



Cabinet Office

# The Electoral Registration Pilot Scheme (England and Wales) Order 2017; and The Electoral Registration Pilot Scheme (England) (Amendment) Order 2017

## Privacy Impact Assessment

February 2017

### 1. Objective

This Privacy Impact Assessment (PIA) builds on the PIA for the introduction of Individual Electoral Registration (IER), completed in June 2011 as part of the overall Impact Assessment document.<sup>1</sup> An updated PIA was published in May 2012 alongside the Electoral Registration and Administration Bill.<sup>2</sup> The objective of conducting this PIA is to identify any data protection issues with the *Electoral Registration Pilot Scheme (England and Wales) Order 2017* and the *Electoral Registration Pilot Scheme (England) (Amendment) Order 2017*. Ultimately, the focus of a PIA is compliance with the Data Protection Act 1998 (DPA). Data collection, sharing and testing must be undertaken within a clear legal framework with any intrusion upon an individual's privacy to be kept to a minimum. The Cabinet Office is undertaking this PIA to ensure that this principle is met. A PIA is a process which helps assess privacy risks to individuals in the collection, use and disclosure of information.

### 2. Description of the legislation being assessed

The Electoral Registration Pilot Scheme (England and Wales) Order 2017 and the Electoral Registration Pilot Scheme (England) (Amendment) Order 2017 establish a pilot scheme giving Electoral Registration Officers (EROs) in specified areas of England and Wales wider discretion over the manner in which they conduct the annual canvass.

EROs in these areas will be required to canvass each residential address at least once but the manner in which they do so and whether they take further steps where no information is received in respect of a particular address will be at the ERO's discretion. EROs must complete their pilot activity by 2nd February 2018. The Electoral Commission (EC) is required to complete their report evaluating the

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<sup>1</sup> The impact assessment is available at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/61284/individual-electoral-reform-impact-assessment.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61284/individual-electoral-reform-impact-assessment.pdf)

<sup>2</sup> The PIA completed for the Bill stage of the 2013 Act - *Individual Electoral Registration: Privacy Impact Assessment Report* (May 2012) - is available at: <http://www.parliament.uk/documents/impact-assessments/IA12-010C.pdf>

pilot scheme by 29th June 2018. The Cabinet Office will also conduct an assessment of the pilots. The legislation will cease to have effect on 6th July 2018.

### **3. Individual Electoral Registration**

Individual Electoral Registration was introduced in Great Britain during 2014 to make registering to vote easier, more secure and less vulnerable to fraud. It requires electors to register to vote individually rather than by household. Before an individual can be added to the register, they must be verified through the cross checking of their information against trusted public data sources. IER makes it easier to keep personal information private, as one person in the household will no longer require the information from other occupants in order to complete an electoral registration form. This is particularly the case in houses of multiple occupation, where occupants are less likely to be family members and potentially less comfortable with sharing information within the household.

The data collected from each person making an application to register under IER is set out in **Annex A**.

There are strict rules around the disclosure of information provided in connection with applicants for registration or that received as a result of data matching. As part of an electoral registration application, individuals are provided with a fair processing notice which sets out how their data will be used: *“We will look after personal information securely and we will follow the Data Protection Act 1998. We will not give personal information about you and the other people in your household to anyone else or another organisation unless we have to by law.”* Individuals have access to their own data through the standard procedures under the DPA. Those individuals who do not wish to, or cannot, provide information through one of the main channels will be offered alternatives such as attending in person and providing alternative documentation. IER legislation provides for offences of unlawful disclosure which carry a penalty of up to two years’ imprisonment on conviction on indictment.

### **4. The Annual Canvass**

The annual canvass is the process by which EROs maintain their registers. They contact each property within their area to identify people missing from the electoral register and to check that existing records are up to date. It has always been and remains the costliest aspect of electoral registration.

The prescribed steps in law for conducting the canvass require EROs to send a canvass form (Household Enquiry Form (HEF)) to every property. The HEF asks those resident to state whether there have been any changes in the composition of the household. The information gathered is used to identify where individuals may have moved and their eligibility to remain on the register needs to be considered (an elector cannot be deleted from the register based solely on a HEF response), or where people are missing from the register who may need to be invited to apply to register. EROs are also required to issue two written reminders and carry out at least one visit to non-responding properties. While IER does ensure that the register is more accurate, as new electors are now verified individually before they can be added and two forms of evidence are needed to justify deletions, the A3 HEF and invitation to register form (ITR) incur additional costs in processing and printing.

