

DPIA - Electoral Registration Officer Staff access to East Dunbartonshire Council Council Tax systems



Controller details

Name of controller	David Thomson (Electoral Registration Officer)
Subject/title of DPO	Gavin Oag
Name of controller contact	David Thomson (temp contact – subject to a vacant post being filled)

1: The need for a DPIA

Explain broadly what project aims to achieve and what type of processing it involves. You may find it helpful to refer or link to other documents, such as a project proposal. Summarise why you identified 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 electors
3. a register of those peers living outside the UK who have made a declaration to vote at European Parliamentary elections

These registers contain the details of all those who are registered to vote and combined form the Electoral 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.

The necessary steps referred to above include conducting an annual canvass which must comprise of:

- Sending the form to be used for the annual canvass more than once to any address
- Making one or more house to house enquiries
- Making contact by other such means
- Inspecting any records which the ERO is permitted to inspect

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 and Regulation 35A of the Representation of the People (Scotland) Regulations 2001 authorises an ERO to inspect records held by the council which appoints them.

To allow the ERO to identify new potential electors, confirm no longer eligible electors and check/contact the known residents within any particular household, the ERO requires East Dunbartonshire Council to provide information relating to the Council Tax payers within the local authority area. It has been agreed between the parties that the most efficient way of achieving the necessary data provision is to allow ERO staff limited secure access to Council Tax systems to inspect the data directly.

This Data Protection Impact Assessment (DPIA) describes how data protection and privacy issues relating to maintenance of the electoral register 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 changes regarding Electoral Registration.

2: Description of the processing

Describe the nature of the processing: how will you collect, use, store and delete data? What is the source of the data? Will you be sharing data with anyone? You might find it useful to refer to a flow diagram or other way of describing data flows. What types of processing identified as likely high risk are involved?

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, may:-

- (a) require any person to give information required, or
 - (b) inspect the records held by the council that appoints him/her,
- for the purposes of that officer's duties in maintaining registers of parliamentary and local government electors.

It has been agreed between the parties to this agreement that the most efficient way of achieving the necessary data provision is to allow ERO staff limited secure access to Council Tax systems to inspect the data directly. Thus, there will be no 'data flows' per se. Rather, the information required will be viewed and recorded by ERO staff. Access to the system/data requires secure, password protected, log-ins.

The information shared will be used by the ERO to identify potential electors and invite them to register. It may also be used by the ERO to:-

- Identify electors who are no longer eligible to be registered at a particular address
- Verify applicant names,
- Check information provided by residents,
- Check the occupancy status of households within the Council area
- To verify other sources of information
- Enable contact to be made with electors/potential electors

Where the ERO identifies that a former Elector is now resident in another electoral registration area in Scotland, the ERO will pass this data onto the relevant electoral registration office

Describe the scope of the processing: what is the nature of the data, and does it include special category or criminal offence data? How much data will you be collecting and using? How often? How long will you keep it? How many individuals are affected? What geographical area does it cover?

Access to the Council Tax system will allow ERO staff to record: -

- Full name of residents and past residents of each household within the council area
- Full residential address of household (including post code, property reference number and Unique Property Reference Number (UPRN))
- Indicator where Council Tax Discounts, including single person discounts, or Exemptions apply
- Occupancy Periods
- Contact Details (including phone number, email address and any external address)

No special Category or Criminal Record data will be accessed.

Data may be used to:-

- verify/check information provided by residents when making applications to register or on returns of canvass forms. This may include checks on the total number of (adult) residents within the property, discounts or exemptions applied or for an external address.
- Data will be used to identify the most efficient way of contacting the elector/potential elector (i.e. email address for forms and telephone number for validations)
- verify/check former residents that are no longer eligible to be included in the electoral register

Data will be held by the Council in a secure electronic environment and be recorded directly by ERO staff on a daily or regular basis.

The data will be processed in line with the EROs statutory duties and relevant legislation.

Once recorded by the ERO, the ERO will be solely responsible for ensuring that the data held are kept secure and accurate and otherwise held, processed and disposed of in accordance with the Electoral legislation, the GDPR, the Data Protection Principles and the Data Protection Act 2018.

