

Draft Order laid before Parliament under section 35(10) of the Political Parties and Elections Act 2009, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No. 0000

REPRESENTATION OF THE PEOPLE

The Electoral Registration Data Schemes (No. 2) Order 2012

Made - - - -

Coming into force in accordance with article 1

The Lord President of the Council makes the following Order in exercise of the powers conferred by sections 35 and 36 of the Political Parties and Elections Act 2009⁽¹⁾.

In accordance with section 36(1) of that Act, the schemes set out in this Order give effect to proposals which have been submitted to the Lord President of the Council by the registration officers to whom the schemes relate, and this Order gives effect to such schemes with modifications suggested by him and agreed to by the relevant registration officers.

In accordance with section 36(2) of that Act, before making this Order the Lord President of the Council consulted the Electoral Commission, the Information Commissioner and the persons authorised by the Order to provide information.

In accordance with section 35(10) of that Act, a draft of this Order has been laid before and approved by each House of Parliament.

Citation, commencement and interpretation

1. This Order may be cited as the Electoral Registration Data Schemes (No. 2) Order 2012 and comes into force on the day after the day on which it is made.

2. In this Order—

“the Act” means the Political Parties and Elections Act 2009;

“area” means—

(a) in England, a district or London borough;

(b) in Wales, a county or county borough;

(c) in Scotland, a local government area;

“authority” has the meaning given in article 3.

⁽¹⁾ 2009 c. 12. Article 3 of the Lord President of the Council Order 2010 (S.I. 2010/1837) provides that the Secretary of State’s functions under the 2009 Act (with exceptions which are not relevant here) are exercisable concurrently by the Secretary of State and the Lord President of the Council.

Authorisation of data schemes

3. Subject to article 4, a person mentioned in the second column of the table in Part 1 of the Schedule (“an authority”) may provide to the registration officer for the area in the corresponding entry in the first column of that table—

- (a) information described in the entry corresponding to that authority in the table in Part 2 of the Schedule which relates to that area;
- (b) information kept in the same database as the information authorised to be provided under paragraph (a) and which relates to the source, collection or recording of that information.

4.—(1) An authority may provide information to a registration officer under article 3 only if—

- (a) the information is provided before 17th April 2013;
- (b) the information is provided for the purpose mentioned in section 35(2) of the Act; and
- (c) the authority and the registration officer have agreed in writing, in relation to the scheme, requirements as to the processing of information, including requirements as to the transfer, storage, destruction and security of information.

(2) An agreement under paragraph (1)(c) must make provision for the consequences of a failure to comply with such requirements, and those consequences may include the suspension or termination of the provision of information by the authority.

Evaluation date

5. For the purpose of section 36(3) of the Act, the evaluation date for each scheme is 17th July 2013.

Signed by authority of the Lord President of the Council

Date

Name
Ministerial title
Cabinet Office

SCHEDULE

Article 3

Specification of areas, authorities and information

PART 1

Scheme areas and authorities

<i>Area</i>	<i>Authority</i>
Barrow-in-Furness	Secretary of State for Work and Pensions Secretary of State for Education Higher Education Funding Council for England Cumbria County Council
Ceredigion ⁽²⁾	The Welsh Ministers Student Loans Company Limited Royal Mail Group Limited
Conwy ⁽³⁾	Royal Mail Group Limited
Coventry	Secretary of State for Work and Pensions Secretary of State for Education Student Loans Company Limited
City of Edinburgh, East Lothian, Midlothian and West Lothian	Royal Mail Group Limited
Greenwich	Secretary of State for Education Higher Education Funding Council for England Student Loans Company Limited Royal Mail Group Limited
Harrow	Secretary of State for Education

(2) The name of the County has been changed from Cardiganshire to Ceredigion in accordance with section 74 of the Local Government Act 1972.

(3) The name of the County has been changed from Aberconwy and Colwyn to Conwy in accordance with section 74 of the Local Government Act 1972.

<i>Area</i>	<i>Authority</i>
	Higher Education Funding Council for England
Manchester	Higher Education Funding Council for England
Mansfield	Secretary of State for Education Nottinghamshire County Council
Pembrokeshire	Secretary of State for Work and Pensions The Welsh Ministers Royal Mail Group Limited
Peterborough	Higher Education Funding Council for England
Powys	The Welsh Ministers Royal Mail Group Limited
Renfrewshire, East Inverclyde	Renfrewshire and Royal Mail Group Limited
Richmond upon Thames	Secretary of State for Work and Pensions Royal Mail Group Limited
Rushmoor	Secretary of State for Work and Pensions Secretary of State for Education Hampshire County Council
South Ribble	Secretary of State for Education Royal Mail Group Limited Lancashire County Council
Southwark	Higher Education Funding Council for England Royal Mail Group Limited
Sunderland	Secretary of State for Education

