

PRIVACY NOTICE

Electoral Services

Your privacy is important to the Electoral Registration Officer and Returning Officer of Folkestone and Hythe District Council (the Council).

In this notice, we use the terms "we", "us" and "our" to refer to the electoral registration and returning officer of the Council and "you" and "your" to refer to you, our customer

We are registered with the Information Commissioner's Office as a separate data controller to the Council – registration number: Z605908X.

We aim for full transparency on how we gather, use, and share your personal information in accordance with the Data Protection legislation.

If you have any concerns or make a complaint about how we are handling your personal data, these can be raised with the Council's Data Protection Officer, Electoral Registration Officer (ERO) or Returning Officer (RO) directly:

Folkestone and Hythe District Council
Civic Centre,
Castle Hill Ave.
Folkestone,
Kent CT20 2QY

Data Protection Officer email: data.protection@folkestone-hythe.gov.uk
ERO / RO email: elections@folkestone-hythe.gov.uk

We keep our privacy notice under regular review and will place an updated version on this page. This will help ensure that you are always aware of what information we collect and how it is used.

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.

Some of your personal information might be sensitive

Some information falls within "special categories of personal data" this means that it 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:

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

Why do we need your personal information?

We collect the personal data you provide for the purpose of registering your right to vote. You need to be registered to be able to vote in any election or referendum for which you are eligible. We have a duty to maintain a complete and accurate register throughout the year. We will only collect the personal data we need from you in order to do this.

What is the legal basis for processing this data?

We do this as a legal obligation to comply with the Electoral Registration and Administration Act 2013 and Representation of the People Regulations 2001. This ensures you are registered to vote in any election or referendum for which you are eligible. The law makes it compulsory to provide information to an electoral registration officer for inclusion in the full register.

We keep records about potential and actual electors, voters, citizens, candidates and their agents, staff employed at an elections. These may be written down, or kept on a computer / cloud-based server with an electoral management system supplier.

These records may include:

- your name, address nationality and date of birth
- Unique identifiers (such as National Insurance Number). Signatures for absent vote checking / verifying
- Scanned application forms, documentary evidence, dates of any letters of correspondence.
- Contact details e.g. email addresses or telephone numbers
- Notes about any relevant circumstances that you have told us
- Your previous or any redirected address
- The other occupants in your home
- If you are over 76 or under 16/17
- Whether you have chosen to opt out of the open version of the register.
- Photo (for the purposes of a Voter Authority Certificate)

Elections staff only (in addition to some of the above):

- Bank details and working history
- Right to Work evidence

Your rights

The law gives you a number of rights to control what personal information is used by us and how we use it.

You can ask for access to the information the Council holds on you

You have the right to ask for all the information the council has. Please visit the Data Protection page (<https://www.folkestone-hythe.gov.uk/your-council/legal/data-protection>) of the Council's website if you want to make a request.

You can ask for information to be changed if you think it is inaccurate

You should let us know if you disagree with any information we hold about you.

We may not always be able to change or remove that information but we will correct factual inaccuracies and may include your comments in the record to show that you disagree with it.

You can ask for information to be erased

In some circumstances you can ask for your personal information to be erased, for example:

- Where your personal information is no longer needed
- Where you have removed your consent for the Council to use your information (where there is no other legal reason for us to use it)
- Where deleting the information is a legal requirement

Where your personal information has been shared with others the Council will do what it can to make sure those using your personal information comply with your request for erasure.

Please note that we cannot delete your information where:

- we're required to have it by law
- it is used for freedom of expression
- it is used for public health purposes
- it is for, scientific or historical research, or statistical purposes where it would make information unusable
- it is necessary for legal claims

You can ask us to limit the uses for your personal data

You have the right to ask us to restrict what we use your personal information for where:

- you have identified inaccurate information and have told the Council about it
- where the Council has no legal reason to use that information but you want the Council to restrict what it uses the information for rather than erase the information altogether

If the data has been disclosed to others then we will notify those recipients about the restrictions (unless this is impossible or involves disproportionate effort).

We must notify you before lifting a restriction.

You can ask to have your information moved to another provider (data portability)

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 the Council is 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.

It's likely that data portability will not apply to the functions of the electoral registration officer and returning officer.

Right to object

You have a right to object to:

- processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling);
- direct marketing (including profiling); and
- processing for purposes of scientific/historical research and statistics.

We must stop processing your personal data if you object unless:

- it can demonstrate compelling legitimate grounds for the processing, which override your interests, rights and freedoms of the individual; or
- the processing is for the establishment, exercise or defence of legal claims.

We must stop processing personal data for direct marketing purposes as soon as it receives an objection.

If we are conducting research where the processing of personal data is necessary for the performance of a public interest task, it is not required to comply with an objection to the processing.