The data will be held only so long as is necessary in order to fulfil the purpose narrated above. Thereafter individual records will be destroyed in accordance with Dunbartonshire and Argyll & Bute Valuation Joint Board's Records Management Policy and Retention of Documents and Business Classification Scheme.

Describe the context of the processing: what is the nature of your relationship with the individuals? How much control will they have? Would they expect you to use their data in this way? Do they include children or other vulnerable groups? Are there prior concerns over this type of processing or security flaws? Is it novel in any way? What is the current state of technology in this area? Are there any current issues of public concern that you should factor in? Are you signed up to any approved code of conduct or certification scheme (once any have been approved)?

Information relating to Council Tax is collected and processed for the purposes of Performance of a legal obligation to maintain the electoral register. Consent is therefore not required.

The ERO Privacy statement is specific and includes the legal basis for collecting data as well as highlighting what will happen to an individual's data and who it may be shared with.

The privacy statement is available online and in paper form.

Describe the purposes of the processing: what do you want to achieve? What is the intended effect on individuals? What are the benefits of the processing – for you, and more broadly?

The information shared will be used by the ERO to identify potential electors and invite them to register. It may also be used by the ERO to:-

- Identify electors who are no longer eligible to be registered at a particular address
- Verify applicant names,
- Check information provided by residents,
- Check the occupancy status of households within the Council area
- To verify other sources of information
- Enable contact to be made with electors/potential electors

Where the ERO identifies that a former Elector is now resident in another electoral registration area in Scotland, the ERO will pass this data onto the relevant electoral registration office.

The benefits of the information sharing are that the ERO can be proactive in maintaining the electoral register and can identify efficient ways of engaging with electors and potential electors.

Proactive management of the register assists in maintaining the completeness and accuracy of the registers and ensures that electors are able to vote. There are also side benefits for electors in terms of credit ratings.

3: Consultation process

Consider how to consult with relevant stakeholders: describe when and how you will seek individuals' views – or justify why it's not appropriate to do so. Who else do you need to involve within your organisation? Do you need to ask your processors to assist? Do you plan to consult information security experts, or any other experts?

Information relating to Council Tax is collected and processed for the purposes of Performance of a legal obligation to maintain the electoral register. Consent is therefore not required.

ERO has statutory entitlement to request and/or inspect the relevant information at any time for the purposes of maintenance of the electoral register

Council Privacy Statement includes reference to potential uses of the Council Tax data.

ERO Privacy Statement is specific and includes the legal basis for collecting data as well as highlighting what will happen to an individual's data and who it may be shared with. The privacy statement is available online and in paper form.

4: Necessity and proportionality

Describe compliance and proportionality measures, in particular: what is your lawful basis for processing? Does the processing actually achieve your purpose? Is there another way to achieve the same outcome? How will you prevent function creep? How will you ensure data quality and data minimisation? What information will you give individuals? How will you help to support their rights? What measures do you take to ensure processors comply? How do you safeguard any international transfers?

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 and Regulation 35A of the Representation of the People (Scotland) Regulations 2001 authorises an ERO to inspect records held by the council which appoints them.

The parties agree the data access provided is the minimum amount of data needed to properly fulfil the purposes of this agreement.

Access to that data is limited to staff who have been adequately trained in DP issues.

Source data is, by its very nature, accurate and current.

Processors of Electoral Register data (e.g print and mails suppliers) are bound by contract and subject to a DPA.

There are no international transfers of data.

5: Risk identification and Assessment

Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary.	Likelihood of harm	Severity of harm	Overall risk
<p>Issue; Privacy Notice not drafted correctly and not transparent enough</p> <p>Risk to Individuals; Information shared without individual’s knowledge which may result in unintended harm, publicity or unwanted 3rd party contact</p> <p>Organisational Risk; Reputational & GDPR fine</p>	Remote	Minimal	Low
<p>Issue: Data being requested is more than is required to assist the ERO in the maintenance of the electoral register and the ERO’s compliance with statutory requirement</p> <p>Risk to Individuals; There is no additional risk to individuals so long as data accessed is secure and normal protocols for the use of personal data are adhered to.</p> <p>Organisational Risk: Reputational & GDPR fine</p>	Possible	Minimal	Low
<p>Issue: Inaccurate or out of date information retained</p> <p>Risk to Individuals; There is no additional risk to individuals so long as data accessed is secure and normal protocols for the use of personal data are adhered to.</p> <p>Organisational Risk: Reputational & GDPR Fine</p>	Possible	Minimal	Low

