

Candidate and Agent 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.

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 candidate or agent for an election we require your data for the following purposes:

- Procession and determining candidate nomination papers, agent appointment form, publishing statutory notices containing your details, and producing ballot papers and other poll material
- Administering, managing and recording the poll processes in which you are entitled to be involved
- Maintaining historical records of candidates, nominees and elected members participating in all elections and by-elections results in the West Lothian area for public consumption, such as the election results, or nomination and membership records
- Producing and maintaining records of candidates, election agents, sub agents, polling agents, counting agents and postal vote agents as required by statute
- Administering the election expenses return (candidate spending), holding of statutory returns relating to campaign/candidate spending during poll campaigns and publication of statutory notices regarding the same
- For any other purpose required to enable the Council to register you as a candidate or agent for an election
- During the coronavirus emergency period, for public health purposes

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. 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)
- Written signature
- Description of political party or if standing as an 'independent'
- Electoral Register number
- Bank details for the reimbursement or statutory candidate deposits for some polls
- Data required for Election expenses return (candidate spending): details of elections expenses, office address, election agent details

Who we will share your information with:

- The Returning Officer
- Printing companies contracted to produce printed material related to the poll
- Staff required to administer and manage the poll (e.g. door supervisors, polling place inspectors)
- Single Point of Contact officer at Police Scotland, if required
- Scottish Government, Scottish Parliament, Scottish Office, Cabinet Office or UK Government as may be required for a particular poll for statutory returns
- Electoral Commission
- Electoral Registration Office
- Electoral Management Board
- The Council's payment section for the reimbursement of statutory candidate deposits for some polls
- Those entitled for each election to inspect and/or copy nomination papers and home address forms
- Where information is required for material intended for public consumption, this information will be available to the general public. On request the Election expenses return (candidate spending) is made available to the public under supervision
- During the coronavirus emergency period and for public health purposes, NHS Scotland and Public Health Scotland

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 personal 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.
- **Loge 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:
 - you think that we no longer need to hold the information for the purposes for which it was originally obtained
 - you have a genuine objection to our use of your personal information
 - 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 given their information to the Council. We will only use this information to meet the requirement of the election. Should third parties wish to more information as to how we will use their information they can visit our website at <https://www.westlothian.gov.uk/elections> or email elections@westlothian.gov.uk.

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.