

USE OF WARD LISTS

Background

The City of London Ward Lists are updated annually for use at local City Ward elections of Aldermen and Common Councilmen. The Lists are governed by Acts of Common Council and UK GDPR.

The Ward Lists

A full version of the Lists is compiled each year. This can only be used for electoral purposes and by Members to carry out their official duties as indicated in a data protection statement on the front cover. It is not made available to third parties for marketing purposes.

Use of the Ward Lists

The Town Clerk is responsible for the proper use, management and disclosure of personal information collected for electoral purposes. It is essential that Members and Officers act in compliance with legal obligations regarding the use and disclosure of Ward Lists to ensure that the Town Clerk can carry out his responsibilities effectively.

Availability of the Ward Lists

A copy of the full Lists is available, at no charge, for anyone who requests a copy subject to their acceptance of the condition prohibiting its use for marketing and third party purposes. They are available for inspection at the Town Clerk's Office and City libraries.

Register of Electors

The City of London Register of Electors is also updated annually for use at UK and European Parliamentary and Greater London Authority elections for the Mayor and London Assembly. The Register is governed by Representation of the People Acts (RPAs). RPAs have strict provisions for the distribution of the Register and also allow electors to opt out of having their details sold to third parties. The full Register is available to candidates in UK and European parliamentary and GLA elections at no cost and will also be available for inspection at the Town Clerk's Office and at City libraries.

Guidance

The following guidance aims to bring regulation of the Ward Lists into line with that for the Register of Electors and provides advice for Members on the correct use of the Lists.

(i) Summary of Members' Obligations

- to satisfy the fair processing conditions in the UK GDPR when using, holding or disclosing personal information contained in a Ward List by only using it for electoral purposes or in their official duties as Members and Ward representatives and not in a manner which adversely affects data subjects' privacy rights
- not to retain a Ward List for longer than is necessary
- to take appropriate measures to keep a Ward List secure

(ii) Intended Purpose

The Ward Lists are provided to Members for the following purposes only:-

- electoral purposes, such as campaigning
- to carry out their official duties as Members
- for Members who are acting on behalf of, or representing the interests of, their Ward (eg. progressing complaints)

Members must not use or disclose Ward Lists for any purpose unconnected with Ward elections or with their official duties and responsibilities as Members of a Ward (eg. third party or commercial purposes). The use of Ward Lists to communicate information concerning Ward Clubs or other private charitable activities is a third party purpose.

(iii) Fair and Lawful Processing of Personal Data

Improper processing of personal data can give rise to a complaint to the ICO. It may also give rise to a civil claim for damages where it can be shown that the individual has suffered damage as a result of distress caused by the processing of his/her information in breach of the requirements of the UK GDPR.

When determining whether processing is fair and lawful, the following points should be considered:-

- the reason for which the personal data was obtained. In the case of the Ward Lists, the information is provided for local City Ward elections
- whether consent has been obtained from the elector to use the data for other purposes
- whether the elector has been informed as to how their information will be used

Members using the Ward List will be relying on Article 6(1)(c) – legitimate interests pursued by the controller when processing data from the Ward Lists and should note that:-

- (a) Such processing is legitimate only to the extent that it is not outweighed by electors' privacy rights (i.e the use must not be excessive or oppressive) ; and
- (b) electors are entitled to object to the processing (see section**)

Registration forms sent out for the Ward Lists allow electors to opt out of being contacted by third parties and informs them of how the data will be used. In the context of fair and lawful processing, Members should consider their reasons for contacting people on the Ward List and if the contact could be considered as a third-party purpose (eg. promoting a Ward Club or charitable activities).

(iv) **Specific Practical Guidance**

Members using the Ward Lists must ensure that,

- they advise any person assisting them in their Ward work of the appropriate use of the Ward lists
- when they leave office they destroy all personal information held about electors where it has ceased to have any useful purpose consistent with the purpose for which the Member came to hold it (personal information should not be kept on a 'just in case' basis)
- do not pass Ward Lists to third parties
- do not unnecessarily make copies of the Ward List