<p>Issue: Failure to apply retention and destruction policies.</p> <p>Risk to Individuals; 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.</p> <p>Organisational Risk: Reputational & GDPR Fine</p>	Possible	Minimal	Low
<p>Issue: Unauthorised access to information due to inadequate control measures and insecure environment.</p> <p>Risk to Individuals; 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.</p> <p>Organisational Risk: Reputational & GDPR fine</p>	Remote	Minimal	Low
<p>Issue: Information could be transferred abroad for processing</p> <p>Risk to Individuals; Inadequate security of overseas systems might allow data loss – with incumbent risk to vulnerable persons</p> <p>Organisational Risk: Reputational and GDPR fine.</p>	Remote	Minimal	Low

Step 6: Identify measures to reduce risk

Identify additional measures you could take to reduce or eliminate risks identified as medium or high risk in step 5				
Risk	Options to reduce or eliminate risk	Effect on risk	Residual risk	Measure approved
Privacy Notice not drafted correctly and not transparent enough.	<p>ERO Privacy statement is specific and includes the legal basis for collecting data as well as highlighting 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>	Reduced	Low	Yes
Data being requested is more than is required to assist the ERO in the maintenance of the electoral register and the ERO's compliance with statutory requirement	<p>The data access is restricted to that which is required.</p> <p>Access to that data is limited to staff who have been adequately trained in DP issues.</p> <p>Guidance for the maintenance of the electoral register will be provided.</p>	Reduced	Low	Yes
Inaccurate or out of date information retained	<p>Timeous data to be accessed for maintenance purposes</p> <p>Source data is, by its very nature, accurate and current.</p> <p>See below re retention and destruction</p>	Reduced	Low	Yes

<p>Information about an individual is kept longer than necessary due to failure to apply retention and policy.</p>	<p>Data to be retained only so long as is necessary in order to fulfil the purposes narrated above. Thereafter individual records will be destroyed in accordance with Dunbartonshire and Argyll & Bute Valuation Joint Board's Records Management Policy and Retention of Documents and Business Classification Scheme</p>	<p>Reduced</p>	<p>Low</p>	<p>Yes</p>
<p>Unauthorised access to information due to inadequate control measures and insecure environment.</p>	<p>Access to data provided is limited to trained staff. Existing physical security at all locations is appropriate and the new process adds no significant additional risk. ICT security including password and username requirements for system access logs. Council Tax and Electoral management systems on secure networks.</p>	<p>Reduced</p>	<p>Low</p>	<p>Yes</p>
<p>Information could be transferred abroad for processing</p>	<p>Data only accessed on server sited locally. No transfer abroad allowed. 3rd party processors of data are contracted to not use overseas storage/transfer and are subject to DPA prohibiting such processing</p>	<p>Eliminated</p>	<p>Low</p>	<p>Yes</p>

Step 7: Sign off and record outcomes

Item	Name/position/date	Notes
Measures approved by:	David Thomson Electoral Registration Officer 16 September 2021	Integrate actions back into project plan, with date and responsibility for completion
Residual risks approved by:	Robert Nicol Depute Electoral Registration Officer 16 September 2021 (Note RN subsequently left DABVJB)	If accepting any residual high risk, consult the ICO before going ahead
DPO advice provided:	05.11.2021	DPO should advise on compliance, step 6 measures and whether processing can proceed
<p>Summary of DPO advice: Per e-mail 05.11.2021 "This all looks absolutely fine"</p>		
DPO advice accepted or overruled by:	Accepted	If overruled, you must explain your reasons
Comments:		
Consultation responses reviewed by:		If your decision departs from individuals' views, you must explain your reasons
Comments:		

This DPIA will kept under review by:	Depute ERO	The DPO should also review ongoing compliance with DPIA
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