for example, local elections only)
- Signature or information indicating why you are unable to sign in a consistent manner
- 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 or for whom you voted.
- If you are a proxy voter, details of your appointed proxy
- If you have been appointed as a proxy to vote on another elector's behalf.
- Candidate's description – registered political party
- Candidate's description – no party affiliation

- Description and address of land/ premises owned or rented by candidate (Local Government Election)
- Candidate's place of work and employer (Local Government Election)
- Parliamentary Constituency or if address outside the UK, the Country a candidate resides in (UK Parliamentary election)
- Whether you are a polling station voter with a disability who is assisted by a companion
- Expenditure incurred or donations received as declared on Return of Candidate's Spending
- If you are proposing, seconding or assenting to the nomination of a Candidate
- If you have acted as a witness to a Candidate's consent to nomination
- If you are designated as a Candidate's guest at a verification or count

What optional data the RO 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 RO 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/RO%20Retention%20Policy%20-%2020250518.pdf>

Who might the RO need to share relevant information with

- Returning Officer Staff
- Registered political parties
- Elected representatives for the Tendring electoral area
- Tendring District Council
- Candidates and appointed Agents for the Tendring electoral area
- Acting Returning Officer (ARO) for Harwich & North Essex Parliamentary Constituency
- Police Area Returning Officer (PARO) for the Eastern Region
- The Electoral Commission
- Electoral Management Software Supplier
- Contracted Electoral Print Suppliers
- 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

Automated Decision Making

The verification of postal voters personal identifiers (date of birth and signature) is carried out using specialist scanning software. Where these cannot be automatically verified, manual intervention is conducted by a member of the Returning Officer's staff.

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 so that we know they are acting under your instruction.

Please send your requests to :-

The Data Protection Officer

The Returning Officer – Tendring Electoral Area
Town Hall
Station Road
Clacton on Sea
Essex CO15 1SE

RO-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 Returning Officer, 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 so that we know they are acting under your instruction.

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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 so that we know they are acting under your instruction.

Please send your requests to :-

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Town Hall
Station Road
Clacton on Sea
Essex CO15 1SE

RO-DPOfficer@tendringdc.gov.uk

How to correct inaccurate information

If you need to request a correction to inaccurate 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 so that we know they are acting under your instruction.

Please send your requests to :-

The Returning Officer – Tendring Electoral Area

Town Hall

Station Road

Clacton on Sea

Essex CO15 1SE

elections@tendringdc.gov.uk

01255 686566

How to request deletion of your information

If you need to request deletion 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.

Please send your requests to :-

The Returning Officer – Tendring Electoral Area

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

The Returning Officer – Tendring Electoral Area

Town Hall
Station Road
Clacton on Sea
Essex CO15 1SE

RO-DPOfficer@tendringdc.gov.uk

01255 686062

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