



THE ASSOCIATION OF ELECTORAL ADMINISTRATORS

Formal response to the Cabinet Office request for feedback on the proposal to enable data sharing between local government tiers to assist Electoral Registration Officers (EROs) in maintaining and improving the accuracy and completeness of electoral registers

1. Introduction

- 1.1. The Association of Electoral Administrators (AEA) was founded in 1987 and has since established itself as a professional body to represent the interests of electoral administrators in the United Kingdom. It is a non-governmental and non-partisan body and has 1745 members, the majority of whom are employed by local authorities to provide electoral registration and election services.
- 1.2. The AEA encourages and provides education and training in electoral administration, in addition to a range of commercial and professional services.
- 1.3. The key **aims** of the AEA are to:
 - a. contribute positively to electoral reform within the UK;
 - b. foster the advancement of consistent and efficient administration of electoral registration and the conduct of elections in the UK;
 - c. raise the profile of electoral administration both within the UK and internationally;
 - d. enhance and maintain the AEA's reputation as the leading professional body for electoral administrators within the UK.
- 1.4. The AEA supports and advocates two key principles set out by Gould (Independent Review of Scottish Parliamentary and Local Government Elections, Ron Gould, 2007) in his report on the 2007 elections in Scotland, namely that:
 - all those with a role in organising elections should consider the voters' interests above all other considerations: and
 - electoral legislation should not be applied to any election held within 6 months of the new provision coming into force.

1.5. The AEA welcomes the opportunity to comment on the Cabinet Office proposal to make secondary legislation enabling data sharing between tiers of local government with the aim of assisting Electoral Registration Officers (EROs) in maintaining and improving the accuracy and completeness of electoral registers.

2. The proposal to enable data sharing

2.1. The current situation does not allow EROs in lower tier authorities to access data held by the relevant county council. Nor does the current legislation allow a county council to provide access to their data or to supply it to the lower tier authorities within the county. This puts those EROs in lower tier authorities at a disadvantage compared with their counterparts in unitary authorities. For example, education data held by county councils has the potential to be extremely useful to EROs in identifying and reaching young people who may be eligible to register as 'attainers'.

2.2. The AEA has been asking for this issue to be addressed for some time and so we welcome this proposal. In particular, we welcome the inclusion of 'disclosure' for the purposes specified below. However, we do have concerns about the permissive nature of the proposed provisions in that **they enable, but do not compel, data sharing** between the two tiers of local government.

2.3. We note that the Cabinet Office proposes to:

"(1) amend regulation 35 of the 2001 Regulations to expand the categories of authority whose records an ERO may inspect for the purposes of his registration duties to include any other council exercising responsibilities in respect of the geographical area covered by the council by which the ERO was appointed; and (2) enable the disclosure of data by one tier council to the ERO of the other tier, for the purposes only of (i) verifying information relating to a registered person or a person who has applied for registration or for alteration of the register; (ii) ascertaining names and addresses of people who are not registered but who are entitled to be registered; and (iii) identifying people who are registered but who are not entitled to be registered. Disclosure would go further than inspection, in that it would enable the ERO to receive the data and, for instance, to match it electronically against the electoral register.¹"

2.4. The Electoral Commission's report on the data mining pilots identified that a significant amount of work was required to put the data sharing arrangements in place between upper and lower tier authorities. The Commission reported that, "it seems that at least some of the county councils had significant concerns about sharing data with their lower tier authority²". The Commission

¹ http://www.aea-elections.co.uk/downloads/consultations_and_responses/cab_off_request_la_data_sharing_081113.pdf

² http://www.electoralcommission.org.uk/_data/assets/pdf_file/0016/162106/Data-mining-pilot-evaluation-report.pdf

identified a number of potential barriers to data sharing including a lack of pre-existing relationships and no experience of data sharing between upper and lower tier authorities.

- 2.5. While, it is also in the interests of county councils for there to be accurate and complete electoral registers for county council elections, the AEA is concerned that a permissive power to share the data may result in EROs' requests being refused.
- 2.6. We are unclear as to where that would leave an ERO as regards their right to 'inspect the records' held by the county council and would welcome clarification on that point. Even if this right remains, its utility is likely to be reduced without data sharing which has the potential to be undertaken electronically and therefore to be more efficient.

3. AEA recommendations

- 3.1. At the very least, the legislation should provide that a decision to not authorise the disclosure should not be unreasonably withheld and in such cases where disclosure is refused, the county council should be required to set out its reasons in writing to both the requesting ERO and the Electoral Commission.
- 3.2. We would also welcome clarification of what support Cabinet Office and the Electoral Commission propose providing to EROs particularly in encouraging county councils to engage with the lower tier authorities within the county on arrangements for data sharing.

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