The annual canvass therefore serves as an information gathering exercise on potential additions and deletions to the register. It is not a registration exercise on its own as any potential eligible electors identified by returned HEFs must still successfully register individually before they are added to the register.

## 5. Canvass Piloting Activities

Piloting activity was conducted on the 2016 annual canvass in three areas in England - Birmingham, Ryedale and South Lakeland - allowed by the Electoral Registration Pilot Scheme (England) Order 2016.

The Electoral Registration Pilot Scheme (England and Wales) Order 2017 allows for piloting activity in additional areas of England, as well as areas in Wales, on the 2017 annual canvass. The Electoral Registration Pilot Scheme (England) (Amendment) Order 2017, will allow the three participating authorities from 2016 to also partake in the pilots in 2017. Further legislation, the Electoral Registration Pilot Scheme (Scotland) Order 2017, allows for the same piloting on the annual canvass in two areas of Scotland.

The canvass pilots will allow EROs greater freedom over how they maintain their register so that they can avoid undertaking prescriptive processes which are both costly and may not be the best way to achieve the desired response. The pilots are aimed at providing evidence towards a future permanent change to the registration framework to allow all EROs to maintain their registers in a more cost effective way. Piloting on the annual canvass in 2016 in three English areas generated initial positive evidence towards future change; however further piloting has been deemed necessary in order to generate enough evidence to inform the exact approach to permanent change to the annual canvass.

There are a total of four “models” of piloting activities operating across GB in the 2017 pilot scheme. Each model has been created based on proposals from EROs, and each participating ERO has chosen the model they would like to apply to their area. These models are:

- Model 1 - Household Notification Letter (HNL)
  - All households in treatment group: HNL > updated HNL if changed

Under this model, the ERO will send all households in the treatment group a Household Notification Letter (HNL) instead of the standard Household Enquiry Form (HEF). This letter lists all of the electors currently registered to vote in that household. An elector only needs to respond to the HNL if a change is needed.

- Model 2 - Email
  - Email held: e-HEF > email reminder > postal reminder > door knock with letter
  - No email held: Postal HEF > postal reminder > door knock with letter

Under this model, an electronic HEF will be sent to households in the treatment group by email where possible, or else issuing HEFs. These are ultimately chased with a household visit if necessary. Where no email is held by the ERO, households receive a postal letter followed by a household visit.

- Model 3 - Discernment
  - Group 1 (match): HNL > updated HNL if change
  - Group 2 (no match):
    - Email held: e-HEF > e-HEF reminder > postal reminder > door knock with letter
    - No email held: postal HEF > postal reminder > door knock with letter

Under this model, the ERO will discern upfront the approach that will be used for properties.

This discernment step could involve local data matching or assignment by ward or by ERO knowledge. Some properties will receive a Household Notification Letter, while other households will be more actively canvassed where a change in household composition is suspected. Where possible, communications will be sent to the “non-matching” properties by email, before being chased with a postal reminder and doorknock if necessary.

- Model 4 - Telephone
  - Phone number held: postal HEF > telephone call > postal reminder
  - No phone number held: postal HEF > postal reminder > door knock with letter

Under this model, the ERs will be able to chase non-responding households in the treatment group via telephone rather than via postal canvass forms or household visits. Where no telephone number is held by the ERO, households will receive two household letters followed by a household visit.

## 6. Local Authority areas

### 6.1 Model 1 - Household Notification Letter

The following areas of England and Wales will be undertaking Model 1 of the 2017 canvass pilots:

- Barrow-in-Furness
- Blaenau Gwent
- Newcastle
- South Holland
- Torfaen
- Wakefield
- South Norfolk
- Ryedale (continuing from 2016)

The planned pilot under Model 1, tests a very simple but radical change from the current canvass process. All households in the authority will be allocated into treatment or control groups, with the former subject to the new activity and the latter the existing process, in order to measure the impact of this change.

