

Special categories of personal data | Electoral Commission

Data protection guidance for Electoral Registration Officers and Returning Officers

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Resources for Electoral Registration Officers and Returning Officers - Data

protection Special categories of personal data Electoral legislation requires an

individual applying to register to vote 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. 1 As ERO you are required to process this nationality data in

order to determine which elections the elector is entitled to vote at. 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. You 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 information relating to staff appointments Processing special

category data Data protection legislation prohibits the processing of special

categories of personal data unless an additional lawful basis beyond those for the

main purposes of processing data is met. For electoral purposes, the appropriate

lawful basis for processing special categories of personal data would be that it is

necessary for reasons of substantial public interest and with a basis in UK law. For

more information on this see our guidance on Lawful basis for processing personal

data . To process nationality data you must have in place a policy document which

must explain: the procedures for complying with the data protection principles the

policies for retention and erasure Your policy document will need to reflect your:

local processing procedures policies for the retention of personal data policies for

the erasure of personal data This policy document must: be kept until six months

after the processing ceases be reviewed and updated at appropriate times be made

available to the ICO on request 1. Regulation 26 Representation of the People

(England and Wales) Regulations 2001; Regulation 26 Representation of the People

(Scotland) Regulations 2001 ■ Back to content at footnote 1 Last updated: 22 February

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