



Returning Officer Privacy Notice

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Returning Officer Privacy Notice

Background

Under the Representation of the People Act 1983 each Local Authority must by law appoint a 'Returning Officer'.

This is a personal appointment separate to Wigan Council with its own statutory functions.

Returning Officers have a statutory duty to process certain personal data for the purpose of administering election and referenda; and as such, is subject to the requirements of the GDPR as 'data controller'.

This privacy notice explains what personal information is collected, what it is used for and who it is provided to.

The notice also describes why the Returning Officer requires your data, and the legal basis on which she processes it.

Returning Officer

The Returning Officer is personally responsible for ensuring that they comply with the requirements of GDPR.

Alison McKenzie-Folan is appointed by Wigan Council as the Returning Officer and is the registered 'data controller' with the Information Commissioners Office (ICO).

Our core data protection obligations and commitments are set out in the Council's primary privacy notice, for further information see the [Privacy Notices](#) page on Wigan Council's website.

This notice provides additional privacy information relating to the Returning Officer for Wigan Council.

It should be noted that for many of the Returning Officer 'service's' or 'functions' it will not be processing personal data on behalf of the Council. It will instead be processing personal data on behalf of one or more of the following statutory office holders:

- (a) the registration officer appointed by the Council under section 8 of the Representation of the People Act 1983
- (b) the acting returning officer for parliamentary elections for any parliamentary constituency for which that position is held under section 28 of the

- Representation of the People Act 1983 by the registration officer referred to at (a) above
- (c) the returning officer appointed for the purposes of local elections by the Council under section 35 of the Representation of the People Act 1983
 - (d) the local returning officer for the purposes of the administration of European parliamentary elections within the Wigan Council local counting area
 - (e) the local returning officer for the purposes of administration of Greater Manchester Combined Authority mayoral elections within the Wigan Council local authority area
 - (f) the counting officer responsible for the administration, within the Council's local authority area, of any local, regional or national referendum
 - (g) any other statutory office holder whose duties relate to administering elections or referenda and whose office is held by virtue of holding one or more of the offices described in (a) to (f) above or is otherwise required by law be held by an officer of the Council.

Although when referring to the above statutory office holders this privacy notice generally only makes reference to the "the "Returning Officer", the latter term should be understood as referring, insofar as is relevant in the circumstances, to any of (b) to (g) above.

It is important to note that the Returning Officer is a separate data controller from the Council and the Electoral Registration Officer.

Categories of Personal Data:

In addition to the information provided on the privacy notice for the Electoral Registration Officer, see the [Electoral Registration Officer Privacy Notice](#). The Returning Officer will use/process information relating to candidates, candidate's agents and individuals subscribing candidate's nomination papers.

Personal data will also be processed relating to staff employed by the Returning Officer (including staff employed directly by the Electoral Registration Officer). Such staff data will include an employee's name, address, other contact details, national insurance number and bank details.

Personal data relating to individual's making enquiries to the Returning Officer or making submissions to election-related statutory consultations will also be processed.

Special category data

The Returning Officer processes the following special category personal information:

- Race and ethnic origin, insofar as it may be possible for this to be inferred from nationality information.
- Political opinions – such as information contained within subscribed nomination papers.
- Health data – this may be contained within applications to vote by proxy.

Purpose(s)

- If you apply to be an absent voter, the compilation and maintenance of records of absent voters
- Fulfilling obligations relating to the supply of absent voting lists
- For the administration of local and national elections and referenda, including in particular:
 - Determining which electors are entitled to be issued with ballot papers at polling stations
 - Determining which electors are entitled to vote by way of an absent vote
 - Issuing poll cards to electors and to proxies
 - If you are a postal voter, issuing your postal vote pack and receiving your completed postal vote and postal voting statement
 - If you are a candidate at an election, processing and determining your nomination papers, publishing statutory notices containing your details, producing ballot papers and managing election processes in which you will be involved
 - If you are an election agent at an election, publishing statutory notices containing your details and managing election processes in which you will be involved
 - If you are a counting agent, polling agent, postal vote agent, nominating officer or similar official, managing election processes in which you will be involved
- In its capacity as custodian of the Council's copy of the electoral register, deciding how that copy may be used
- If you make an enquiry or complaint, dealing with that enquiry or complaint
- If you are employed by the Service (including staff employed directly by the Electoral Registration Officer or the Returning Officer), managing that employment.

