

# **ICO/Electoral Commission**

Janine Gregory

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From: Sue Markey  
Sent: 23 March 2016 16:24  
To: 'RGrist@electoralcommission.org.uk'; 'DHampson@electoralcommission.org.uk'  
Subject: Campaigning groups accessing the full electoral register

Dear David and Rupert

Following mine and David's short telephone conversation this afternoon I said I would email you both to outline the issue about which we have begun receiving complaints to our helpline.

The complaints relate to the entitlement of campaigning groups for the EU Referendum to the full electoral register. We have already this week received a number of complaints to our helpline from individuals who are concerned to have received personalised referendum correspondence from a campaigning organisation.

I've looked at your website in relation to PPERA but wanted to get your advice on this issue in order that we can in turn provide the appropriate advice to those individuals who contact us. We would want to be clear to our enquirers on those issues that fell within the Electoral Commission's remit and those on which the ICO could advise.

It would be really helpful if you could explain what campaigning groups are entitled to in terms of the full register and also their entitlement to send a Freepost mailing to individuals. We understand that there are two stages - registration and designation of an organisation - and so it would be helpful if you could clarify the processes of these two stages and whether this has a bearing on the organisation's entitlement to mail out to individuals. It seems that all are entitled to a copy of the full electoral register but not all will be entitled to send a Freepost mailing. We're not clear on the process of registering and designation - is there a time lapse which would mean that a campaigning organisation's activities are in some way restricted until they are classed as designated?

Relating to the Freepost mailing could you advise please whether all designated organisations are entitled to mail out to individuals even if someone has opted out of marketing under s11 of the DPA?

Finally in order that we can keep across the registration and designation of organisations will up-to-date information be available on the Electoral Commission's website? We would also refer our enquirers to this information.

I mentioned that I am working at home tomorrow and happy to give you a call to discuss if that would be helpful in taking this forward.

We're grateful for your advice and help on this issue so that we can provide the appropriate level of advice to complainants which takes account of our respective organisation's remits.

Best regards

Sue



Sue Markey  
Senior Policy Officer

Information Commissioner's Office, Wycliffe House, Water Lane,  
Wilmslow, Cheshire SK9 5AF

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Janine Gregory

---

**From:** Carolyn Graham <CGraham@electoralcommission.org.uk>  
**Sent:** 31 March 2016 14:50  
**To:** Sue Markey  
**Subject:** FW: Campaigning groups accessing the full electoral register

Dear Sue

Rupert passed your query on to me which I have answered below. Please contact me if you need more detail or if you have further questions.

Thank you

Carolyn

## **Campaigners in the EU referendum**

### **Question**

**The ICO has received complaints from individuals who have received personalised referendum correspondence from an organisation campaigning in the EU referendum**

### **Background**

Individuals, organisations (including charities) and political parties who intend to spend more than £10 000 campaigning in the EU referendum must register with the Electoral Commission (the Commission) and specify whether they are campaigning to remain or leave (Political Parties, Elections and Referendums Act 2000 (PPERA) s105). They are described as registered campaigners in Commission guidance which can be found on the Commission website (and as permitted participants in PPERA). Any individual or organisation who campaigns but intends to and spends less than £10 000 does not have to register as a campaigner. Registered campaigners must also follow the rules on donations, loans, spending and reporting set out in PPERA.

The Commission may designate one campaigner to be the lead campaign group on behalf of those campaigning for each outcome to referendum (leave or remain)(PPERA s108). They are described as designated campaigners in the guidance. The designated campaigners will be awarded a grant of up to £600 000, they will be allowed to send referendum addresses free of charge, they have the right to use certain public rooms free of charge, they have higher spending limits, they may make a referendum broadcast and will each be entitled to a page in the public information booklet that will be sent by the Commission to UK households (PPERA s110).

More information can be found on our website here  
[http://www.electoralcommission.org.uk/data/assets/pdf\\_file/0006/194568/Campaigning-and-registering-for-EU-referendum-campaigners.pdf](http://www.electoralcommission.org.uk/data/assets/pdf_file/0006/194568/Campaigning-and-registering-for-EU-referendum-campaigners.pdf)

### **Question 1**

**Are campaigning groups entitled to a copy of the full electoral register?**

Registered campaigners (and designated campaigners) are entitled to access to the full electoral register for checking the identity of donors and for campaigning. This version of the register includes the names of people who have opted out of the edited version which is available for sale to organisations for marketing purposes (Representation of the People (England and Wales) Regulations 2001 reg 106, Representation of the People (Scotland) Regulations 2001 reg 105).

There are notional separate registers based on franchise, one for parliamentary elections, one for local elections and one for registered citizens of the member states of the European Community and one for peers not resident in the UK. The registers of the different franchises are combined in the full electoral register (which contains markers identifying the different types of votes). Registered campaigners are entitled to use the full combined register so this will include the names of some voters who are not entitled to vote in the EU referendum so some voters who are not entitled to vote in the EU referendum may still receive campaigning material.

