



Privacy Notice

The office of the Assessor and Electoral Registration Officer

GDPR, Data Protection Act 2018 and UK GDPR

Date Created: May 2018

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What personal data do we collect and hold

We collect and use personal data supplied by you to allow us to deliver our statutory functions, provide customer service and to fulfill our obligations as an employer.

We are registered for data protection purposes with the Information Commissioner and are legally obliged to comply with the General Data Protection Regulations (GDPR) and UK Data Protection law.

Principles

GDPR has 6 rules that we must follow when collecting and using personal information and to comply we must take steps to make sure all personal information is:

1. processed lawfully, fairly and in a transparent manner
2. collected for specified, explicit and legitimate purposes
3. adequate, relevant and limited to what is necessary
4. accurate and up to date
5. kept in a form which permits identification of data subjects for no longer than is necessary
6. processed securely

Our intended purpose for processing personal data and the lawful basis for processing are as follows:

1. Public task: the processing is necessary for us to perform a task in the **public interest** and for our **official functions**, and the task has a clear basis in law. Our public tasks, official functions and purpose for processing are:

- a) compiling, maintaining and publishing the Electoral Register as set out in the Representation of the People Act 1983 and associated regulations
- b) compiling, maintaining and publishing the list of Absent Voters as set out in the Representation of the People Act 1983 and associated regulations
- c) compiling, maintaining and publishing the Council Tax Valuation List as set out in the Local Government Finance Act 1992 and associated regulations
- d) compiling, maintaining and publishing the Valuation Roll as set out in the Lands Valuation (Scotland) Acts and associated regulations
- e) collecting information as set out in the Non-Domestic Rates (Scotland) Act 2020, including the issue of Assessors Information Notice and civil penalty where appropriate
- f) producing and publishing equality and diversity reports and conducting equality monitoring to comply with the Equality Act 2010 and associated regulations
- g) responding to information requests under the Freedom of Information (Scotland Act) 2002
- h) responding to requests for information under Data Protection law and regulations
- i) responding to complaints under the Public Service Reform (Scotland) Act 2010

Your rights under this lawful basis are:

- a) you have a right to object to processing under “public task” but you must have an objection on grounds relating to your particular situation. However, if we can demonstrate that we have compelling legitimate grounds for processing that overrides your interests, rights and freedoms then we will continue processing. An example would be the processing of your name and address to add you onto the electoral register for which we have legitimate grounds in law
- b) your rights to erasure and data portability do **not** apply for processing on the basis of “public task”

2. Contract: the processing is necessary to fulfil our contractual obligations to you. Our contracts with individuals are for the following purposes:

- a) maintaining records of current, past and prospective employees for employment purposes
- b) recruitment and selection
- c) maintaining records of suppliers and service users/customers
- d) complying with the Health and Safety at Work Act 1974

Your rights under this lawful basis are:

- a) you have a right to erasure and portability
- b) your rights to object do **not** apply for processing on the basis of a “contract”

3. Consent: you have given clear consent for us to process your personal data for a specific purpose. We seek your consent to process information for the following purposes:

- a) to monitor performance through customer feedback we issue a questionnaire that includes the option to provide confidential equality monitoring data. The questionnaire is anonymous and it is optional to provide the information
- b) contact details such as your email or telephone number. It is optional to provide the information

Your rights under this lawful basis are:

- a) you have a right to erasure and portability
- b) you have a right to withdraw your consent. You can withdraw your consent at any time by unsubscribing via email (where appropriate) or contacting us at the address given at the end of this document

4. Legal obligation: the processing is necessary for us to comply with the law (not including contractual obligations). We process information for the following purposes

- a) providing employee payroll details to HMRC for tax and social security purposes

Your rights under this lawful basis are:

- a) your rights to erasure and portability or right to object do not apply for processing on the basis of “legal obligation”

The source the personal data originates from and whether it came from publicly accessible sources (if indirect) are:

1. Categories of personal data we collect directly: We collect most of the personal data to comply with our official functions directly from individuals. Some examples are: when they register to vote, apply for an absent vote, request information from us, make a complaint or appeal against their council tax banding.

2. Categories of personal data not obtained directly from the data subject:

Categories and source of personal data collected and processed indirectly include:

- a) name and address from local authority council tax records or electors details from other electoral registration officers, applications to register to vote from the UK government website www.gov.uk/register-to-vote or confirmation of potential electors details from the Department of Works and Pensions (DWP)
- b) relevant Information from applications for planning permission and building warrants from the local authority, sales information from the Registrars of Scotland. Some of this information is publicly accessible and is used for the purpose of council tax banding

3. Categories of personal data we collect and use relevant to the above reasons/purposes include:

- a) personal details including nationality and age
- b) national insurance number and date of birth
- c) documentary evidence to support and application to register
- d) absent voting details
- e) family details
- f) lifestyle and social circumstances
- g) goods or services provided
- h) financial details
- i) employment and education details
- j) details of complaints, incidents and grievances
- k) property details
- l) details of a proposal or an appeal to alter the council tax valuation list

Sharing of your personal information

In certain circumstances we may share information with relevant organisations where required to do so by law or if an exemption applies such as to the Police or another third party in compliance with the GDPR and UK data protection law. What follows is a description of the types of organisations we may need to share some of the personal information we process with for one or more reasons.

