

Dunbartonshire and Argyll & Bute Valuation Joint Board

Anonymous Registration Data Protection Impact Assessment

Anonymous Registration DPIA;		
Driver for Change – Implementation of GDPR/legal requirement to complete DPIA where the nature, scope, context and purposes of the processing, is likely to result in a high risk to the rights and freedoms of natural persons		
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1. Data Protection Impact Assessment

1.1 Background -the need for a DPIA

The Electoral Registration Officer (ERO) is required by law to collate and maintain, for their area of responsibility:-

1. a register of parliamentary electors
2. a register of local government electors¹
3. a register of relevant citizens of the European Union entitled to vote at European Parliamentary elections²
4. a register of those peers living outside the UK who have made a declaration to vote at European Parliamentary elections³
5. These registers contain the details of all those who are registered to vote and combined form the Electoral Register.

The ERO must also by law produce an edited (or 'open') register⁴ which contains only the names and addresses of those on the full register who have not taken the decision to opt out of their details appearing on the edited register.

The ERO has a duty under Section 9A of the Representation People Act 1983 (as amended by the Electoral Registration and Administration Act 2013) to take all necessary steps to comply with his/her duty to maintain the electoral register, and to ensure, as far as is reasonably practicable, that all those eligible (and no others) are registered in it.

Regulation 23 of the Representation of the People (Scotland) Regulations 2001 (RPR 2001) authorises an ERO to require any person to provide information required for the purposes of the duty to maintain the register.

Under Section 9B of the Representation of the People Act 1983, a person can request to register anonymously provided certain criteria and appropriate evidence can be provided. Anonymous Registration is available to those electors whose safety would be at risk if their name or address were listed on the electoral register. Any other person in the same household as the person at risk is also qualified to register as an anonymous elector and may therefore also apply for anonymous registration if they wish.

This Data Protection Impact Assessment (DPIA) describes how data protection and privacy issues relating to Anonymous Registration have been identified, addressed and mitigated. The benefits of this are:

- The identification and management of risk
- Avoidance of unnecessary costs
- Avoiding loss of trust and reputation
- Meeting and exceeding legal requirements

This DPIA may be updated or amended to reflect any further changes regarding Electoral Registration.

¹ Representation of the People Act (RPA) 1983 Section 9

² European Parliamentary Elections (Franchise of Relevant Citizens of the Union) Regulations – Reg 5(2)

³ RPA 1985 – Section 3 (7)

⁴ Representation of the People Regulations (Scotland) 2001 – Regulation 93

1.2 Information Flows

To allow the ERO to maintain a complete and accurate register the ERO, under Section 23 and 35 of the Representation of the People (Scotland) Regulations 2001, they may require any person to give information required for the purposes of that officer's duties in maintaining registers of parliamentary and local government electors.

When an application to register anonymously is received, under electoral law there are criteria that must be met before an application can be determined. In addition all applications must be either attested or supported with a valid court order. Supporting documentation may be received from a number of third party sources⁵

This data may be received as hard copies or sent electronically. Once processed the application form and any associated documentary evidence or attestation information are stored within a locked cabinet which can only be accessed by a small number of senior staff.

Robust retention rules as set out in legislation are applied to anonymous electors.

1.3 Privacy and Related Risks & Solutions

See Table, over

⁵ Representation of the People (Scotland) Regulations 2001 (As amended)

Principle 1: Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

a) To process personal data under the GDPR, we must be satisfied that we meet at least one of the grounds noted below:

- Consent – Article 6(1)(a)
- Contract – Article 6(1)(b)
- Legal obligation – Article 6(1)(c)
- Vital interests – Article 6(1)(d)
- Performance of a task carried out in the public interest – Article 6(1)(e)
- Legitimate interests – Article 6(1)(f)

Information relating to Anonymous Electors is collected and processed for the purposes of a legal obligation.

Privacy issue	Risk to individuals	Associated organisation / corporate risk	Solution(s)	Result:	Evaluation:
Privacy Notice not drafted correctly and not transparent enough.	Information shared without individual's knowledge which may result in unintended harm, publicity or unwanted 3 rd party contact.	Reputational & GDPR fine	<p>Privacy statement is specific and includes the legal basis for collecting data as well as highlighting exactly what will happen to an individual's data and who it may be shared with.</p> <p>The privacy statement is available online and in paper form.</p> <p>A policy document covering processing special category data is also available</p>	Reduced	Justified, compliant and proportionate

Principle 2: Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes.

