POLICY NOTE

THE REPRESENTATION OF THE PEOPLE (DATA MATCHING) (SCOTLAND) REGULATIONS 2020

SSI 2020/63

The above Regulations were made in exercise of the powers conferred by sections 53(1) and (3) and 201(3) of, paragraphs 1A, and 13(1ZB) of schedule 2 of, the Representation of the People Act 1983 and all other powers enabling them to do so.

Policy Objectives

These regulations will enable registration officers to test matching the names and addresses of those registered in a register of local government electors in Scotland with other national data such as data form the Department for Work and Pensions.

The testing is necessary to support reforms to the annual canvass which the Scottish Government intends to bring forward in Regulations in March 2020.

Summary of reforms to annual canvass

An annual canvass of electors is undertaken each year by Electoral Registration Officers (EROs) across Great Britain. The current canvass gathers information on potential additions and changes to, and deletions from, the register.

The current one-size-fits-all approach takes little account of differences within and between registration areas. It is heavily paper based, expensive, complex to administer and stifles innovation.
These reforms aim to allow EROs to better focus their resources on households more likely to have experienced changes in composition, i.e. where additions to, or deletions from, the register are required. They will establish a mandatory national data matching step and set out new ‘matched’ and ‘unmatched’ property processing routes, one of which EROs must follow based on the results of the data matching step.

The proposed changes should make the process simpler and clearer for citizens; give EROs greater discretion to run a tailored canvass which better suits their local area; reduce the administrative burden on EROs; reduce the financial burden on taxpayers; and help safeguard the completeness, accuracy and security of the registers.

The new canvass will incorporate a ‘data step’ at the outset of the process. This will inform the ERO, based on the data available to them, which properties are likely to have an unchanged household composition, based on matching their data on registered electors against national government data, such as the Department for Work and Pensions’ Customer Information System, and, where relevant, locally held data sources, such as council tax records..

Where the data the ERO holds on registered electors matches data in another reliable and accurate dataset, the ERO can have some confidence that the details they hold on their register remain accurate. The ERO will then follow one of two routes for each property.

Route 1, the matched properties route, will be used for properties where the data indicates no change in household composition.

Route 2, the unmatched properties route, will be used for properties where data matching has highlighted that there may be a change to the information the ERO currently holds for the property.

This will allow the canvass process to be streamlined for those households that have not changed since the previous year. It will enable the ERO to target their resources to where responses and updates to the electoral register are believed to be required. The draft legislation states that electors in both Route 1 and Route 2 properties will be contacted during the canvass to give them the opportunity to inform the ERO of any changes as needed.

A third route, Route 3 - the defined properties route, will be available for property types which do not fit clearly within Routes 1 and 2. The characteristics of these property types mean that the ERO can more effectively and efficiently obtain information on residents using an alternative approach, where they are able to identify a 'responsible person' to provide the information in respect of all residents. Examples of these property types are care homes and student halls of residence. Should the ERO be unable to successfully obtain information about the property from a 'responsible person' they will need to canvass these property types using the Route 2 process. Properties eligible for Route 3 will be identified at the start of the canvass process, but will not be exempted from the data match step.

For a full description of the data matching step and the proposed matched and unmatched property routes, please see the Scottish, UK and Welsh Governments joint Statement of Policy on the reform of the Annual Canvass - https://www.gov.uk/government/consultations/proposals-for-the-reform-of-the-annual-canvass

Consultation

On 5 October 2018, the Scottish, UK and Welsh Governments jointly published a 'Consultation on Reform of the Annual Canvass', which closed on 30 November 2018.

In all, 83 responses were received from Electoral Registration Officers (EROs), interested individuals and key stakeholders, including the Scottish Assessors Association (SAA) and the Association of Electoral Administrators (AEA).

To comply with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000, the Scottish, UK and Welsh Governments have also consulted with the Electoral Commission (EC) and Information Commissioner's Office (ICO) on these proposals.

The consultation responses were overwhelmingly positive, reflecting the high level of stakeholder engagement undertaken during the development of the initial policy proposals.

Drawing on the experiences of the canvass reform pilots in 2016 and 2017, over the summer of 2018 a series of workshops were held across Scotland, England and Wales to introduce

EROs and their staff to the new proposals and seeking their views on the options available. As a result of these discussions, the draft policy had already been 'user tested' prior to consultation.

A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website: https://consult.gov.scot/elections/reform-of-the-annual-canvass/

Impact Assessments

An Equality Impact Assessment (EQIA) and a draft Data Protection Impact Assessment have been completed on The Representation of the People (Annual Canvass) (Amendment) Scotland Regulations 2020 and are attached.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. These regulations are not expected to financially impact on the private or voluntary sectors, however some savings are expected for the public sector as a result of these reforms.

Scottish Government
Directorate for Constitution and Cabinet
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