Recipients or categories of recipients of the personal data are listed below.

- a) data subjects themselves
- b) individuals and organisations entitled to a copy of the electoral register
- c) organisations who buy the edited register
- d) organisations who buy the open register
- e) local government and central government
- f) police forces, courts and tribunals
- g) credit reference agencies
- h) other organisations who take part in the National Fraud Initiative
- i) other occupants of the individual's address
- j) owners and occupiers of property formerly owned or occupied by the data subject
- k) business associates and other professional advisers
- l) educational establishments
- m) political organisations
- n) employees and agents of the controller
- o) data processors
- p) ombudsman and regulatory authorities
- q) persons making an enquiry or complaint
- r) family, associates and representatives of the person whose personal data I am processing
- s) current, past or prospective employers and trade unions
- t) healthcare, social and welfare advisors or practitioners
- u) suppliers, providers of goods and services
- v) service providers
- w) survey and research organisations
- x) professional advisers
- y) financial organisations, advisors and auditors
- z) the Scottish Assessors Association

Protecting children's data

We only collect and use children's data from the age of 14 or 15 to add them as a potential elector to vote, at the age of 16, at Scottish elections. When we process children's data such as adding them as a potential elector we ensure the data is held securely with limited access. The data is processed under the lawful basis of public task by the Electoral Registration officer to comply with the Electoral Law and regulations.

Special category personal data

We process special categories of personal data. The special category personal data that we may process are racial or ethnic origin, religion, trade union membership, biometrics (where used for ID purposes as documentary evidence to support a potential electors application), health, sex life or sexual orientation.

The provision of equality monitoring data such as race or ethnic origin, sexual orientation and health (disability) is optional in some circumstances. We will tell you when this applies at the time we collect the information.

Special category personal data is retained or erased in accordance with our retention schedules. The information is held securely with restricted access and only used for the specified purpose. We regularly review the personal data we process and update our retention schedules accordingly.

The purpose, lawful basis and condition for processing special category data under data protection law are as follows:

1. Race or ethnic origin (nationality), Health (absent vote records where applicable)

- a) **Lawful basis for processing: Public task:** the processing is necessary for us to perform a public task in the public interest and for our official functions, and the task has a clear basis in law. The function is electoral registration by the Electoral Registration Officer as set out in the Representation of the People Act 1983 and associated regulations
- b) **Condition for processing:** substantial public interest and statutory and government purposes

2. Race or ethnic origin, health, sexual orientation (anonymised when published to ensure no individual can be identified by the data)

- a) **Lawful basis for processing: Public task:** the processing is necessary for us to perform a public task in the public interest and for our official functions, and the task has a clear basis in law. The function is equality monitoring and reporting by the Assessor and Electoral Registration Officer as set out in the Equality Act 2010 and associated regulations
- b) **Condition for processing:** substantial public interest and equality of opportunity or treatment

3. Race or ethnic origin, health, sexual orientation, trade union membership

- a) **Lawful basis for processing: Contract:** the processing is necessary to fulfil our contractual obligations to you. The function is employment by the Assessor and Electoral Registration Officer as set out in Employment Law, Social Security Law and associated regulations

- b) **Condition for processing:** employment, health and research **and** employment, social security and social protection

4. Criminal convictions

- a) **Lawful basis for processing: Public task, Contract and or Consent:** the processing of criminal convictions data where necessary for the purposes of performing or exercising statutory electoral purposes (eligibility to register as an elector), employment law obligations or rights (criminal conviction disclosure certificate, criminal conviction declaration form at recruitment and selection) or consent has been granted to process the information
- b) **Condition for processing:** processing criminal convictions data with consent and/or the extension of certain conditions under schedule 1 part 2 processing in the substantial public interest

Special Category policy document: We have a separate special category policy document available on our website www.lanarkshire-vjb.gov.uk

Individual Electoral Registration Digital Service (IERDS)

We use the Cabinet Office online service to verify electoral registration applications from potential electors. The IERDS privacy notice is detailed below:

IERDS Privacy Notice

To verify your identity, the data you provide will be processed by the Individual Electoral Registration Service managed by the Cabinet Office. As part of this process your data will be shared with the Department of Works and Pensions and the cabinet Office suppliers that are data processors for the Individual Electoral Registration Service. You can find more information about this here <https://www.register-to-vote.service.gov.uk/register-to-vote/privacy>.

