

# Use of voter ID data on and after polling day – guidance note for ROs and EROs

## Updates to this document

Updated	Description of change
14 July 2023	<ul style="list-style-type: none"><li>• Document updated to support its use for polls post May 23, including information on which polls the data must be collected at</li><li>• Updated information regarding the sharing of data recorded as part of the VIDEF on page 5</li></ul>

## Purpose

The introduction of the requirement in the Elections Act 2022 for voters at polling stations to show photographic identification before they receive their ballot paper also includes new rules on the collection and disclosure of information relating to the operation of the new voter ID requirements.

This note outlines the legal requirements for the collation and sharing of data and provides guidance. This note aims to support ROs and EROs to make decisions on how and when to share data locally.

## Ballot Paper Refusal List

The Ballot Paper Refusal List (BPRL) must be completed by polling station staff for all future polls, including recall petitions (Signing Sheet Refusal List (SSRL)).

Data recorded on each BPRL (or SSRL) must not be released and can only be disclosed by order of a court or in response to a request by an elector or proxy who was refused a ballot paper

## Other Polls – Data collection and disclosure

At other polls, such as by-elections or local government polls, the RO may ask POs to collect data using the VIDEF. It is not a statutory requirement to collect this information, but we would recommend collecting it in order to understand the operation of the voter ID requirements at different types of election.

Where an RO decides to collect VIDEF information at these polls, they would not be required to collate the data and submit it to the Secretary of State or to the Commission. There would also be no restrictions on the publication of the VIDEF data.

You should ensure that the data collected on a VIDEF is anonymised as soon as practicable (for example, by destroying any related VIDEF notes sheets or by removing any elector details recorded on the VIDEF for the purpose of capturing any of the required data) to ensure that no personal data is released.

You should also ensure that the relevant privacy notice makes clear that personal data might be processed for this purpose, although no personal identifying data will be published.

## UK Parliamentary Elections - data you must collect and must not publish

For the next two UK Parliamentary elections, polling station staff are required by law to collect data throughout polling day in relation to the operation of the new voter ID requirements. This data will be used to record specific issues relating to the checking of photographic ID and assist with the evaluation of how the ID requirements are working in practice. Our [guidance for Returning Officers](#) has more information about data which must be collected.

After the close of the poll, the Presiding Officer will record the total figures collected in the polling station throughout the day (including those from the Ballot Paper Refusal List (BPRL)) on the [Voter ID Evaluation Form](#) (VIDEF). The Presiding Officer must provide the VIDEF to the RO as soon as reasonably practicable after the close of the poll, and the RO must forward the information to the relevant ERO.

On receipt of the polling station VIDEF information, the ERO must collate the data and send it to the Secretary of State and the Commission (on request). The Commission will be collecting the data on behalf of the Secretary of State, and we will provide information through the EA Bulletin about the specific data requirements and how to submit it.

The data must be collated by separating it into two groups<sup>i</sup>:

- One group providing the total figures for all polling stations where voters were given an explanation of the photographic ID requirement before they applied for a ballot paper (e.g. where staff were used as 'greeters' to explain the ID requirements to electors as they entered the polling station, including where greeters were only used at particular periods during polling day).
- One group providing the total figures for all polling stations where voters were not given an explanation of the photographic ID requirement before applying for a ballot paper.

These sets of data must not be published or otherwise shared by the ERO or RO<sup>ii</sup>.

In summary, the two sets of data that must be collated and must not be published or otherwise shared are as follows<sup>iii</sup>:

Where 'greeters' used:	Where no 'greeters' used:
<ul style="list-style-type: none"> <li>• Total no. of polling stations where greeters used</li> <li>• Total no. of people using a Voter Authority Certificate (including Temporary Voter Authority Certificates)</li> <li>• Total no. of people using an Anonymous Elector's Document</li> <li>• Total no. of people having ID checked in private</li> <li>• Total no. of people who produced ID that was not acceptable</li> <li>• Total no. of people who produced no ID (unable to produce an accepted document)</li> <li>• Total no. of people who were refused a ballot paper because their photographic ID raised reasonable doubt as to whether the elector was who they claimed to be</li> <li>• Total no. of people who were refused a ballot paper because the PO reasonably suspected the document was a forgery</li> <li>• Total no. of people who were refused a ballot paper because they failed to answer the prescribed questions satisfactorily</li> <li>• Total no. of people who subsequently returned with correct ID and were issued a ballot paper.</li> </ul>	<ul style="list-style-type: none"> <li>• Total no. of polling stations where no greeters used</li> <li>• Total no. of people using a Voter Authority Certificate (including Temporary Voter Authority Certificates)</li> <li>• Total no. of people using an Anonymous Elector's Document</li> <li>• Total no. of people having ID checked in private</li> <li>• Total no. of people who produced ID that was not acceptable</li> <li>• Total no. of people who produced no ID (unable to produce an accepted document)</li> <li>• Total no. of people who were refused a ballot paper because their photographic ID raised reasonable doubt as to whether the elector was who they claimed to be</li> <li>• Total no. of people who were refused a ballot paper because the PO reasonably suspected the document was a forgery</li> <li>• Total no. of people who were refused a ballot paper because they failed to answer the prescribed questions satisfactorily</li> <li>• Total no. of people who subsequently returned with correct ID and were issued a ballot paper.</li> </ul>