You can make an objection by contacting Data Protection Officer, Electoral Registration Officer or Returning Officer.

Rights related to automated decision making including profiling

You can ask to have any computer made decisions explained to you and details of how we may have 'risk profiled' you.

You have the right to question decisions made about you by a computer, unless it is required for any contract you have entered into, required by law, or you have consented to it.

You also have the right to object if you are being 'profiled'. Profiling is where decisions are made about you based on certain things in your personal information, e.g. your health conditions.

If and when we use your personal information to profile you, in order to deliver the most appropriate service to you, you will be informed.

If you have concerns regarding automated decision making, or profiling, please contact the Data Protection Officer who will be able to advise you about how we are using your information.

Who do we share your information with?

The information you provide is held in electoral registers on a cloud-based management system which are managed by staff in electoral services who, using information received, keep two registers – the full electoral register and the open (edited) register.

The full register is published once a year and is updated every month, it holds your name, address and elector number and can only be supplied to the following people and organisations:-

- British Library
- National Library of Scotland
- UK Statistics Authority
- Electoral Commission
- Boundary Commission for England
- Jury Summoning Bureau
- Elected Representatives (MP, MEPS, Local Councillors)
- Police and Crime Commissioner
- Candidates standing for elections
- Local and National Political Parties
- The Council
- Parish and Community councils
- Police Forces, National Crime Agency
- Public Library or local authority archive services
- Government departments or bodies
- Credit Reference Agencies
- National Fraud Initiative
- Electoral Registration and Returning Officers

- Department of Working Pensions

To verify your identity, the data you provide will be processed by the Individual Electoral Registration Digital Service managed by the Ministry of Housing, Communities and Local Government (MHCLG, formally DLUHC and the Cabinet Office).

As part of this process your data will be shared with the Department of Work and Pensions and the MHCLG suppliers that are data processors for the Individual Electoral Registration Digital Service and Electoral Registration Officer Portal. You can find more information about this here:

<https://www.registertovote.service.gov.uk/register-to-vote/privacy>.

We also must disclose (share) your information with our software providers and contracted printers for registration and election activities.

We may, during the annual canvass of the Electoral Register use contact information (emails and mobile phone numbers) to contact you to check the elector records we hold at your property, or to as a reminder to return the Canvass Communication A, B or Canvass Form. In doing so, we may use a central government data processor (gov.notify) to handle this correspondence to send out text messages and emails.

In accordance with annual canvass reform, Representation of the People (Annual Canvass) (Amendment) Regulations 2019, the Electoral Register is data matched with datasets used by the Department of Working Pensions. Matching name, date of birth (where held) and address. The transfer of information is done via secure connection between both systems, using security certificates and access to keep your data safe.

The details for any elector that requests a Voter Authority Certificate under The Voter Identification Regulations 2022 in person or by way of a paper application form will be uploaded to the Electoral Registration Officer Portal (managed by MHCLG) and stored on their secure servers until successful verification and production of the Voter Authority Certificate has been completed for that elector. Details of any information stored on our electoral management system for this process will be removed after 1 month.

It is a crime for anyone who has a copy of the full register to pass information from this register on to others if they do not have a lawful reason to see it.

Anyone can inspect the full electoral register.

Inspection of the register will be under supervision:

- An inspector can take extracts from the register, but only by way of hand written notes
- Information taken must not be used for direct marketing purposes, in accordance with data protection legislation, unless it has been published in the open (edited) version of the register
- Anyone who fails to observe these conditions is committing a criminal offence and will be charged a penalty of up to £5,000.

The open (edited) register contains the same information as the full register, but is not used for elections or referendums. It is updated and published every month and can be sold to any person, organisation or company for a wide range of purposes. It is used by businesses and charities for checking names and address details; users of the register include direct marketing firms and also online directory firms.

You can choose whether or not to have your personal details included in the open version of the register; however, they will be included unless you ask for them to be removed. Removing your details from the open register will not affect your right to vote.

How do we protect your information?

We do what we can to make sure we hold records about you (on paper and electronically) in a secure way, and we will only make them available to those who have a right to see them.

Where is your information?

The majority of personal information is stored on systems in the UK. But there are some occasions where your information may leave the UK either in order to get to another organisation or if it is stored in a system outside of the EU.

There are additional protections on your information if it leaves the UK ranging from secure ways of transferring data to ensuring that there is a robust contract in place with that third party.

How long do we keep your personal information?

We are obliged to process your personal data in relation to preparing for and conducting elections. Your details will be kept and updated in accordance with our legal obligations and in line with statutory retention periods

Where can I get advice?

If you have any worries, questions or complaints about how your personal information is handled, please contact the Data Protection Officer at data.protection@folkestone-hythe.gov.uk.

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

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number.

Alternatively, visit www.ico.org.uk or email casework@ico.org.uk; tel: 01323 410000.