Electoral Registration Canvass Reform 2020

As a result of canvass reform, an annual data matching exercise of uploading the names, previous names, dates of birth (where held) and addresses of electors to the IERDS to match to data held by DWP is undertaken.

Your statutory requirements or obligations to provide personal data and the consequences of failing to provide the data

Where there is a statutory obligation to provide the personal data you will be notified on the form or letter that is sent to you when we request the personal data. This applies to electoral registration, council tax valuation and non domestic valuation or any relevant purpose. Failure to provide personal data requested by the Electoral Registration Officer or to provide false data could result in a fine of £1,000.

Failure to comply with an Assessors Information Notice, issued under the Non Domestic Rates (Scotland) Act 2020, may lead to a penalty of 71% of the Rateable Value or £61,000 if the property is not currently entered in the Valuation Roll. Providing false or misleading information or failing to provide information to the Assessor, when requested, could result in a fine or penalty of £1,000.

Your individual rights under applicable data protection law

Your rights are as follows (noting that these rights do not apply in all circumstances, each lawful basis for processing on page 2 and 3 list the rights that apply):

- a) The right to be informed about our processing of your personal data
- b) The right to have your personal data corrected if it's inaccurate and to have incomplete personal data completed (right to rectification)
- c) The right to request access to your personal data and information about how we process it
- d) The right to have your personal data erased (the "right to be forgotten")
- e) The right to restrict processing of your personal data
- f) The right to object to processing of your personal data
- g) The right to move, copy or transfer your personal data ("data portability")
- h) Rights in relation to automated decision making including profiling

If we hold Personal information about you and you believe this information to be incorrect, you have the right to request that any inaccuracies in the data be corrected. Please email assessor@lanarkshire-vjb.gov.uk or write to us at the address at the end of this document for details on how to go about this.

If you have provided your email address or telephone number and no longer wish to be contacted by email or telephone please let us know. You can email assessor@lanarkshire-vjb.gov.uk or write to us at the address at the end of this document.

Access to your personal data

You have a right to ask for a copy of the information we hold about you (this is called a right of access) and there is no cost to you. If you want to make a request you should email assessor@lanarkshire-vjb.gov.uk or write to us at the address at the end of this document.

Data portability

The right to move, copy or transfer your personal data only applies where it is collected on the basis of a contract or your consent but not for the basis of public task. The right allows you to obtain and re-use your personal data for your own purposes. There will be limited personal data where this right applies.

Your right to complain

You have the right to complain to the Information Commissioners Office (ICO). It has enforcement powers and can investigate compliance with Data Protection law www.ico.org.uk.

Automated Decision Making

Automated decision making involves making a decision solely by automated means without any human intervention. We do not conduct any automated decision making or profiling.

For more details on your rights you can contact us on assessor@lanarkshire-vjb.gov.uk or write to us at the address at the end of this document.

Transferring information overseas

Other than corresponding with an individual we do not send information overseas.

How we handle personal data

We have notified the Information Commissioner of the purposes for collecting and holding this data. We will not use personal data for any other purpose unless we have a lawful basis that allows or requires us to do so.

Retention period or criteria used to determine the retention period

Our retention schedules for each service area are published on our website www.lanarkshire-vjb.gov.uk. They contain a list of records, the length of time the records are kept and what happens to them. We retain your personal data in accordance with legal requirements or as long as is necessary to deal with your enquiry or complaint.

Protecting your personal data

We are committed to protecting the personal data you provide. To safeguard the data you provide we have physical and electronic processes in place to protect the security of the data collected and processed.

Privacy Statements

We will include a privacy statement on our forms and letters, where relevant, when we collect personal data from you and it will include a link to this privacy notice.

Changes to this privacy notice

Our privacy policy is regularly updated.

Visitors to our website

Cookies are small text files placed on your computer by websites that you visit. They are widely used in order to make websites work, or work more efficiently, as well as to provide website usage information.

Cookies are used by our website to collect standard internet log information on visitors to the website. The information on how visitors to the website use the site is used to compile statistical reports on website activity and to help inform decision making regarding improvements to the website. Cookies are not used to identify individuals using the website and the website does not require Cookies for the general running of the site.

You can read more about how we use cookies on our cookie page www.lanarkshire-vjb.gov.uk/info/16/general_information/14/cookie_statement

How to contact us

Requests for information about this privacy notice can be emailed to assessor@lanarkshire-vjb.gov.uk or you can contact us at the address and telephone number below:

Data Controller: Renzo Pacitti, Assessor and Electoral Registration Officer

Data Controllers representative: Michelle Watson, Administration Manager

Contact address: David Dale House
45 John Street
BLANTYRE
G72 0AA
Email: assessor@lanarkshire-vjb.gov.uk
Telephone: 01698 476000

Our Data Protection Officer is: Mandy Thomson

Address: Highland & WI VJB
Moray House
16/18 Bank Street
INVERNESS
IV1 1QY
Email: assessor.dpo@highland.gov.uk