Processing canvass responses

Your registration plans should address how canvass responses will be dealt with. Responses will fall into the following broad categories:

- no changes
- names of existing registered electors crossed off
- additions
- changes to existing electors’ details
- request for changes to absent vote and open register choices

In some cases, you may also receive notification that the property has no residents who are eligible to be registered.

No changes

If the details on the pre-printed canvass communication are confirmed via any of your allowed response mechanisms, you need take no further action.

Names of existing registered electors crossed off

You may be notified in response to a pre-printed canvass communication that existing electors have moved out. Names crossed out must not be automatically deleted from the register. You can remove an entry from the register when you are satisfied that a person is no longer entitled to be registered and you have two different sources of information and both confirm that the elector is no longer resident.:

You can also remove an entry from the register when you receive:

- a death certificate in respect of the elector
- a notification from the registrar of births and deaths that the elector has died
- Information that the elector is deceased:
  - as a result of the canvass (for example, a returned canvass communication with an elector marked as deceased)
  - from a close relative (spouse, civil partner, parent, grandparent, brother, sister, child or grandchild of the elector). This can be provided in person, by telephone or in writing but must include:
    - the full name and address of the elector who has died;
    - the full name and address of the person providing the information;
    - their relationship to the deceased; and,
    - a statement that the person providing the information is aware of the penalty for providing false information

Where the information is provided in person or by telephone, you must record the information in writing or in data form.
- from a care home manager of a registered care home. Can be provided in person, by telephone or in writing but must include:
  - the full name and address of the elector who has died;
  - the full name and address of the person providing the information; and,
  - a statement that the person providing the information is aware of the penalty for providing false information.
Where the information is provided in person or by telephone, you must record the information in writing or in data form.

- from the records of the council that appointed you (and, if you are an ERO for a district council in a two-tier authority, the records of the relevant county council)

- from a person or organisation providing services to the council that appointed you (including, if you are an ERO for a district council in a two-tier authority, the relevant county council)

You can also remove an entry from the register when you receive a notification through the IER Digital Service or another ERO that a person registered in your area has made an application for registration elsewhere and has indicated that they have ceased to reside at the address in your area, and the new ERO has allowed the application.

If the information you receive as a result of the canvass does not indicate that an elector is deceased – for example, where a name is crossed off on a returned canvass communication but the elector is not marked as deceased – you must not automatically delete that entry from the register. In this circumstance, the returned canvass communication represents one source of information, and you must obtain a second source, if you haven’t obtained it already, confirming that the elector is no longer resident before you can remove the elector.

Checks of local records even before you receive a canvass response (whether before the canvass starts or after initial forms have been sent) could provide you with a separate piece of information, which could enable you to delete the entry on return of a canvass communication with a crossed off name where the elector is not marked deceased.

Alternatively, the information on the returned canvass communication should act as a prompt to check other records available to you in order to obtain a second source. If the record checks do not reveal any further information, you should undertake a review of that person’s entitlement to remain registered.

As ERO, you will need to demonstrate that all information obtained – whether from inspecting council records, or disclosed by your council – complies with the

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1 under Part 2 of the Care Standards Act 2000 in England and Wales. In Scotland, "care home" means a care home service registered under Part 5 of the Public Services Reform (Scotland) Act 2010(a) and "care home service" has the meaning given by paragraph 2 of schedule 12 of that Act.
principles of processing personal data, ensuring that it is processed lawfully, fairly and in a transparent manner. Therefore, you should record details of:

- the records to be checked
- a schedule of when those checks are carried out
- the lawful basis on which you are processing that information. For example, Section 9A places an obligation on the ERO to inspect records that they are permitted to inspect as part of their duty to maintain the electoral register. Section 9A therefore provides the statutory basis by which you process personal data obtained through council records
- measures to ensure appropriate security is in place to protect the data (for example, encrypting/password protecting data whenever it is transmitted, and using secure storage)
- what action you have taken on the basis of the information you have obtained
- retention and secure disposal of data (in accordance with your document retention plan)

Maintaining such records will help you to demonstrate that you are complying with your obligations under data protection legislation and your duties under Regulation 35 and 35A of the RPR 2001.

Detailed guidance on deletions and on administering registration reviews is contained in chapters 9 and 10 of Part 4: 'Maintaining the register throughout the year'. We have also provided summaries of the deletions and review process on our website.

In addition, our resource on data protection legislation shows how you can put measures in place to meet the requirement to demonstrate compliance and ensure that data protection is integral to all you do.

Additions

If a canvass communication is returned with the names of potential eligible electors, you must invite them to register within 28 calendar days of receipt unless, in the meantime, they have made an application to register.

You do not need to know the full or exact name of a potential elector in order to give them an invitation to register. You do, however, need to have enough information about their name to be able to identify them as an individual.

For detailed guidance on giving ITRs and following up with non-responders, go to Chapter 3 of Part 4: Maintaining the register throughout the year.

