

The Association of Electoral Administrators

Response to the Cabinet Office consultation on the expansion of the National Fraud Initiative Data Matching Powers and new Code of Data Matching Practice

Organisation:

Association of Electoral Administrators (AEA).

Summary of Organisation:

Founded in 1987, the AEA is the professional and qualifications body of electoral administrators in the United Kingdom. It is non-governmental and non-partisan with just under 2,000 members, the majority of whom are employed by local authorities to provide electoral registration and election services. There are eleven national and regional Association branches covering the United Kingdom.

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Consultation Questions:

Key points to note in relation to our responses below:

- Electoral Registration Officers (ERO) do not provide the register to the National Fraud Initiative (NFI) – recipients of the electoral register are prescribed under regulations 103 – 109 of the Representation of the People Regulations 2001.
- The electoral register is supplied to the NFI by the local authority, who may request it from the ERO by virtue of regulation 107 Representation of the People Regulations 2001.
- Regulation 107 limits the use by the local authority to ‘where necessary for the discharge of a statutory function of the local authority or any other local authority relating to security, law enforcement or crime prevention.’
- Regulation 109 sets out the supply of the electoral register to police forces and other agencies for the purposes of the prevention and detection of crime and the enforcement of the criminal law, and for the vetting of a relevant person for the purpose of safeguarding national security.

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Question A: The NFI should widen the data matching powers to include prevention and detection of crime (other than fraud).

As outlined in our key points to note, the use of the electoral register is already permissible under regulation 107 so long as it relates to a statutory function of the local authority. The example given on page 8 of the consultation paper refers to *'the police may want to use the NFI data matching to help locate a person's address or employment details as part of their criminal investigations. This would be seen as a part of their intelligence gathering processes'* which will not be permissible under regulation 107. However, the police are entitled to their own copy of the electoral register under regulation 109.

If the drive is to widen NFI powers, we believe the Representation of the People Regulations 2001 will also need to change to permit the data to be used for non-local authority purposes, or to specifically add a provision that the NFI may request the register from an ERO.

Question B: The NFI should widen the data matching powers to include apprehension and prosecution of offenders.

As outlined in our key points to note, the use of the electoral register is already permissible under regulation 107 so long as it relates to a statutory function of the local authority. The example given on page 8 of the consultation paper refers to *'the police may want to use the NFI data matching to help locate a person's address or employment details as part of their criminal investigations. This would be seen as a part of their intelligence gathering processes'* which will not be permissible under regulation 107. However, the police are entitled to their own copy of the electoral register under regulation 109.

If the drive is to widen NFI powers, we believe the Representation of the People Regulations 2001 will also need to change to permit the data to be used for non-local authority purposes, or to specifically add a provision that the NFI may request the register from an ERO.

Question C: The NFI should widen the data matching powers to include prevention and detection of errors and inaccuracies.

As outlined in our key points to note, the use of the electoral register is already permissible under regulation 107 so long as it relates to a statutory function of the local authority. The example given on page 8 of the consultation paper refers to *'the NFI data could be used to help local authorities to ensure citizens get access to their full benefit entitlements'* which would be permissible under regulation 107. However, the example given on page 22 of the consultation paper refers to *'HM Land Registry have also expressed interest in potentially using this power to help ensure they can use data matching in this area to help reduce any error or inaccuracies in the important data they hold'*. This would not be permissible under regulation 107.

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If the drive is to widen NFI powers, we believe the Representation of the People Regulations 2001 will also need to change to permit the data to be used for non-local authority purposes, or to specifically add a provision that the NFI may request the register from an ERO.

Question D: The NFI should widen the data matching powers to include recovery of debt owing to public bodies.

As outlined in our key points to note, the use of the electoral register is already permissible under regulation 107 so long as it relates to a statutory function of the local authority. The example given on page 8 of the consultation paper refers to 'key government organisations, such as HM Courts & Tribunals Service (HMCTS), that need to trace individuals with outstanding overdue debt and no arrangement to pay in place' which would not be permissible.

If the drive is to widen NFI powers, we believe the Representation of the People Regulations 2001 will also need to change to permit the data to be used for non-local authority purposes, or to specifically add a provision that the NFI may request the register from an ERO.

Question E: Do you want to raise any particular equality related issues in relation to this proposal?

The Association has no comment to make on this question as it falls outside its specific area of expertise.

Question F: Do you have any views on the updates to the Code of Data Matching Practice?

The Association has no comment to make on this question as it falls outside its specific area of expertise.

Question G: Do you have any views on the proposals to extend the data matching powers with respect to data protection?

We believe that the Representation of the People Regulations 2001 will need to change to permit the use of the data for non-local authority purposes, or to specifically add a provision that the NFI may request the register from an ERO. If either of these changes are not made, data protection issues could arise for the reasons outlined above.

Confidentiality

We are happy for our comments to be published and attributed to our organisation.

Angela Holden

Policy Manager on behalf of the AEA

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