



Information Commissioner's Office

Information Commissioner's Response to the White Paper on Individual Electoral Registration

The Information Commissioner has responsibility for promoting and enforcing the Data Protection Act 1998 and the Freedom of Information Act 2000. He is independent from government and promotes access to official information and the protection of personal information. The Commissioner does this by providing guidance to individuals and organisations, solving problems where he can, and taking appropriate action where the law is broken.

The Information Commissioner welcomes the opportunity to respond to the Government's White Paper on Individual Electoral Registration (IER).

The Information Commissioner's Office (ICO) is pleased to have had the opportunity to discuss this initiative with The Cabinet Office prior to the publication of this White Paper. We also welcome The Cabinet Office's intention to continue to work with the ICO as detailed plans for implementation are developed.

We note that work is currently being undertaken by the Electoral Commission on the accuracy of the current electoral register, the results of which will be critical in going forward with IER. We are particularly interested in the results of the current data matching pilot schemes which are due to conclude in November this year. We look forward to hearing feedback on the pilots and how the results are to be used to increase effectiveness of the initiative.

The Information Commissioner appreciates that moving to IER will modernise the electoral registration system and recognises the consequence for democratic legitimacy in the UK. Whilst there is significant public interest in these matters, the provisions of the Data Protection Act are relevant and our advice is given in this context.

The Information Commissioner's concern in relation to IER is that the proposals meet the requirements of the principles of the Data Protection Act. We would wish to emphasise that the data to be provided by the public under IER is proportionate and appropriate. Furthermore it is our understanding that in implementing IER, there will be no difference in the way the information will be held by the Electoral Registration Office (ERO) and that there is no intention to create a new national database of electors.

Having been invited to raise appropriate data protection issues relevant to IER at the earliest opportunity our response now to this White Paper seeks to confirm and emphasise the advice we have previously given.

Our comments relate to specific paragraphs as they appear in the White Paper.

Handling personal data

We welcome that the introduction of IER will not create a new national database of electors.

We understand however that under the new proposals people registering will be required to provide additional (and different) information to that currently provided, although the data included in the electoral register will remain the same. We have advised that the new arrangements should be communicated clearly and effectively in order that people understand why each item of data is required, what it will be used for and whether it will be retained by the Electoral Registration Office in their local authority. We welcome the intention to allow for alternative identification to be provided where a person may be unable to provide that first requested.

We are pleased to note the importance attached to the security of personal data in these proposals and welcome the commitment demonstrated by the intention to introduce a fine or custodial sentence for misuse of data.

Verification of entitlement to register

We note the commitment that the process for registration must remain easy to understand and universally accessible, but that it must also be sufficiently robust to tackle fraud.

We have advised that a clear explanation of why the new information is being collected is vital in these circumstances – it will be important to distinguish between data required for franchise and eligibility purposes and that required for verification.

We expect that the data to be provided by an individual will be kept to a minimum sufficient to check eligibility and ensure accuracy.

New offence

The Information Commissioner welcomes the creation within the initiative of a new offence relating to the disclosure of any information provided for verification purposes, either by the applicant or another authority in response to a verification check.

Checking nationality

The Information Commissioner recognises that where necessary ERO have a right to check nationality in order to establish entitlement to registration. We

would advise that any checks should be conducted in a manner that is proportionate and undertaken only where necessary.

Destruction of records

The Information Commissioner is please to note the intention to create regulations governing the retention and destruction of records associated with IER to ensure that personal data is not held for longer than needed.

We expect that guidance will be provided to all authorities involved in IER to support the regulations to ensure that they all understand the processes and procedures and their own obligations in this respect.

At this point the Information Commissioner wishes to recommend guidance should also be produced for those required to deliver IER that includes

- Who is the data controller
- Who is responsible for the collection and transmission of the data
- Which authority is responsible for notifying the ICO in response to a data breach

The Information Commissioner welcomes the undertaking to continued engagement with stakeholders on IER to ensure the security of personal data in this new electoral procedure and looks forward to working with The Cabinet Office on this initiative in the future.

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