Households in the control group will still be canvassed through the issuing of a HEF and undertaking the prescribed follow up steps for non-responders (issuing of two written reminders and at least one visit to the property), in line with the current regulations. The treatment areas will not be sent HEFs and will instead be sent a Household Notification Letter (HNL). The HNL, sent by post, would list the details of everyone registered to vote in that household and advise that where the details held are no longer up to date, the household should do one of the following:

- Where a household has access to the internet, an online form can be used to notify the ERO of additions, deletions or amendments (and of ‘no change’).
- The online form will direct new electors to the IER Digital Service for registration, though the usual ITR process will apply if they do not take up this option.
- Anyone unable to go online will instead be able to ring the authority to make changes over the phone. The normal ITR process will then take place for any new potential electors.

If there are no changes to the details given in the HNL, no response will be required.

The issuing of HNLs will be supported by appropriate awareness raising activities in the media, on the

council website and on social media. The pilot is expected to make the process more cost effective in the participating areas due to the fewer canvassers required to operate a door-knocking stage as currently prescribed. The pilot aims to demonstrate that the approach in the treatment areas can gather the same or better volumes and quality of information on population churn compared with the control areas, but at a lower cost. It also aims to show that the activity in the treatment area is better suited to the demographics of the areas compared with the current canvass process.

**Newcastle, South Norfolk, Barrow-in-Furness, Torfaen, Blaenau Gwent, Wakefield and South Holland** EROs do not expect any negative privacy impacts on electors under the DPA as a result of participating in this pilot.

**Ryedale** do not expect any new negative privacy impacts on electors under the DPA as a result of continuing to participating in this pilot.

## 6.2 Model 2 - Email

The following areas of England and Wales will be undertaking Model 2 of the 2017 canvass pilots:

- Bath & North East Somerset
- Coventry
- Derbyshire Dales
- Hounslow
- Woking

The planned pilot under Model 2 tests the use of email HEFs. All households in the authority will be allocated into treatment or control groups, with the former subject to the new activity and the latter the existing processes, in order to measure the impact of this change.

Households in the control group will still be canvassed through the issuing of a HEF and undertaking the prescribed follow up steps for non-responders (issuing two written reminders and at least one visit to the property), in line with the current regulations. Depending on whether an email is held by the ERO, treatment groups will either be sent a customised email HEF or a customised postal HEF, instead of the usual HEFs which the control groups would receive. Where an email is held and an elector provides a response to the initial customised emailed HEF, the ERO will make a decision on the next steps. If an elector has not provided any response on any of the reminders (including a paper reminder delivered by post), the ERO will make a final contact by delivering a customised letter. Where an email is not held, an elector will be contacted by post, if there is no response the ERO will send a reminder. If there is still no response, the ERO will conduct a household visit delivering a customised letter if there is still no response.

The pilot is expected to make the process more cost effective in the participating areas due to the fewer paper canvass forms with pre-paid envelopes being issued throughout the process, as well as requiring fewer canvassers to operate the door-knocking stages as currently prescribed. The pilot aims to demonstrate that the approach in the treatment areas can gather the same or better volumes and quality information on population churn compared with the control areas, but at a lower cost. It also aims to show that the activity in the treatment areas is better suited to the demographics of the areas compared to the current canvass process. The pilots will also provide evidence towards a decision as to whether or not a permanent change should be made to legislation to remove the strict requirements around the annual canvass. If a permanent change was made, it would mean local and national resources would be released, presenting an opportunity to tackle the problems of under-registration longer term.

**Bath & North East Somerset, Hounslow, Coventry, Woking and Derbyshire Dales** EROs do not

expect any negative privacy impacts on electors under the DPA as a result of participating in this pilot.

### 6.3 Model 3 - Discernment

The following areas in England and Wales will be undertaking Model 3 of the 2017 canvass pilots:

- Camden
- Salford
- Sunderland
- Birmingham (continuing from 2016)
- South Lakeland (continuing from 2016)

These pilots are based on amending the existing canvass process, with the authority divided into treatment and control areas. The control areas will still be canvassed by the issuing of HEFs in line with the current regulations. For the treatment areas, a person at each residential address in the area would still be contacted at least once in line with the pilot legislation but a range of different steps will be taken, instead of simply issuing up to 3 paper HEFs and conducting at least one door-knock.

Data matching with locally held data sources will be conducted first. Where the details of electors at a property match the data source, the property will be sent a postal HNL. This will only seek a response from the property if the information recorded within it is incorrect. Where the details do not match the data source, electors will be sent a customised HEF. If an email address is held for a member of the household, this letter will be emailed. Where it is not responded to within a certain period of time, a reminder email will be sent. If no email address is held, then the customised HEF will be posted.