<i>Area</i>	<i>Authority</i>
	Higher Education Funding Council for England Royal Mail Group Limited
Tower Hamlets	Secretary of State for Education Higher Education Funding Council for England Student Loans Company Limited Royal Mail Group Limited
Wigan	Higher Education Funding Council for England Royal Mail Group Limited
Wolverhampton	Secretary of State for Education Higher Education Funding Council for England Student Loans Company Limited
Wrexham	Secretary of State for Work and Pensions Royal Mail Group Limited

PART 2

Information authorised to be provided by each authority

<i>Authority</i>	<i>Information</i>
Secretary of State for Work and Pensions	Name, address and date of birth of individuals appearing in databases kept by the Secretary of State for Work and Pensions— (a) for the purposes of functions relating to social security (including such information kept on behalf of the Department for Social Development ⁽⁴⁾); and (b) relating to working tax credit, child tax credit and child benefit (being information kept on behalf of Her Majesty’s Revenue and Customs ⁽⁵⁾)

(4) The Department for Social Development was established by article 3(1)(e) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283(N.I. 1)).

(5) “Her Majesty’s Revenue and Customs” is defined at section 4 of the Commissioners for Revenue and Customs Act 2005 (c. 11).

<i>Authority</i>	<i>Information</i>
Secretary of State for Education	Name, address and date of birth of individuals appearing in the National Pupil Database who are pupils at schools maintained by local authorities, city technology colleges, city colleges for the technology of the arts or Academies (as defined in section 579(1) of the Education Act 1996 ⁽⁶⁾), and who are at least 16 years old but less than 19 years old
The Welsh Ministers	Name, postcode and date of birth of individuals— (a) appearing in the Pupil Level Annual School Census database who are pupils at schools maintained by local authorities and are at least 16 years old but less than 19 years old; and (b) appearing in the Lifelong Learning Wales Record who are receiving education or training from further education institutions, work-based learning providers or local authorities, and are at least 16 years old but less than 19 years old
Higher Education Funding Council for England	Name, surname at age 16, domicile postcode, term-time postcode and date of birth of individuals appearing in the database known as the HESA Student Record 2011/2012
Student Loans Company Limited	Name, address and date of birth of individuals appearing in databases in the Student Finance Customer Account System (Higher Education)
Royal Mail Group Limited	Name and address of individuals appearing in data relating to Royal Mail’s mail redirection service and contained in the National Change of Address Update, National Change of Address Suppress and Home Mover Mailing Service databases
Cumbria County Council, Hampshire County Council, Lancashire County Council, Nottinghamshire County Council	Name, address and date of birth of— (a) individuals appearing in databases kept by the Council for the purpose of functions relating to education, who are pupils at schools maintained by the Council and who are at least 16 years old but less than 19 years old; (b) individuals with special educational needs or a disability, placed by the Council in schools recorded in the Council’s education database and who are at least 16 years old but less than 19 years old; (c) individuals who are recorded in the Council’s children’s social care database as looked after by the

⁽⁶⁾ 1996 c. 56. The definition of “Academy” was inserted by paragraph 6 of Schedule 2 to the Academies Act 2010 (c. 32).

<i>Authority</i>	<i>Information</i>
	Council and who are at least 16 years old but less than 19 years old; and
	(d) individuals appearing in databases kept by the Council for the purpose of recording participation in education, training and employment and who are at least 16 years old but less than 19 years old

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the third of a series of orders⁽⁷⁾ establishing schemes for the provision of data to specified electoral registration officers, in order to assist them in meeting the registration objectives set out at section 31(8) of the Political Parties and Elections Act 2009, those being—

- (a) that persons who are entitled to be registered in an electoral register are registered in it;
- (b) that persons who are not entitled to be registered in an electoral register are not registered in it; and
- (c) that none of the information relating to a registered person that appears in a register or other record kept by a registration officer is false.

Article 3 provides that specified authorities may provide data to the registration officers under the schemes. Part 1 of the Schedule lists the areas in which schemes have effect and the authorities which may provide data to the registration officer for each area. Part 2 of the Schedule sets out data which each of the authorities may provide, and article 3(b) enables authorities to provide related data, for example the date on which an address was last updated and the source of that update. An authority may only provide data to a registration officer if the data relates to that registration officer's area.

Article 4 provides that data may only be provided under each scheme before 17th April 2013, for the purpose set out in the 2009 Act and if the authority and the registration officer have agreed in writing requirements for the processing of data under the schemes. The agreement must include the consequences of failing to comply with the requirements agreed.

Article 5 provides that the date by which the Electoral Commission must produce a report on the operation of each scheme under section 36(3) of the 2009 Act is 17th July 2013.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. However a privacy impact assessment is annexed to the Explanatory Memorandum which is available alongside this instrument at www.legislation.gov.uk.

(7) The first two such orders were the Electoral Registration Data Schemes Order 2011 (S.I. 2011/1466) and the Electoral Registration Data Schemes Order 2012 (S.I. 2012/1944).