Encourage an application to register to be made

Where you have the e-mail address and phone number(s) of individuals who appear to be eligible to register, you can use this information for any appropriate purpose in connection with that person’s entitlement to be registered, or for the purpose of discharging your duties under Section 9A of the RPA 1983. For example, where a blank canvass communication is returned with potential eligible electors and email addresses have been provided for these individuals, you might want to encourage
them to make an application to register by email either before or after you have formally invited them to register. This does not obviate the need to send an invitation to register within 28 days of becoming aware of the potential elector. An invitation to register may be given by electronic means, including by email.

Guidance on informally encouraging applications to be made before giving an ITR is provided Chapter 2 of Part 4: Maintaining the register throughout the year.

Storage of email addresses and phone numbers

General considerations relating to handling personal data and the security, storage and retention of forms are set out in Part 4: ‘Maintaining the register throughout the year’, and in our resource on data protection legislation.

Where a canvass response contains individuals’ e-mail addresses and/or telephone numbers you should ensure that these are recorded as appropriate against the records for the individual in question, in accordance with data protection legislation requirements, and that this information is only used for the purpose for which it was collected.

Additionally, if you have existing records of email addresses or phone numbers collected through a previous canvass communication or an application to register, at the time that you next use that information, you should take appropriate measures to ensure that the data subject is aware of how you will continue to process this data such as:

- explain the data subjects right to object to further processing
- link to your privacy notice
- the inclusion of the ‘unsubscribe’ option as discussed in paragraph 3.16 of our resource on data protection legislation, which allows the data subject to object to the use of their contact information for this purpose

Changes to existing electors’ details

If you have sent a pre-printed canvass communication you may receive a response that indicates that there are changes to an existing elector’s details. This could include, for example, changes to:

- name
- nationality
- the ‘aged 76 or over’ age indicator (in England and Wales)

Change of name

Where an elector has changed their name and wishes to update the electoral register to reflect the change they must complete a change of name form and provide supporting evidence of the change.
Part 4: ‘Maintaining the register throughout the year’ contains guidance on electors who wish to apply to change their name.

**Change of nationality**

Where an elector indicates that they have changed their nationality, you should check whether this affects their entitlement to vote. Where the change does impact on their entitlement, they would need to make a fresh application to register since a person cannot be registered via a canvass communication. For example, where an elector whose nationality is ‘French’ amends their nationality to ‘British’, you should invite that person to make a fresh registration application. This is because their existing French nationality means that they are currently registered in the local government register of electors only, and changing their nationality to ‘British’ would also entitle them to be registered in the parliamentary register of electors.

If you are not satisfied as to any applicant or elector’s nationality, you have the power to require the applicant or elector to provide documentary evidence confirming their nationality. In the circumstance set out above where a change in nationality positively affects an elector’s entitlement to vote, you should request documentary evidence of the change of nationality.

Under data protection legislation, nationality data is classed as a special category of personal data because it may reveal an individual’s racial or ethnic origin.

Data protection legislation prohibits the processing of special categories of personal data unless an additional lawful basis, beyond those for the main purposes of processing data, is met. The appropriate lawful basis for processing special categories of personal data for electoral purposes would be that it is necessary for reasons of substantial public interest and with a basis in UK law.

Additionally, the Data Protection Act 2018 takes this further, stating that the special requirements only apply if the data controller has in place a ‘Policy Document’. Therefore the Data Protection Act 2018 requires that in order to process nationality data you must have in place a policy document which, amongst other things, must explain:

- the procedures for complying with the data protection principles
- the policies for retention and erasure.

Therefore, your policy document will need to reflect your local processing procedures and your policies for the retention and erasure of personal data. This policy document must be kept until six months after the processing ceases, be reviewed and updated at appropriate times and be made available to the ICO on request.

More detailed guidance about your power to require evidence of nationality is contained in Part 2: ‘The registration framework’. 
**Change to the 'aged 76 or over' indicator (England and Wales only)**
Where an elector indicates in response to a canvass communication that they are (or are not) aged 76 or over, you should reflect this as appropriate with the relevant marker on the register.

**Request for changes to absent vote and open register choices**

**Absent vote preferences**
If you are notified during the canvass that an elector wishes to apply for an absent vote, you should send the relevant application form. If the elector is not yet registered this should be accompanied with an invitation to register since only a person that is (or will be) registered may be granted an absent vote. For someone to meet the ‘will be registered’ criteria, the five day objection period must have passed and you must have positively determined their registration application, which means they will be added to the register on publication of the next notice of alteration or on publication of the revised register, whichever is first.vii

An existing elector may also indicate that they wish to cancel an existing absent vote arrangement. Any such request should be from the relevant elector. For example, where one member of a household completes a canvass communication and indicates that another member of the household no longer wishes to vote by post, you should contact that elector directly to confirm that they wish to cancel the absent vote arrangement.

**Part 5: ‘Absent voting’** contains guidance on applications for absent votes, and making changes to absent voting arrangements.

**Open register choices**
If an elector wants to change their open register opt-out choice they can make a request to the ERO to this effect.

A response to a canvass communication sent out during the canvass cannot be treated as a valid request to change an existing open register preference and this is stated on the pre-printed form itself, which includes an explanation of how to make such a request.

