Draft Order laid before Parliament under section 35(10) of the Political Parties and Elections Act 2009, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2012 No. 0000

REPRESENTATION OF THE PEOPLE

The Electoral Registration Data Schemes Order 2012

Made - - - - ***

Coming into force in accordance with article 1

The Lord President of the Council makes the following Order in exercise of the powers conferred by sections 35 and 36 of the Political Parties and Elections Act 2009(**a**).

In accordance with section 36(1) of that Act, the schemes set out in this Order give effect to proposals which have been submitted to the Lord President of the Council by the registration officers to whom the schemes relate, and this Order gives effect to such schemes with modifications suggested by him and agreed to by the relevant registration officers.

In accordance with section 36(2) of that Act, before making this Order the Lord President of the Council consulted the Electoral Commission, the Information Commissioner and the Secretary of State for Work and Pensions.

In accordance with section 35(10) of that Act, a draft of this Order has been laid before and approved by each House of Parliament.

Citation, commencement and interpretation

1. This Order may be cited as the Electoral Registration Data Schemes Order 2012 and comes into force on the day after the day on which it is made.

2. In this Order—

"the Act" means the Political Parties and Elections Act 2009;

"area" means—

(a) in England, a district or London borough;

(b) in Wales, a county or county borough;

(c) in Scotland, a local government area;

"the Secretary of State" means the Secretary of State for Work and Pensions.

(**a**) 2009 c. 12. Article 3 of the Lord President of the Council Order 2010 (S.I. 2010/1837) provides that the powers conferred on the Secretary of State under the 2009 Act (with exceptions which are not relevant here) are exercisable concurrently by the Secretary of State and the Lord President of the Council.

Authorisation of data schemes

3. Subject to article 4, the Secretary of State may provide to the registration officer for an area mentioned in Part 1 of the Schedule information described in Part 2 of the Schedule which relates to that area.

4.—(1) The Secretary of State may provide information to a registration officer under article 3 only if—

(a) the information is provided before 1st April 2013;

(b) the information is provided for the purpose mentioned in section 35(2) of the Act; and

(c) the Secretary of State and the registration officer have agreed in writing, in relation to the scheme, requirements as to the processing of information, including requirements as to the transfer, storage, destruction and security of information.

(2) An agreement under paragraph (1)(c) must make provision for the consequences of a failure to comply with such requirements, and those consequences may include the suspension or termination of the provision of information by the Secretary of State.

Evaluation date

5. For the purpose of section 36(3) of the Act, the evaluation date for each scheme is 30th June 2013.

Revocation

6. The Electoral Registration Data Schemes Order 2011(**a**) is revoked.

Signed by authority of the Lord President of the Council

Name
Minister for Political and Constitutional Reform
Date
Cabinet Office

(**a**) S.I. 2011/1466.

SCHEDULE

Article 3

Specification of areas and information

PART 1

Scheme areas

Ceredigion(**a**)

Colchester

Conwy(**b**)

City of Edinburgh, East Lothian, Midlothian and West Lothian

Greenwich

Guildford

Harrow

Manchester

Peterborough

Powys

Renfrewshire, East Renfrewshire and Inverclyde

South Ribble

Southwark

Sunderland

Tower Hamlets

Wigan

Wolverhampton

(**a**) The name of the county has been changed from Cardiganshire to Ceredigion in accordance with section 74 of the Local Government Act 1972.

(**b**) The name of the county borough has been changed from Aberconwy and Colwyn to Conwy in accordance with section 74 of the Local Government Act 1972.

PART 2

Information authorised to be provided

1. The name, address and date of birth of individuals appearing in databases kept by the Secretary of State—

(a) for the purposes of functions relating to social security (including such information kept on behalf of the Department for Social Development(**a**)); and

(b) relating to working tax credit, child tax credit and child benefit (being information kept on behalf of Her Majesty's Revenue and Customs(**b**)).

2. Any other information contained in the databases mentioned in paragraph 1 which relates to the information mentioned in that paragraph.

(**a**) The Department for Social Development was established by article 3(1)(e) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283(N.I. 1)).

(**b**) "Her Majesty's Revenue and Customs" is defined at section 4 of the Commissioners for Revenue and Customs Act 2005 (c. 11).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes schemes for the Secretary of State for Work and Pensions to provide data to specified electoral registration officers, in order to assist them in meeting the registration objectives set out at section 31(8) of the Political Parties and Elections Act 2009, those being—

(a) that persons who are entitled to be registered in an electoral register are registered in it;

(b) that persons who are not entitled to be registered in an electoral register are not registered in it; and

(c) that none of the information relating to a registered person that appears in a register or other record kept by a registration officer is false.

Article 3 provides that the Secretary of State may provide data to the registration officers under the schemes. The Schedule lists the areas in which schemes have effect and the data which the Secretary of State may provide. That data is the name, address and date of birth of individuals, and related data, for example the date on which the address was last updated and the source of that update. The Secretary of State may only provide data to a registration officer if the data relates to that registration officer's area.

Article 4 provides that data may only be provided under each scheme before 1st April 2013, for the purpose set out in the 2009 Act and if the Secretary of State and the registration officer have agreed in writing requirements for the processing of data under the schemes. The agreement must include the consequences of failing to comply with the requirements agreed.

Article 5 provides that the date by which the Electoral Commission must produce a report on the operation of each scheme under section 36(3) of the 2009 Act is 30th June 2013.

Article 6 revokes a similar order giving authorisations to provide data which have now expired.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. However a privacy impact assessment is annexed to the Explanatory Memorandum which is available alongside this instrument at www.legislation.gov.uk.

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