The information collated as outlined above must, by law, only be shared with the Secretary of State and the Commission and must not be published.

## UK Parliamentary Elections - Data you may share on or after polling day

On polling day, and during the period immediately after the polls have closed, there is likely to be significant interest in information about the operation of the voter ID requirements. You may receive requests for information from local community members including political parties and candidates, or from local and national media (including via social media).

In considering how you will respond to requests for information, you should aim to manage expectations by making clear in advance of polling day what information you intend to release, when and how (e.g. through which channels).

You will need to identify how you will manage the information recorded on VIDEFs that are returned to you from each polling station after the close of poll, and what resources you will need to do this.

Responding in good time to reasonable requests for information that is not protected from disclosure should help to support public and stakeholder confidence in the delivery of the election and in your role as RO and/or ERO. Being clear about when you expect to be able to make data available, taking into account the work needed to deliver your wider statutory responsibilities in relation to the verification and count processes, will help to provide early clarity to enquirers as to when they can expect to receive the information they have requested.

Refusing to provide information that is not protected from disclosure may give the impression that the process isn't transparent, particularly if other ROs or EROs are making the same information available.

A consistent approach to which data is provided may help to reduce the impact of large numbers of conflicting requests and may also minimise the risk of pressure on individual ROs/EROs to release inaccurate or unrepresentative data.

### **Data that should be made available**

To help to address requests for information, you should plan to make available headline data for the local authority area as a whole. This should include the following **two** figures:

- The number of polling station electors who applied for, but were not issued with, a ballot paper (calculated as the total of data recorded in sections 4a and 5a on the VIDEFs); **and**
- The number of polling station electors who were not issued with a ballot paper and who later returned with accepted ID and were issued with a ballot paper (calculated as the total of data recorded in sections 4d and 5e on the VIDEFs)

These figures do not form part of the collated information that must not be published or otherwise shared. This is because they do not identify the individual categories of information set out in the table above and have not been separated into the two groups.

You should ensure that this data is presented clearly and with appropriate contextual information. This should include the total number of electors who were eligible to vote in person at polling stations, and the number of voters who were issued with ballot papers at polling stations.

### **Considering requests for other data**

You may also consider providing equivalent data at lower levels, for example at ward level. However, you should avoid providing incomplete or interim data (for example, releasing data before the close of poll, or from only some polling stations), which will

not provide a full representation of the experience of voters and may be misleading. In particular, releasing data before the close of poll may not accurately reflect the number of voters who later return with accepted ID and are issued with a ballot paper.

In considering how to respond to any requests for information you should:

- Ensure you do not release any information that can only be provided to the Secretary of State or the Electoral Commission, including the categories of information set out in the table above.
- Ensure you do not release information recorded on the Ballot Paper Refusal List that must be sealed and can only be disclosed by order of a court or in response to a request by an elector or proxy who was refused a ballot paper.
- Ensure that any data you make available is accurate and has been appropriately quality assured (e.g. checking that the data does not include any obvious errors, and that no information is missing).
- Ensure that any data you make available is presented clearly and with appropriate contextual information, so that it is less likely to be misinterpreted or inadvertently misrepresent events on polling day.
- Avoid sharing information that has been recorded by greeters in polling stations – this data may be useful to inform your own evaluation and planning for future polls, but it is unlikely to give an accurate representation of the experience of voters and may be misleading.

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<sup>i</sup> Reg 35(2) Voter Identification Regulations 2022 (VID Regs 2022)

<sup>ii</sup> Rule 40B(7) Schedule 1 Representation of the People Act 1983

<sup>iii</sup> Reg 34(2) VID Regs 2022