

# It's your information

## Your personal information and the electoral register



The Information Commissioner continues to receive enquiries from people about the sale of their personal information on the electoral register. Many people do not know that they can restrict its use.

### The 'Robertson Case'

A ruling by the High Court in November 2001 (following a case brought by a member of the public, Mr Robertson) changed the law governing the use of personal information on the electoral register. The High Court ruling confirmed that it was unlawful to sell copies of the electoral register to private businesses without giving people a choice not to have their information used in this way.

### The Commissioner's view

The Commissioner believed that because individuals are required by law to supply personal information for the electoral register, and they commit a criminal offence if they do not, any non-electoral uses of the information should be kept to a minimum.

The previous arrangements allowed the sale of the entire register to anyone prepared to pay a fee, and the Commissioner thought this was inconsistent with the Data Protection Act 1998, particularly the requirement to treat people's information fairly.

The High Court ruled that, by not allowing people to opt out of being included in the register that was for sale, the previous arrangements were in breach of UK human rights legislation.

## **The revised regulations**

Following the Court's ruling the Government introduced new regulations for England and Wales, Northern Ireland and Scotland\*. These regulations limit the supply of the full electoral register. They also require the creation of an edited version of the electoral register in addition to the full register.

## **The full register**

The law makes it compulsory to provide information to an electoral registration officer for inclusion in the full register. The details you are likely to have to provide are your name, address, nationality and age. The full register is updated every month, and published once a year, and is used by electoral registration officers across the country for purposes related to elections. Political parties, MPs and public libraries also have the full register.

It is also used by local authorities for their duties relating to security, law enforcement, and crime prevention, for example, checking entitlement to council tax discount or housing benefit. It may also be used by the police for law enforcement purposes.

It can be sold to government departments to help in their duties such as the prevention or detection of crime. They can also use it for vetting job applicants and employees if this is required by law. Credit reference agencies are allowed to buy the full version of the register so that lenders can check the names and addresses of people applying for credit and carry out identity checks to help stop money laundering.

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

## **The edited register**

It is not compulsory to have your details on the edited version of the register and you will be given the chance to opt out on the voter registration form which is sent to every household in the country once a year. The edited register is updated and published once a year and can be sold to any person, organisation or company and used for any number of purposes, including direct marketing.

## **What you can do about this.**

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\* 'The Representation of the People (England and Wales)(Amendment) Regulations 2002', 'The Representation of the People (Scotland) (Amendment) Regulations 2002' and 'The Representation of the People (Northern Ireland) (Amendment) Regulations 2002'.

If you do not want your details on the electoral register made more widely available, you will need to show you do not want this by marking or ticking the box for this purpose on the electoral registration form sent to every household once a year by your local authority. However, you can also opt out at any time of year by contacting your Electoral Registration Officer.

It is important to understand that if you do not indicate you do not want your information to be made more widely available then, by default, the personal details you provide on the voter registration form will be included on both the full and the edited versions of the register. This means they will be made available to anyone who wants to buy the edited version.

In addition, those who believe that having their name and address on the electoral register would put them, or anyone who lives with them, at risk can, from 1 June 2007, apply for anonymous registration. Ask your Electoral Registration Officer for further information.

### **What if you need to be on the register?**

The updated full and edited registers are published usually by 1 December. If you move house, you can re-register with your new address, and your new details will be included in the next monthly update of the full register.

### **In Northern Ireland**

From 1 December 2006, registration in Northern Ireland became continuous. This means that annual forms are not sent out to households. If you live in Northern Ireland and want to update your details or to notify the Electoral Office that you do not want your details to be more widely available, it is up to you to submit the registration form.

## **More information**

If you need any more information about this or any other aspect of data protection, please contact us.

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