# APPENDIX 1 - DATA SHARING AGREEMENT

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| **Personal Data sharing purpose** | The purpose of the Personal Data sharing is to:   * to comply with the legal obligations placed upon the Electoral Registration Officer and on the Returning Officer; and * where it is necessary for the performance of a task carried out in the public interest. |
| **Objectives and benefits of Personal Data sharing** | 1. helps all the parties be clear about their roles; 2. sets out the purpose of the data sharing; and. 3. sets standards. |
| **Personal Data being shared** | The following personal data will be shared:   * full name; * address; * national insurance number; * date of birth; * nationality; * the reason why you require a postal or proxy vote; * for registration issues, if the ERO is unable to verify an individual’s identity using your date of birth and national insurance number, they might request further evidence from the elector such as copies of official issued documents e.g. a passport, driving licence etc. |
| **Customer justification for Processing, in accordance with Article 6 GDPR** | The Electoral Registration Officer and the Returning Officer for the Borough of Gosport has a statutory duty to process certain personal data to maintain the electoral register and for the purpose of administering an election. As such, in line with current data protection legislation they are acting as the ‘**data controller**’.  Regulation 26 of the Representation of the People Regulations 2001 (RPR 2001) sets out the requirements for an application to register, requiring an ERO to process National Insurance numbers and dates of birth as part of the application. This is part of the ERO’s overall statutory duty to maintain the register of electors under Section 9 of the Representation of the People Act 1983 (RPA 1983). Similarly, Rule 6 of the Parliamentary Election Rules requires an RO to process personal data relating to a candidate for nomination purposes. This is part of the RO’s overall statutory duty to administer the election in accordance with the Parliamentary Election Rules under Section 23 of the RPA 1983. **In these situations, the lawful basis for the processing is the performance of a public task (i.e. maintaining the register of electors, and administering the election) in the public interest, as provided for in electoral law**.  The ERO and RO has also had to consider the appropriate lawful basis for the processing of personal data not covered by electoral legislation. For example, employment legislation requires the RO and ERO to process personal data relating to the right of polling station staff and canvassers to work in the UK. |
| **Special Categories of Personal Data being shared** | Regulation 26 of the RPR 2001 requires an applicant for registration to provide their nationality or nationalities, or, if they are not able to provide that information, the reason they are not able to do so. The ERO processes this nationality data in order to determine which elections the elector is entitled to vote at. Current data protection legislation does not affect the requirement for nationality information to be provided, however, nationality data is classed as a special category of personal data because it may reveal an individual’s racial or ethnic origin.  The ERO and RO may also deal with special categories of personal data through: documents received as part of the documentary exceptions process; documents received as part of an application for anonymous registration; or staff appointment information. |
| **Customer justification for Processing in respect of Special Categories of Personal Data, in accordance with Article 9 GDPR** | The appropriate lawful basis for processing special categories of personal data for electoral purposes would be that it is necessary for reasons of substantial public interest and with a basis in UK law.  In accordance with legislation, to process nationality data – whether as part of an application to register, or in relation to staff appointments – the ERO and RO has published a **policy document** which explains amongst other things:   * the procedures for complying with the data protection principles; and * the policies for retention and erasure.   This policy document reflects the local processing procedures and the policies for the retention and erasure of personal data:  <https://www.gosport.gov.uk/article/1494/Electoral-Services-Privacy-Notice>  In relation to applications for **anonymous registration**, the lawful basis for these is Section 9B of the RPA 1983 and Regulations 31G to 31J of the RPR 2001 which detail the processing required. This processing is high risk to anonymous electors/applicants since it relates to personal safety. |
| **Media for sharing Personal Data** | No removable media devices to be used for the transfer of any data owned by the Gosport ERO and/or RO. |
| **Persons between whom Personal Data will be transferred** | Gosport Borough Council Electoral Services Staff and named <<Respondent name>> staff as outlined in item xx of the <<Respondent name>> ICT implementation Checklist (which lists Migration Lead, Client Services Manager, Client Care Manager, Client Resolution team). |
| **Frequency of Personal Data transfer** | No transfer of data from Gosport site to <<Respondent name>> site, but all DC staff to have secure access to the <<Respondent name>> server and SQL database for remote support during implementation and go-live. |
| **How Personal Data is stored by Gosport ERO and RO** | All the data owned by the ERO and RO will be stored on Gosport Borough Council server infrastructure using ActiveDirectory security and all Gosport Borough Council staff have individual username and passwords to access the software. |

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| **How long Personal Data is stored by the ERO and RO** | Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose. Therefore, once the purpose for collecting the data has passed, the ERO and RO needs to consider if there is a reason to retain that data.  However, data protection legislation does permit personal data to be stored for longer periods if the data will be processed solely for archiving purposes in the public interest, or for scientific, historical, or statistical purposes and subject to the implementation of appropriate safeguards. Examples of this might include old electoral registers held to determine the eligibility of overseas applicants, or election results.  The ERO has a **document retention policy** which demonstrates that they are complying with the principles of processing personal data, ensuring that it is processed lawfully, fairly and in a transparent manner, This is published on the Council website at:  <https://www.gosport.gov.uk/media/2223/Electoral-Services-Data-Retention-Policy/pdf/Electoral_Services_Data_Retention_Policy.pdf?m=637000090870130000>. |
| **How will Personal Data be removed and destroyed** | As <<Respondent name>> is not holding or storing data on their network infrastructure there is no data for them to destroy.  The Gosport ERO and RO has published how long they are required to keep personal data in the Data Retention Policy and the Electoral Management System/software has a process which will allow GDPR cleansing of personal data which is no longer required to be accessed or held |