The legal bases the RO relies on for processing your personal information are:

The Returning Officer collects, uses and otherwise processes this personal information on the basis of her legal obligations (Article 6(1)(c) of the General Data Protection Regulation ("GDPR")) and/or her public task functions (Article 6(1)(e) of the GDPR).

In the case of the collection, use or other processing of special category personal data, the additional basis relied upon for processing such information is that it is necessary for reasons of substantial public interest (Article 9(2)(g) of the GDPR).

The powers she relies on comes from the following legislation:

- Local Government Act 1972
- Representation of the People Act 198

- Representation of the People Act 1985
- Representation of the People Act 2000
- Political Parties, Elections and Referendums Act 2000
- European Parliamentary Elections Act 2002
- Local Government Act 2003
- Electoral Administration Act 2006
- Electoral Registration and Administration Act 2013
- Representation of the People (England and Wales) Regulations 2001
- Representation of the People (Combination of Polls) (England and Wales) Regulations 2004
- Business Improvement Districts (England) Regulations 2004
- Review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006
- Local Elections (Principal Areas) (England and Wales) Rules 2006
- Local Elections (Parishes and Communities) (England and Wales) Rules 2006
- Local Authorities (Referendums) (Petitions) (England) Regulations 2011
- Local Authorities (Conduct of Referendums) (England) Regulations 2012
- Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012
- Neighbourhood Planning (Referendums) Regulations 2012
- Representation of the People (Provision of Information Regarding Proxies) Regulations 2013
- Combined Authorities (Mayoral Elections) Order 2017.

Where has your personal information come from?

The personal information that the Service processes will often be provided by you directly, such as where to apply to register to vote, apply to have an absent vote or put yourself forward to stand for election. In the case of electoral registration applications using the online portal your information will often be provided to us via the Individual Electoral Registration Digital Service managed by the Cabinet Office. On occasion, personal information may be obtained by the Service from third parties, when we exercise our powers to obtain such information. Individuals may also provide us with information about other people, such as where an individual completes a household enquiry form and includes information about other residents.

Publication

The Returning Officer is legally obliged to publish certain personal information (such as that relating to election candidates and election agents) in the form of public notices.

Automated Decision Making

If you are a postal voter, we use your information to make decisions through automated means when we check personal identifiers that you provide against those contained in your original postal vote application. In any case where the automated process reports that the personal identifiers you have provided do not match those on your original postal vote application, there will be an intervention by a human

being who will make any final decision (i.e. there will always be the involvement of a human decision-maker where the result of the automated process indicates the possibility of a decision to your detriment).

Rights of Access, Correction, Erasure and Restriction

You have the right to ask for your information or make a request regarding your data and there will not be a charge for you to do so. This is known as a [subject access](#) / GDPR rights request.

To do this you can visit our website where you can make a [subject access](#) / GDPR rights request online or write to us at: Information Governance, Wigan Council, PO Box 100, Wigan WN1 3DS. or email us at: subjectaccess@wigan.gov.uk

As part of a [subject access](#) / GDPR rights request, you have the right to:

- Ask for access to your information
- To ask for your information to be corrected if it is inaccurate or incomplete
- To ask for your information to be deleted or removed where there is *no need* for us to continue processing it. (right to be forgotten)
- To ask us to restrict the use of your information
- To object to how your information is used.

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is in our view unreasonable or excessive. Alternatively, we may refuse to comply with the request in such circumstances

You have a right to be informed about how and why your personal information is being processed. This notice fulfils that obligation.

Further details are contained within the Council's [Primary Privacy Notice](#) and should be read in conjunction with this document.

Data Protection Officer

If you wish to raise a concern about your data, or how your data has been handled, please contact our [Data Protection Officer](#).

If you are unhappy with the way that we handle your concern you may complain to the [Information Commissioners Office \(ICO\)](#) at:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113

The Information Commissioners Office deals with concerns and complaints relating to data protection (GDPR) and freedom of information legislation.

Changes to this Privacy Notice

We may update or revise this privacy notice from time to time and will provide supplementary privacy information as is necessary.