

Temporary Election Staff Privacy Notice

Who we are:

West Lothian Council ('the council') is a local authority established under the Local Government etc. (Scotland) Act 1994. Under the Representation of the People Act 1983 ('the Act') each local authority must appoint a 'Returning Officer'. This is a personal appointment with its own statutory functions, separate to the council. The Returning Officer has a statutory duty to process certain personal data for the purpose of administering elections and as such is subject to the requirements of data protection regulations as a 'data controller'. Graham Hope is the Returning Officer for the council and is the data controller.

For many of the Returning Officer Functions the council will not be processing personal data on behalf of the council; it will instead be processing personal data on behalf of the Returning Officer or any other statutory office holder whose duties relate to the administration of elections and whose office is required by law to be held by an officer of the council in accordance with the Act.

The council's head office is located at West Lothian Civic Centre Howden South Road Livingston EH54 6FF, United Kingdom. You can contact our Data Protection Officer by post at this address or by email: DataProtectionOfficer@westlothian.gov.uk.

Why do we need your personal information?

The council helps to administer elections on behalf of the appointed Returning Officer. As a member of the temporary election staff we require your data for the following purposes:

- With your consent, to be included in the 'staff canvas' to ascertain your availability and preference for forthcoming temporary election posts
- Managing election processes in which you are involved. This includes: appointment to temporary election post and providing information relating to the same, attendance at training, pass and door checklists, ensuring security and efficient administration at polling places, providing contact information to supervisors and colleagues where you and whom you are working with, reporting statutory returns to central government
- Transferring data to neighbouring local authorities' election offices with which the council shares a cross constituency during the election
- Transferring your data to the council's Human Resource and Payroll department and HMRC for the purposes of staff fee payments.

We will also use your information to verify your identity where required, contact you by post, email or telephone to maintain our records.

Legal basis for using your information

Processing of your information is necessary for the performance of a task carried out in the public interest, or in the exercise of official authority vested in the controller (i.e. the Returning Officer). The exception is the use of your personal information in the Staff Canvass, which takes place under the following legal basis;

- The data subject (you) has given consent to the processing.

Personal data concerning your political opinions is classed as 'Special Category' data, and as such a secondary legal basis is required for processing this data. The relevant legal basis is the 'Political Parties' condition of the 'Substantial Public Interest' subsection of the Data Protection Act 2018 (Schedule 1, Part 2, Paragraph 22)

The personal data that may be required:

- Name
- Address
- Contact details (e.g. phone number, email address)
- National Insurance Number
- Such other information as may be required to enable us to appoint you as temporary election staff

We will keep a record of your assigned payroll number and the gross amount paid to you.

Who we will share your information with:

- Presiding Officers and Polling Clerks at polling stations
- Count supervisors and door supervisors
- Polling Place Inspectors
- Security colleagues (if required)
- Scottish Office (names and payroll number only)
- Scottish Government (names and payroll number only)
- Electoral Claims Unit (names and payroll number only)
- The council's Human Resources and Payroll department
- HMRC
- Electoral Registration Office (names and phone numbers only)
- Single Point of Contact officer at Police Scotland, if required

The council's Returning Officer is legally obliged to protect the public funds that they administer. They may share information provided to them with other bodies responsible for auditing and administering public funds, or where undertaking a public function, in order to prevent and detect fraud. This data sharing is in accordance with the council's Information Governance Policy which can be found on our website. It also forms part of our requirements in line with our Records Management Plan approved in terms of the Public Records (Scotland) Act 2011.

How long do we keep your information for?

We will only keep your person information for the minimum amount of time necessary. This period may be set out in law, but in most cases will be based on business need.

Your rights under data protection law:

- **Access to your information** – you have the right to request a copy of the personal information that we hold about you.
- **Correcting your information** – we want to make sure that your personal information is accurate, complete and up to date. You may therefore ask us to correct any personal information about you that you believe does not meet these standards.
- **Lodge a complaint**- with the Information Commissioner Office (see below)
- **Deletion of your information** – you have the right to ask us to delete personal information about you where:
 - i) you think that we no longer need to hold the information for the purposes for which it was originally obtained
 - ii) you have a genuine objection to our use of your personal information
 - iii) our use of your personal information is contrary to law or our other legal obligations.

Restricting how we may use your information:

In some cases, you may ask us to restrict how we use your personal information. This right may apply, for example, where we are checking the accuracy of your personal information that we hold about you or we are assessing the objection you have made to our use of your information. This may also apply if we no longer have a basis for using your personal information but you don't want us to delete the data. Where this right is realistically applied it will mean that we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.

You should contact us at the addresses noted above should you wish to exercise any of these rights.

Information you have given us about other people:

If you are providing anyone else's details within information that you have submitted to the council you should make sure that you have their permission to do so. We will only use this information to meet the requirement of the election. Should third parties wish to know more information as to how we will use their information they can visit our website.

Complaints:

We aim to directly resolve all complaints about how we handle personal information. You have a right to lodge a complaint with the Information Commissioner's Office, who can be contacted by post at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, or by phone on 0303123 1113 or 01625 545 745. Further information can be found at <https://ico.org.uk/concerns>.

More Information:

For more details on how we process your information visit <https://www.westlothian.gov.uk/dataprotectionandprivacy>.

If you do not have access to the internet you can contact us by telephone on 01506 282035 to request hard copies of our documents.