

Access to documentation after a local government election in Wales

This document covers the following polls: local government principal area elections (i.e. borough and county borough) and community council elections.

It provides guidance on access, supply and inspection of election documents after a local government election. It should be read alongside the section on [Access and supply of the electoral register in our Running electoral registration guidance for Wales](#). We have also produced an [access and supply checklist](#), which should be used alongside this document.

For details on the retention and inspection of candidates' election spending, see chapter 2 of Part F: '[After the declaration of result](#)' of our guidance for Returning Officers. Further detailed guidance on data protection legislation is contained in our [data protection resource](#).

It is important to maintain a document retention policy to demonstrate your compliance with the principles of processing personal data as set out in data protection legislation. Your document retention policy should set out the following for all documents you receive and hold:

- whether the document contains personal data
- the lawful basis on which any personal data was collected (see '[Lawful basis for processing](#)' in our data protection resource).
- your retention period
- your rationale for the retention period

In some cases this will be straightforward since electoral legislation will require a set period for which documents are retained. In other cases, you will need to make a local decision and justify this in your document retention policy.

Documents not available for public inspection

The following documentation is not available for public inspection, except by court order:

- ballot papers
- completed corresponding number lists
- certificates of employment on duty on polling day

These documents can only be accessed if the High Court or a county court is satisfied by evidence on oath that access is required for one of the following reasons:

- for instituting or maintaining a prosecution for an offence in relation to ballot papers
- for the purpose of an election petition

The court will make certain conditions about access to the documents. For example, how any particular person voted must not be disclosed until it has been proved by a court that the vote was invalid.

An appeal to any decision on access by a county court can be made to the High Court.

Applications do not have to be made in open court: they can be made by a judge from the relevant court either in open court or otherwise.

Access to nomination papers and home address forms

Nomination papers at local government elections are available for public inspection during ordinary office hours on any working day from the day after the close of nominations up to and including the day before polling day. The nomination papers available include all the forms required for the nomination including the nomination form, consent to nomination, any agent appointment form, and any emblem request application.

During this period nomination papers, excluding the home address form, may have the details on them copied by hand and / or any page or the entire set of papers may be copied and supplied.

Candidates can submit a home address form, which allows them to exclude their home address from the ballot papers and statement of persons nominated. There are different rules regarding the home address forms and these are set out below.

The home address form is available for inspection by certain people, these are:

- another candidate standing nominated in the same electoral ward
- the election agent of any other candidate standing nominated in the same electoral ward (or if the candidate is acting as their own election agent, any person nominated by them)

Home address forms must be inspected under supervision as taking extracts of the home address forms, or copies of them, is not permitted.

From polling day onwards, the nomination papers and the home address form are not open for inspection. With the exception of the home address form, the Returning Officer must store nomination papers securely for one year in case they are needed for electoral petitions and due to the time limit for

prosecutions. If such legal proceedings are to, or are liable to take place, the Returning Officer should retain the nomination papers until the court has completed its process.

During the period starting on polling day and ending when the Returning Officer destroys the nomination papers, the nomination papers may only be viewed and supplied to those who have a legal power to obtain documents. This may be a police officer using any powers they may have to take documents into their custody, or a court order.

The home address forms must be kept securely stored for a period of 35 calendar days after the result has been declared. They must be securely destroyed on the next working day after the 35-day period. However, if an election petition relating to the election is presented within the 35 calendar days, the home address forms must be kept securely until the conclusion of the petition proceedings (including any appeal from such proceedings). They must then be securely destroyed on the next working day following the conclusion of the proceedings or appeal.