Privacy issue	Risk to individuals	Associated organisation / corporate risk	Solution(s)	Result:	Evaluation:
There is a requirement, under legislation, for the Electoral Register to be shared with a number of third parties.	The individual's information is processed in a way that would not be expected, leading to publication of name and address and unwanted publicity, risk to personal safety or contact from 3 rd parties and increased risk of disclosure through dilution of controls.	Reputational	<p>In relation to anonymous electors they appear at the back of the register under Other Electors with only a number ensuring that no personal details are shown</p> <p>Data Sharing is governed by legislation. With each transaction, the appropriate regulations are issued along with the Electoral Register.</p> <p>These regulations state clearly what each party can do and not do with the Electoral Register and any penalties that can be imposed for misuse of the register.</p> <p>This data sharing is specified in the privacy statement.</p> <p>All data sharing is conducted using secure methods</p> <p>Written Instructions for processing Anonymous Registration Applications that follow the principles laid down in the Electoral Commission guidance</p>	Reduced	Justified, compliant and proportionate

Principle 3: Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation').

Privacy issue	Risk to individuals	Associated organisation / corporate risk	Solution(s)	Result:	Evaluation:
Data being requested is required to enable the ERO to determine a persons eligibility to be registered as an anonymous elector	Inaccurate data provided which results in someone not being able to register anonymously or not being able to register at all	Reputational	<p>The data that is required is clearly specified in legislation.</p> <p>Access to that data once received and contact with any anonymous or potentially anonymous electors is limited to a very small number of senior staff and all correspondence is kept in a secure location.</p> <p>Written Instructions for processing Anonymous Registration Applications that follow the principles laid down in the Electoral Commission guidance</p>	Reduced	Justified, compliant and proportionate

Principle 4: Personal data shall be accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.

Privacy issue	Risk to individuals	Associated organisation / corporate risk	Solution(s)	Result:	Evaluation:
Inaccurate or out of date information retained	Incorrect information issued to electors. Electors are disenfranchised	Reputational & GDPR Fine	Robust work processes and procedures established. Records Retention schedule created and enforced Certificate of Anonymous Registration issued to the elector once registration process complete to inform them of the entry in the register	Reduced	Justified, compliant and proportionate

Principle 5: Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject.

Privacy issue	Risk to individuals	Associated organisation / corporate risk	Solution(s)	Result:	Evaluation:
Information about an individual is kept longer than necessary due to failure to apply retention and policy.	The longer information is kept, the risk of disclosure or inaccuracy or unexpected processing increases, with the increased risk to the individuals personal safety or unintended publicity.	Reputational & GDPR Fine	Retention schedule and processes implemented for paper records Records Retentions is largely driven by legislation	Reduced	Justified, compliant and proportionate

Principle 6: Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Privacy issue	Risk to individuals	Associated organisation / corporate risk	Solution(s)	Result:	Evaluation:
Unauthorised access to information due to inadequate control measures and insecure environment.	Names & addresses and other details of people involved in project could be made public with the potential increased risk to the personal safety of the individual.	Reputational & GDPR fine	<p>Access to anonymous or potentially anonymous electors and associated paperwork is limited to a very small number of senior staff. All processes regarding anonymous registration are reviewed regularly.</p> <p>Secure Door entry and any paper files kept securely locked.</p> <p>ICT security including password and username requirements for system access logs. Electoral management system on a PSN compliant network.</p>	Reduced	Justified, compliant and proportionate

General: Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country of territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Privacy issue	Risk to individuals	Associated organisation / corporate risk	Solution(s)	Result:	Evaluation:
Information could be transferred abroad for processing	Inadequate security of overseas systems might allow data loss – with incumbent risk to vulnerable persons	Reputational and GDPR fine.	Data only held and processed on server based in Clydebank or DR server based in Kirkintilloch. No transfer abroad allowed.	Eliminated	Justified, compliant and proportionate

2. Sign Off and Record of Outcomes

Item	Name/date	Notes
Measures approved by:		Integrate actions back into project plan, with date and responsibility for completion
Residual risks approved by:		If accepting any residual high risk, consult the ICO before going ahead
DPO advice provided:	G Oag – 13/9/2018	DPO should advise on compliance, step 6 measures and whether processing can proceed
Summary of DPO advice: Increase the emphasis on risk to the personal safety of the elector within the risk sections		
DPO advice accepted or overruled by:	R Nicol	If overruled, you must explain your reasons
Comments: Advice accepted and implemented from version 0.3 onwards		
Consultation responses reviewed by:		If your decision departs from individuals' views, you must explain your reasons
Comments:		
This DPIA will kept under review by:	June Nelson / Robert Nicol	The DPO should also review ongoing compliance with DPIA