These customised HEFs for unmatched electors will encourage residents to respond to either confirm that the details for the property remain up to date and there have been no changes, or to identify new occupiers and any other changes.

To ensure that they do not omit any of the harder to reach groups, EROs will send a second customised HEF to any non-responding properties (this will be sent by post, where neither the paper nor emailed HEFs received a response), and also subsequently undertake a door-knock exercise for any that still fail to respond.

The aim is to reduce costs through this range of steps to ensure a more cost effective approach compared with the current prescribed process. By data matching and issuing HNLs which don't require chasing, resources can be more streamlined and targeted at non-matching and non-responding properties. The participating EROs are not obliged to deliver one type of canvass to all electors in their area. Instead, EROs will be able to deliver a canvass that is appropriate for the varied areas and households they service and make savings through issuing HNLs and emails.

**Birmingham and South Lakeland** do not expect any new negative privacy impacts on electors under the DPA as a result of continuing to participating in this pilot.

**Camden, Sunderland and Salford** EROs do not expect any negative privacy impacts on electors under the DPA as a result of participating in this pilot.

### 6.4 Model 4 - Telephone

The following areas of England and Wales will be undertaking Model 4 of the 2017 canvass pilots:

- East Devon

- Luton
- South Oxfordshire
- Vale of White Horse

The planned pilot under Model 4, tests the use of telephone as replacement for the paper HEF. All households in the authority will be allocated into treatment or control groups, with the former subject to the new activity and the latter the existing processes, in order to measure the impact of this change.

Households in the control group will still be canvassed through the issuing of a HEF and undertaking the prescribed follow up steps for non-responders (issuing of two written reminders and at least one visit to the property), in line with the current regulations. Although all treatment groups will be sent postal HEFs, the groups will be split into two, based on whether the ERO has a telephone number or not. If a phone number is held they will be given a 1st reminder by telephone and if there is still no response they will be given a 2nd reminder through post. If a phone number is not held, they will be given 1st reminder through the post and if there is still no response, the ERO will conduct a household visit, where they will deliver a customised letter if there is still no response.

The pilot is expected to make the process more cost effective in the participating areas due to the fewer canvassers required to operate a door-knocking stage as currently prescribed. The pilot aims to demonstrate that the approach in the treatment areas can gather the same or better volumes and quality of information on population churn compared to the control areas, but at a lower cost. It also shows that the activity in the treatment area is better suited to the demographics of the areas compared with the current canvass process. By using phone numbers to contact electors, resources can be more streamlined and targeted at non-responding properties, which will require fewer household visits and fewer postal HEFs in pre-paid envelopes. The participating EROs are not obliged to deliver one type of canvass to all electors in their area. Instead, EROs will be able to deliver a canvass that is appropriate for the varied areas and households they service and make savings through using phone numbers and postal reminders.

**East Devon, Luton and South Oxfordshire & Vale of White Horse** EROs do not expect any negative privacy impacts on electors under the DPA as a result of participating in this pilot.

## 6.5 Conclusion

The Cabinet Office has considered the views of the participating Local Authorities in relation to the impact of these pilots and agrees with the conclusion that there will be no negative privacy impacts on electors.

## 7. Data protection

EROs taking part in the pilot scheme are well used to the handling, processing and security of personal data. Cabinet Office will also expect those organisations involved in the canvass pilots to comply with the relevant legislation and the data protection principles that personal data must be:

- Fairly and lawfully processed;
- Processed for specific and lawful purposes and not further processed in a way that is incompatible with the original purpose;
- Adequate, relevant and not excessive;
- Accurate and up to date;
- Not kept for longer than is necessary;
- Processed in accordance with the data subject's rights;
- Kept secure;

- Not transferred to countries outside the European Economic Area unless an adequate level of protection is ensured or an exemption applies.

Under the pilot scheme, no new types of personal data will be collected by EROs which are not already handled under the existing canvass procedures. As part of conducting the evaluation of the pilots, it is intended to establish data sharing agreements with Local Authorities for the purposes of Cabinet Office evaluation. A central consideration will be the need to ensure data collected for the purposes of Cabinet Office evaluation is sufficiently anonymised.