Election documents available for public inspection

The tables below set out:

- the types of election documents available for inspection or supply
- who can have access to these documents
- how requests for accessing these documents must be made
- any applicable fees (where relevant)

Table 1: Public inspection of election documentation

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| Document type | <p>Any person may request that the following be made available for inspection:</p> <ul style="list-style-type: none">• marked register of electors• marked postal voters' list• marked list of proxies• marked postal proxy voters' list• any other document relating to the election (except the ballot papers, completed corresponding number lists and certificates of employment on duty on polling day) |
| Conditions | <p>The request must:</p> <ul style="list-style-type: none">• be made in writing• specify which documents are requested• specify who will be inspecting the documents• specify the date on which they wish to inspect the documents• specify whether they would prefer to inspect the documents in printed or electronic data format <p>In the case of a request to inspect the marked register or lists, the request must:</p> <ul style="list-style-type: none">• state the purpose for which the information will be used and why the inspection of a copy of the full register or unmarked list(s) would not be sufficient to achieve that purpose <p>Where the relevant officer determines that the purposes for which the applicant wishes to use the information may be achieved by inspecting a copy of the full register, they shall advise the applicant of their decision and inform them where the full register is available for inspection under supervision.</p> <p>The relevant documentation must be made available for inspection within 10 days of the receipt of the request and:</p> <ul style="list-style-type: none">• only handwritten notes of the marked register of electors and the marked absent voters' lists may be made; laptop computers and other recording equipment may not be used except by police and security organisations listed in Table 3• copies of the other election documentation open to inspection may not be made in any form |

Table 1 (cont.): Public inspection of election documentation

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| Conditions (cont.) | Any information obtained through the inspection of the election documentation may only be used for: <ul style="list-style-type: none">• research purposes within the meaning of Article 89 of the General Data Protection Regulation (archiving in the public interest, scientific or historical research and statistics) electoral purposes |
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Table 2: Supply of copies of the marked register of electors and absent voters' lists

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|---|---|
| Document type | <p>On request and on payment of a fee specified individuals and organisations are entitled to copies of the relevant part of the:</p> <ul style="list-style-type: none"> • marked register of electors • marked postal voters' list • marked list of proxies • marked proxy postal voters' list |
| Conditions | <p>The request must:</p> <ul style="list-style-type: none"> • be made in writing • specify which marked register or list(s) (or relevant part) is required • state whether a printed or electronic data copy of the marked register or list(s) is required • state the purpose for which the marked register or list(s) will be used and why the supply or purchase of a copy of the full register or unmarked list(s) would not be sufficient to achieve that purpose <p>There must be payment of a fee comprising a single administration fee of £10 plus £1 per 1,000 entries or part of 1,000 entries for electronic data copies and £2 per 1,000 entries or part of 1,000 entries for printed copies.</p> <p>If the relevant officer is not satisfied that the requestor needs to see the marks on the marked register or list(s) for the purpose for which it is requested, they may treat the request as one for information in unmarked lists or for a copy of the full register, or both.</p> <p>The marked register of electors and lists may only be used for:</p> <ul style="list-style-type: none"> • research purposes within the meaning of Article 89 of the General Data Protection Regulation (archiving in the public interest, scientific or historical research and statistics) • electoral purposes • purposes that are applicable under the regulation entitling the individual or body to the use of the full register of electors |
| Must be supplied on satisfaction of the above conditions to | <ul style="list-style-type: none"> • the Electoral Commission • elected representatives for electoral purposes • local constituency parties • registered political parties • candidates • police forces and other security agencies • government departments and other bodies |

Table 3: Election documentation available to police and security organisations

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| Document type | Any election documentation open to public inspection, and any other document relating to the election, excluding: <ul style="list-style-type: none"> • ballot papers • completed corresponding number lists • certificates as to employment on duty on polling day |
| May be inspected by and supplied on request to | <ul style="list-style-type: none"> • any police force in Great Britain • the Police Service of Northern Ireland and the Police Service of Northern Ireland (Reserve) • the National Crime Agency • any body of constables established under an Act of Parliament • the Security Service • the Government Communications Headquarters • the Secret Intelligence Service |
| Conditions | <p>Supply of a copy of the documents, and access for inspection, is free of charge.</p> <p>Information supplied may only be used for the purposes set out in the regulation under which the body can obtain the full register.</p> |

You should ensure you have processes in place to retrieve data and securely destroy it at the appropriate time in accordance with electoral law and with your document retention policy which should include the data protection principles.