There may be circumstances, however, where a canvass response suggests that the elector wishes to change their open register choice. For example, where a canvass communication has been returned to you, there may be some mark on the form (such as a change in the ‘included on open register?’ column) which could indicate that an elector wishes to opt out of or into the open register.

If you receive such a response you should contact the elector in question, either orally or in writing, to explain the process for changing their opt-out choice and asking them to make a request to you if they do want to change their choice. The request can be made either verbally or in writing and must include the elector’s full name, address and an indication of whether they wish to be included in or omitted from the open register.viii If you receive a canvass response that appears to indicate
that everyone listed wants to change their choice, you should contact each elector individually.

**Right to object**
Under data protection legislation electors have the right to require you to exclude them from the edited register (also known as the open register) on a permanent basis (or until further notice) and a ‘right to object’ to processing for direct marketing purposes and you are under a legal duty to comply with a valid request.

It is possible for an elector to make such a request in response to a canvass communication provided it is sufficiently clear that the notice comes from the elector and that they wish to opt out of direct marketing, or opt out of the open register, permanently or until further notice. You have a legal duty to comply with a valid request.

Therefore, where a canvass response clearly indicates that a person wishes to opt out of the open register until further notice (for example, if you receive a canvass response where there is only one elector at the address, and that elector had clearly indicated on the form that they wanted to be removed from the open register until further notice) you should treat the canvass response as such a request and process it accordingly. However, if you are in any doubt as to whether the request comes from the elector, or as to their intentions, you should contact the elector to explain what the process is for changing their open register choice and ask for confirmation before processing the request.

If you receive a response from only one person that appears to make a request on behalf of everyone listed on the form, you should contact each elector individually.

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**Chapter 11 of Part 4: ‘Maintaining the register throughout the year’** contains guidance on the process for electors to make changes to their opt-out choices to and how to give effect their choices

Section 3 ‘right to object’ of our data protection resource highlights the importance of maintaining records to detail any request made under the right to object to processing and ensuring that personal data is processed lawfully, fairly and in a transparent manner.

In Scotland, a person under 16 years old is automatically opted out of the edited register. The details of any person under 16 years old must not be included in any version of the published register, including the edited register.

In Wales, a person under 16 years old is automatically opted out of the edited register. The details of any person under 16 years old must not be included in any version of the published register, including the edited register.

None of the above circumstances affect the processing of the canvass response, which should proceed as usual.
Deletions arising from information on a canvass response

If you receive information as a result of the canvass – for example on a returned canvass communication – that an elector is deceased, and you are satisfied that information is correct, you may automatically delete that entry from the register.

If the information you receive as a result of the canvass does not indicate that an elector is deceased, you must not automatically delete that entry from the register. You must obtain a second source of evidence before you can remove the elector. The information on which a decision to delete an entry without a review is based must be from different sources.ix

For example, information arising from the canvass could include a name crossed off a returned canvass communication where the elector is not marked as deceased, or a form sent by post being returned as undeliverable/return to sender/not at this address. In these cases, you would have evidence from one source and information from a second source would also be required before a determination to delete the elector could be made. The two sources of evidence must be different; two pieces of mail returned as undeliverable are unlikely to be information from two sources.

If you have information from a canvass communication that indicates that a person may no longer be eligible, you should take steps to establish whether there is information from other sources which could support a deletion. This could include checking local data such as council tax records. If you have information from a source other than the elector themselves you could attempt to contact the elector directly including by phone, email or post to make enquiries.

Alternatively, you can conduct a review of the person’s entitlement to remain registered.

Once you have determined that a person is no longer entitled to remain registered at the address in question you should remove their entry from the register and give effect to this on publication of the next notice of alteration or on publication of the revised register, whichever is first.

Once you have given effect to a deletion you do not need to send written confirmation of your determination to the elector where the deletion is made as a result of: x

- information from two different sources
- information that an elector is deceased
- a notification through the IER Digital Service or another ERO that the person registered in your area has made an application for registration elsewhere and has indicated that they have ceased to reside at the address in your area, and the new ERO has allowed the application

You may, however, still choose to confirm the deletion if you think it might be helpful to do so, which could be done by email if you hold the individuals email address.
Chapter 9 of Part 4: ‘Maintaining the register throughout the year’ contains further guidance on deleting entries from the register and appeals against deletions. Chapter 10 contains guidance on administering registration reviews.

i Regulation 31C(2) 2001 Regulations, RPR (Scotland) 2001  
ii Section 13D, RPA 1983  
iii Section 13D, RPA 1983  
iv Regulation 32ZA(3)(a) 2001 Regulations, RPR (Scotland) 2001  
v Regulation 26(4) 2001 Regulations, RPR (Scotland) 2001  
vi Regulation 24(1) 2001 Regulations, RPR (Scotland) 2001  
vii Sections 9(2), 10ZC(1), 13 and 13A RPA 1983  
viii Regulation 93A(2) 2001 Regulations, RPR (Scotland) 2001  
ix Regulation 31c(2)(b)(i) 2001 Regulations, RPR (Scotland) 2001  
x Regulation 31c(1) 2001 Regulations, RPR (Scotland) 2001