The Government takes the handling of personal data and prevention of identity fraud very seriously. The changes that have been made to electoral registration under IER are intended to prevent fraud and maintain the integrity of the electoral system. The following table sets out the key privacy and related data protection risks considered for the canvass pilots:

Risk Description	Controls/Mitigation
Data security breach - data is mishandled by the ERO or other authorised users.	<p>Data handling instructions and/or agreements set out the requirements for the handling, transmission, security and destruction of the data.</p> <p>EROs and their staff, and government officials involved in the operation of the IER Digital Service and the handling of personal data, have received the appropriate training, are accustomed to managing and processing data of this kind and are familiar with the legal and administrative requirements for doing so.</p> <p>Engagement has taken place with IT suppliers to ensure systems are appropriate to protect data.</p>
Data is used for unauthorised.	<p>EROs and their staff, and government officials involved in the operation of the IER Digital Service and the handling of personal data, have received the appropriate training, are accustomed to managing and processing data of this kind and are familiar with the legal and administrative requirements for doing so.</p> <p>Legislation provides for an offence of unlawful disclosure of data, punishable on conviction on indictment with up to two years' imprisonment.</p> <p>Engagement has taken place with IT suppliers to ensure that systems are appropriate to protect data.</p>
Data is accessed by unauthorised persons.	<p>Engagement has taken place with IT suppliers to ensure that systems are appropriate to protect data.</p>
Inappropriate retention of the data.	<p>Data sharing instructions and agreements set out timescales for the retention and destruction of data and conform to the data protection principle that data must not be kept for longer than is necessary.</p>
Data received results in identification of	<p>EROs already have procedures in place for dealing with instances of suspected electoral fraud; existing procedures will be followed.</p>



fraudulent activity.	
Storage of the data received – inadequate storage of the data could lead to loss.	Data sharing instructions and agreements set out requirements for the storage of data and conform to the data protection principle that data must be kept secure.

**8. The impact of canvass pilots on an individual**

Under the changes to the canvass procedures provided for by the Order, there is unlikely to be any significant additional data protection impact because individuals are already required by law to provide EROs with the information in order to populate the electoral register. Consequently, these provisions do not have any significant further impact on an individual's privacy than the current legislative requirement - they simply support EROs in carrying out their legal duty to maintain the accuracy and completeness of the electoral register.

**9. Consultation on the pilot canvass legislation**

<b>The following organisations were consulted on this legislation:</b>	
Association of Electoral Administrators	SOLACE Elections & Democracy Board
Welsh Government	Wales Office
Cabinet Office Practitioner Panel of electoral administrators	Department for Communities & Local Government (DCLG)
Government Equalities Office (GEO)	Ministry of Justice
Participating Local Authority areas for 2017	Electoral Commission
Information Commissioner's Office	

**10. Contact details**

For further information regarding this PIA please contact **Annes Llwyd** at the Cabinet Office, tel 07736 485 431: email [Annes.Llwyd@cabinetoffice.gov.uk](mailto:Annes.Llwyd@cabinetoffice.gov.uk)

## Annex A

### Data collected from each person making an application to register under IER

- Full name (forename(s), surname)
- Most recent previous name (not mandatory)
- Date name changed (not mandatory)
- Full residential address
- Whether they live at another address
- If the address is overseas, whether registered in the UK as an overseas voter
- Declaration as to whether they have moved in the last 12 months
- Any previous address in the last 12 months
- Nationality
- Declaration of truth
- Date of birth (DOB)
- If DOB unknown, whether they are under 18, aged 18-75 or aged 76 or over
- National Insurance number (NINo)
- Reason why DOB, nationality or NINo unknown
- Contact details for telephone and email (not mandatory)
- Whether they wish to be included in the open register
- Whether they wish to vote by post or by proxy

In some cases additional information may be collected from applicants for registration and will be held for a brief time in the IER Digital Service. This information may include passport number and armed forces service number.

Whilst much of the above information could be considered personal data, it is important to distinguish between franchise and eligibility, and verification. Information such as nationality is required to determine a person's franchise and eligibility, whereas other information such as date of birth and National Insurance number will be used specifically for verification of identity purposes. Although additional personal information is collected through the IER process, this will not form part of the electoral register.

Information of a sensitive nature is collected during the application process – this includes date of birth and National Insurance number. Nationality information is also collected; whilst this is not considered sensitive information, it can provide an indicator of ethnic origin and so is treated with the same care.