

AEA SPEAKING NOTE – EDITED REGISTER

Thank you for inviting me to be a member of the panel here today.

I'm here of course to act as the Government's representative, to talk about where we are and to answer any questions you might have.

But having only joined the MoJ's electoral policy team a little under 2 months ago (!), I would principally like to use today as an opportunity to listen to different sides of the debate and hear your views on what ministers should be doing next.

I thought it would be helpful if I opened up this debate by setting out some of the context for our discussions.

I will begin by talking about the 2008 **Data Sharing Review** and its recommendation on the edited register.

I will then talk a bit about the background to the current position, why the edited register exists and what preceded it.

I will then go on to look at where we are now – including the Government's position – before handing over to my fellow panel members who will no doubt have strong views on what the next steps should be in relation to this work.

Data Sharing Review

Firstly then – the data sharing review.

In October 2007 the Prime Minister asked Dr Mark Walport (a Director of the Wellcome Trust) and Richard Thomas (the Information Commissioner) to undertake an independent review of the framework for the use of personal information in the public and private sectors.

The Review considered -

- whether changes were needed to the operation of the Data Protection Act 1998; and
- whether the powers and sanctions available to the Information Commission and the courts in the legislation governing data sharing and data protection were the right ones.

It also made recommendations on how data-sharing policy should be developed to ensure proper transparency, scrutiny and accountability.

The final report was published on 11th July 2008 and made a number of recommendations. Of particular interest to all of us here today is

Recommendation 19 - which called for the edited version of the register to be abolished.

The electoral register

So how did we get here? Why do we have an edited register at all?

The electoral register is and has always been a public document. This has been the case since its introduction in the nineteenth century.

A public register of electors is an important safeguard against any potential abuse of the electoral system. The primary purpose behind its public accessibility is to allow members of the public and political parties to check the register to ensure that all eligible names have been included, and that names of ineligible people have not.

However - as you will all be aware - in 2002 the Government introduced new regulations that tightened up access to the register by establishing new a new framework governing access to and the supply and sale of electoral registers.

I will say more about what those changes did in a moment. But it is important to note that the purpose of the changes was to address the increasing public concerns about privacy and security issues in relation to the register. The public were worried about the misuse of personal data contained in the register.

Some of you may remember the case against *Wakefield Metropolitan Council* in (2001/2?). The Claimant in the case challenged the Council's refusal to accede to his request that his name and address on the electoral register was not supplied to commercial organisations.

The case reached as far as the High Court. The Court found that the supply of the register for direct marketing purposes - without giving electors the opportunity to object - was in breach of data protection and human rights law (specifically Article 3 of Protocol 1 to the European Convention of Human Rights).

The Edited Register

As a result of the Court's findings, the Government took steps to tighten up the regulations around the supply of the register.

The resulting regulations provided for two versions of the electoral register: a full version, and an edited version of the full register.

These are supplied by local authorities upon request and fee is payable, although certain organisations are able to obtain a copy of the full register at nil cost.

The full register contains details of all registered electors. It is available to specified persons only (for example, Credit Reference Agencies, security services and libraries) for specified purposes as outlined in the legislation.

However, when individuals complete their registration form, they can “opt out” of inclusion in the edited register if they wish. The edited register is available to anyone for any purpose and is, as we understand – although you will all know better than I – mainly purchased by direct marketing companies.

There has been a marked increase in electors using the opt-out facility on canvass forms in recent years and this is now at 30-40%.

There has also been some public and media interest in the use of the electoral register by direct marketing firms: the BBC ran a Watchdog special on the issue in January last year.

The Government’s Position

Recommendation 19 of the Data Sharing Review was very clear. Dr Mark Walport and Richard Thomas said:

“We recommend the Government removes the provision allowing the sale of the edited electoral register. The edited register would therefore no longer serve any purpose and so should be abolished. This would not affect the sale of the full register to political parties or to credit reference agencies.”

Following publication Government committed to holding a public consultation on Recommendation 19. We intend to consult this Spring.

The consultation process will be important to enable us to take account of the range of views that exist on this issue.

We need to have a clearer understanding of the impact of abolishing the edited register. What will be the impact on registration rates? What might be the impact on business and, more widely, the economy?

We are all feeling the impact of the current recession. We need to find out whether there is clear evidence that charities and other companies would be impacted as a result of any such change, and Ministers will obviously need to factor that in to any decision they make about how to proceed. It will be interesting to hear from Keith what he thinks the impact on 192.com will be.

Conversely, how far does the existence of the edited register or the complexity of an opt out impact people’s willingness to register? Obviously Ministers are keen to support increased registration rates wherever possible, and will be live to any arguments about how the Edited Register might impact negatively on this objective. I’m sure we will hear that view from Jim Stevens - I’m warned he can get quite excitable too!

We also hope that the consultation will give us a clearer understanding of what is happening at the moment. For example, opt out rates vary significantly across the UK with some areas being as low as 20% and others in the region of 70% - but there is limited information as to why this occurs.

Before committing to any course of action we need to take into account views from all sides. When launched, the consultation paper will be open to responses from any business, organisation, individual or any other persons with an interest in the use of the edited register. I hope a large number of you here will engage with that process.

I am glad to be able to start the debate on these issues today. And I look forward to hearing your views and those of my fellow panel members.