## **Question 2**

**Are campaigning groups entitled to send a Freepost mailing to individuals?**

The designated lead campaigners are entitled to send referendum material free of charge. Other campaigners may send material at their own expense but must stay within the relevant spending limits (PPERA s110).

## **Question 3**

**Please explain the stages of registration and designation of a campaigning organisation in the EU referendum and what bearing this has on an organisations entitlement To send mail to individuals**

Campaigners can register with the Electoral Commission from 1 February 2016. Campaigners can apply to be the designated lead campaigner from 4-31 March. The Electoral Commission will announce the designated lead campaigners by 14 April 2016 and the designated lead campaigners may use their designated lead campaigner benefits (including free mailing) from 15 April 2016.

Other campaigners can send mail at their own expense at any time, but must comply with the relevant donation and spending limits.

## **Question 4**

**Is there a time period when campaigning organisations are restricted? Is this connected to when they are designated?**

15 April to 23 July is the regulated period when spending (and loans and donations) are regulated by the Commission and must be reported by the campaigners. Any registered campaigner or designated lead campaigner must report to the Commission any spending on activities intended to promote a particular outcome during this period. These might include advertising, mailshots, market research and rallies. They must also remain within the relevant spending limit.

Spending on activities which take place before the regulated period begins may not need to be reported, but donations and loans taken out before then may need to be reported. Full details of the requirements can be found on the Electoral Commission's website.

## **Question 5**

**Are all designated / campaigning organisations entitled to send mail to individuals even if the individual has opted out of marketing under s11 of the DPA?**

Yes the registered campaigners and designated lead campaigners have access to the full electoral register for campaigning and are entitled to send mail to individuals for electoral purposes even if they have opted out of marketing under s11 DPA. (Representation of the People (England and Wales) Regulations 2001 reg 106, Representation of the People (Scotland) Regulations 2001 reg 105)

#### Question 6

Will up to date information on registration and designation of campaigning organisations be available on the Electoral Commission website to which enquires can be referred?

Yes this can be accessed on the Electoral Commission website

Home – Find Registered Political Parties and Donations – Register of participants in the EU referendum

Link here

<http://search.electoralcommission.org.uk/Search/Registrations?currentPage=1&rows=50&sort=ApprovedDate&order=desc&et=perpar&register=none&regStatus=registered&referendum=5&optCols=EntityStatusName&optCols=ReferendumName&optCols=DesignationStatusName&optCols=ReferendumOutcome>

**Carolyn Graham**

**Lawyer**

The Electoral Commission

3 Bunhill Row

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[www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)

[www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk)

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**From:** Sue Markey [<mailto:Sue.Markey@ico.org.uk>]

**Sent:** 23 March 2016 16:24

**To:** Rupert Grist; David Hampson

**Subject:** Campaigning groups accessing the full electoral register

Dear David and Rupert

Following mine and David's short telephone conversation this afternoon I said I would email you both to outline the issue about which we have begun receiving complaints to our helpline.

The complaints relate to the entitlement of campaigning groups for the EU Referendum to the full electoral register. We have already this week received a number of complaints to our helpline from individuals who are concerned to have received personalised referendum correspondence from a campaigning organisation.

I've looked at your website in relation to PPERA but wanted to get your advice on this issue in order that we can in turn provide the appropriate advice to those individuals who contact us. We would want to be clear to our enquirers on those issues that fell within the Electoral Commission's remit and those on which the ICO could advise.

It would be really helpful if you could explain what campaigning groups are entitled to in terms of the full register and also their entitlement to send a Freepost mailing to individuals. We understand that there are two stages - registration and designation of an organisation - and so it would be helpful if you could clarify the processes of these two stages and whether this has a bearing on the organisation's entitlement to mail out to individuals. It seems that all are entitled to a copy of the full electoral register but not all will be entitled to send a Freepost mailing. We're not clear on the process

of registering and designation – is there a time lapse which would mean that a campaigning organisation's activities are in some way restricted until they are classed as designated?

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I mentioned that I am working at home tomorrow and happy to give you a call to discuss if that would be helpful in taking this forward.

We're grateful for you advice and help on this issue so that we can provide the appropriate level of advice to complainants which takes account of our respective organisation's remits.

Best regards

Sue



Sue Markey  
Senior Policy Officer

Information Commissioner's Office, Wycliffe House, Water Lane,  
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Janine Gregory

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**From:** Sue Markey  
**Sent:** 08 April 2016 17:57  
**To:** 'Carolyn Graham'  
**Subject:** RE: Campaigning groups accessing the full electoral register

Dear Carolyn

Many thanks for your reply which is very helpful.

