

Draft Electoral Registration Data Schemes Order 2011

Monday 23 May 2011

Briefing note

Overview

The draft Electoral Registration Data Schemes Order 2011 is due to be debated by the 4th Delegated Legislation Committee in the House of Commons on Monday 23 May at 16:30 in Room 9. This briefing note has been produced by the Electoral Commission to provide information to those participating in the debate.

Data matching schemes

The draft Order enables certain local authorities to run data matching schemes. We support the principle of these trials, insofar as data matching offers potential for ensuring the completeness and accuracy of electoral registers. However, we would invite the Committee to seek assurances from the Government Minister that the following points about how the data matching trials will work in practice are going to be addressed.

Article 3 – Schemes

The Commission believes it is essential that clear and reliable evidence on data matching is produced and that this evidence is capable of being robustly assessed, not least because data matching is envisaged as a primary method of ensuring the continued completeness and accuracy of electoral registers during the implementation of individual electoral registration in 2014 and 2015.

We are concerned that the timing of schemes will coincide with the annual canvass of electors, as data holders will be able to provide Electoral Registration Officers (EROs) with information at any time until 1 December 2011, which is the date on which updated electoral registers are published. For this reason, we have stressed to Government the need for clarity about the design of the data matching schemes so that the impact of data matching, and any related follow-up activities, can be demonstrated beyond what the annual canvass activity would achieve anyway. Consequently, we have emphasised that this should be set out in the design of the

data matching schemes, proposed by each of the participating EROs, before the trials are commenced.

Article 4 – Agreements as to processing of data

We note that a limited amount of detail as to how the schemes will be managed by EROs and data-holding authorities – including how personal data is handled and protected – will be subject to written agreement between them and the Cabinet Office. Given the complexity and sensitivity of these issues it is essential these agreements are carefully prepared to ensure that they comply with the relevant legal provisions. We also recommend that the approach to the delivery of each trial area should also form part of any written agreement so that the Commission can fully evaluate each scheme.

Article 5 – Evaluation date

We note that the Commission is required to produce an evaluation report on the operation of each scheme by 1 March 2012. In order to achieve this, it will be important that EROs are able to provide us with the information we need at agreed intervals during the schemes' duration.

We would again stress the importance of ensuring that the schemes are designed in a way that enables their impact to be robustly and reliably assessed. Clarity about the design and delivery of each scheme will ensure that the Commission is able to undertake its statutory evaluation role effectively and that the results can be used to inform future policy development relating to electoral registration. The Committee may want to seek assurances from the Government that this is the intention.

Further information

Under section 36(2) of the Political Parties and Elections Act 2009 the Lord President of the Council is required to consult the Electoral Commission before making an Order providing for data matching pilot schemes. Our formal consultation response on the draft Order submitted on 25 February 2011 is available on our website at the following link:

http://www.electoralcommission.org.uk/_data/assets/pdf_file/0011/117695/Electoral-Commission-consultation-response-Data-matching-SI.pdf

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