



Compliance advice

Registration officers: the right to inspect local authority records (Rep of the People Act 2000)

The Information Commissioner has received enquiries from local authorities about the Representation of the People Act 2000 and consequential regulations, which came into force on 16 February 2001, specifically:

- The Representation of the People (England and Wales) Regulations 2001 – SI 2001 No 341;
- The Representation of the People (Northern Ireland) Regulations 2001 – SI 2001 No 400; and
- The Representation of the People (Scotland) Regulations 2001 – SI No not yet available.

The enquiries have been about the extent to which local authorities must now make any personal data they hold available to registration officers. Such disclosures of personal data would normally be subject to the first and second Data Protection Principles, the application of which can in some cases prevent the further use or disclosure of personal data.

Regulation 35 of SI 2001 – no 341 states that:

- (1) A registration officer is authorised to inspect, for the purpose of his registration duties, records kept (in whatever form) by –*
 - (a) an authority listed in paragraph (2) below, or*
 - (b) any person providing services to, or authorised to, exercise any function of, any such authority.*
- (2) Those authorities are –*
 - (a) the council by which he was appointed; and*
 - (b) any registrar of births and deaths.*
- (3) A registration officer is authorised to make copies of information contained in such records.*

Regulation 7 also states that:

Where a document is made available for inspection under these Regulations, any person may make a copy (whether hand written or by other means) of the whole or any part of it

[Please note that the other SIs provide for similar authority but should be checked as appropriate.]

Our view is that under these regulations, registration officers have the power to “inspect” and “copy” records held by local authorities for the purposes of “registration duties”. Therefore paragraph 5 of schedule 2 to the Data Protection Act 1998 provides a relevant condition for meeting the first Data Protection when a local authority allows an electoral registration officer to inspect and copy personal data held by the authority.

It is for local authorities to decide whether or not what they are doing is providing access for inspection and copying, bearing in mind the normal everyday meaning of the words “inspect” and “copy” and the particular circumstances of any request by an electoral registration officer for access.

In addition the regulations do not specify what information a registration officer may require in connection with his ‘registration duties’, but we would expect that this information would reasonably include name, address and date of birth details. If asked for further information, a local authority may need to consider whether or not this information is needed for the purposes of the registration officer’s duties, and therefore whether the condition given under paragraph 5 of schedule 2 is met.

As the law gives a registration officer the power to inspect and copy personal data, our view is that a registration officer **can** inspect and copy personal data collected for the purposes of Council Tax administration. This is because whilst the Commissioner understands that the only permitted secondary uses and disclosures of Council Tax data are those specified in the Local Government Finance Act 1992, in consequential regulations, or in other statutes regulating different Local Authority, the latter condition is met by the above SIs. Please see our separate advice sheet *Secondary Use of Personal Data Held for the Collection and Administration of Council Tax*.

Local authorities will need to consider fair processing. As the disclosure of information to a registration officer is under an enactment, section 35(1) of the Act exempts the disclosure from the non-disclosure provisions of the Act (section 27(4)), but only “*to the extent that they are inconsistent with the disclosure in question*”. However this is unlikely to be the case, and local authorities will need to inform data subjects when collecting personal data that the purposes for which their data are intended to be processed may include electoral registration.