

PRIVACY STATEMENT FOR STAFF FOR ELECTION/REFERENDUM DUTIES

Overview:

To help administer elections on behalf of the appointed Returning Officer, we need to collect, store, use, share and dispose of personal information. This is known as data processing.

In processing personal information, East Lothian Council must comply with the EU General Data Protection Regulation and the Data Protection Act 2018. We refer to this as “data protection legislation”.

When we collect personal data, we must tell you why we need it, and what we will do with it. This information is called a privacy notice.

This privacy notice explains how we process your personal information as a Council.

Who we are:

East Lothian Council is a local authority established under the Local Government etc. (Scotland) Act 1994.

Its head office is located at: John Muir House, Haddington, EH41 3HA.

You can contact our Data Protection Officer by post at this address, by email at: dataprotectionofficer@eastlothian.gov.uk or by telephone at 01620 827827.

Why do we need your personal information and what do we do with it?

You are giving us your personal information to allow the Returning Officer to employ and pay you for working at elections and referendums. We also use your information to verify your identity where required, contact you by post, email or telephone and to maintain our records.

Legal basis for using your information:

We are employing you on behalf of the appointed Returning Officer for this area to work at this election or referendum.

Processing your personal information is necessary for the performance of a contract with you (or to take steps to enter into a contract with you). If you do not provide us

with the information we have asked for then we will not be able to provide this service to you.

We will not use or share your information for marketing purposes, unless we ask for, and you specifically give us, permission to do so.

Who do we share your information with?

To provide you with efficient services, we will sometimes share your personal information between teams within the Council, and with external partners and agencies involved in delivering services on our behalf.

The Council may also provide personal information to third parties, but only where it is necessary, either to comply with the law or where permitted under data protection legislation.

We are legally obliged to share certain data with other public bodies, such as HMRC and will do so where the law requires this. Specifically for this processing we are legally obliged to share information about payments made to you with HMRC. We are also legally obliged to safeguard public funds so we are required to verify and check your details internally for fraud prevention. We may share this information with other public bodies (and also receive information from these other bodies) for fraud checking purposes.

We will also generally comply with requests for specific information from other regulatory and law enforcement bodies where this is necessary and proportionate.

We will only share your information with partners or suppliers who have sufficient measures and procedures in place to protect your information and can meet their legal obligations under data protection legislation.

How long do we keep your information for?

We only keep your personal information for the minimum period amount of time necessary. Sometimes this time period is set out in the law, but in most cases it is based on the business need.

The Councils Record Retention schedule sets out the retention periods that apply to employment and payment records for the various elections that we administer.

Your rights under data protection law:

Under data protection legislation you have certain rights which are set out below.

- **The right to be informed** about how we collect and use your personal information through privacy notices such as this.
- **The right to request information we hold about you.** This is known as a subject access request and is free of charge. We must respond within one month, although this can be extended to three months if the information is complex.
- **The right to rectification.** You are entitled to have your information rectified if it is factually inaccurate or incomplete. We must respond to your request within one month. If we decide to take no action, we will tell you why and let you know about your right of complaint to the UK Information Commissioner.
- **The right to erasure.** You have the right to ask us to delete your information or stop using it. It will not always be possible for us to comply with your request, for example if we have a legal obligation to keep the information. If we decide to take no action, we will tell you why and let you know about your right of complaint to the UK Information Commissioner.
- **The right to restrict processing.** You have the right to restrict how your data is processed in certain circumstances, for example if the information is not accurate. If a restriction is applied, we can retain just enough information to ensure that the restriction is respected in future. If we decide to lift a restriction on processing we must tell you.
- **The right to data portability.** If we are processing your personal data with your consent, and it is held in a structured, commonly used, machine readable form, you have a right to ask us to transmit it to another data controller so they can use it. This right does not apply if we process your personal data as part of our public task.
- **The right to object.** You can object to your information being used for profiling, direct marketing or research purposes.
- You have rights in relation to **automated decision making and profiling**, to reduce the risk that a potentially damaging decision is taken without human intervention.

To make a subject access request, or to exercise any of your rights, please contact the Freedom of Information Team at foi@eastlothian.gov.uk.

Complaints:

We aim to directly resolve all complaints about how we handle personal information. However, you also have the 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.

By phone on 0303 123 1113 (local rate) or 01625 545 745.

Visit their website for more information at- <https://ico.org.uk/concerns>