It would be helpful please if I can clarify your advice on s11 notices. In your response to Question 5 you say that registered campaigners and designated lead campaigners have access to the full electoral register for campaigning and are entitled to send mail to individuals for electoral purposes even if they have opted out of marketing under s11 DPA. (Representation of the People (England and Wales) Regulations 2001 reg 106, Representation of the People (Scotland) Regulations 2001 reg 105)

Can I just check please that the point you make is that the s11 notices are those sent to Electoral Registration Officers and not the campaigning organisations?

I have attached here for reference the link to our Guidance on Political Campaigning which sets out our guidance in relation to s11 DPA at pages 7 and 8.

[https://ico.org.uk/media/1589/promotion\\_of\\_a\\_political\\_party.pdf](https://ico.org.uk/media/1589/promotion_of_a_political_party.pdf)

Finally, my colleagues based in our Northern Ireland office have asked that I check with you please the position in relation to Northern Ireland legislation and arrangements on these matters.

I look forward to hearing from you.

Kind regards

Sue



Sue Markey  
Senior Policy Officer

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**Sent:** 31 March 2016 14:50  
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**Carolyn Graham**

**Lawyer**

The Electoral Commission

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**From:** Sue Markey [<mailto:Sue.Markey@ico.org.uk>]

**Sent:** 23 March 2016 16:24

**To:** Rupert Grist; David Hampson

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Best regards

Sue



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Senior Policy Officer

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Janine Gregory

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**From:** Sue Markey  
**Sent:** 11 August 2016 13:55  
**To:** 'Rupert Grist'  
**Subject:** RE: Permitted Participants - post Referendum arrangements

Hi Rupert

Many thanks for your email reply – I will await David's response.

Kind regards

Sue



**Sue Markey**  
**Senior Policy Officer**

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---

**From:** Rupert Grist [<mailto:RGrist@electoralcommission.org.uk>]  
**Sent:** 11 August 2016 12:49  
**To:** Sue Markey  
**Cc:** David Hampson  
**Subject:** RE: Permitted Participants - post Referendum arrangements

Sue,

Thanks for your email and phone message. I'll be on leave next week, so could I suggest you liaise with David Hampson, who's now the Interim Senior Electoral Administration Lawyer here (cc'd to this email)? (I've just shifted roles to be Interim Head of Legal, following Louise Footner's absence on sabbatical.)

But good to hear from you again – it's useful to us to keep up regular contact on these sorts of matters.

All the best.

Rupert

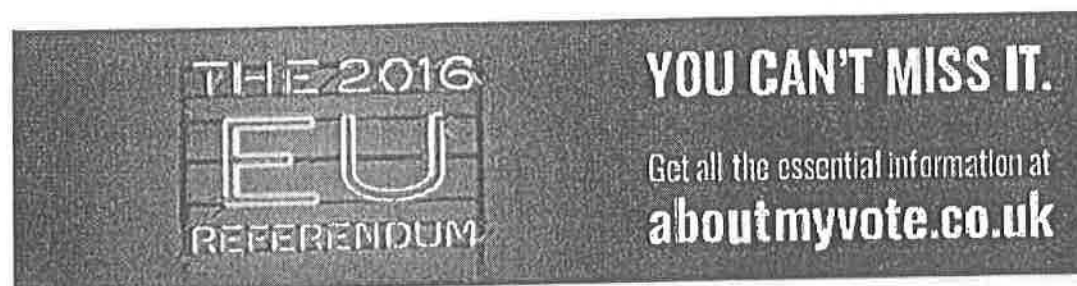
**Rupert Grist**  
**Interim Head of Legal and Secretariat**

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London EC1Y 8YZ

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Fax: 020 7271 0505

Textphone: 18001 020 7271 0659  
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**From:** Sue Markey [<mailto:Sue.Markey@ico.org.uk>]  
**Sent:** 11 August 2016 12:41  
**To:** Rupert Grist  
**Subject:** Permitted Participants - post Referendum arrangements

Hello Rupert

I'm sorry I missed you when I phoned this morning – and apologies for my rambling message!

I would like to speak to you please – if this falls within your remit – about any 'winding up' arrangements post Referendum for those bodies / individuals who were registered as permitted campaigning participants. My interest is particularly in relation to the disposal by them of the full electoral register.

It would be really helpful if we could have a short telephone discussion – I'm happy to fit in with when would be most convenient for you, or a colleague if more appropriate, to do so. I will be away from the office tomorrow but any time next week would be good if possible please.

Kind regards

Sue



Sue Markey  
Senior Policy Officer

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Janine Gregory

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**From:** Sue Markey  
**Sent:** 15 August 2016 11:50  
**To:** 'David Hampson'  
**Subject:** RE: Permitted Participants - post Referendum arrangements

Hi David

Thanks for the dial in details.

I look forward to speaking with you and your colleagues tomorrow.

Regards

Sue



Sue Markey  
Senior Policy Officer

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**From:** David Hampson [mailto:DHampson@electoralcommission.org.uk]  
**Sent:** 15 August 2016 11:44  
**To:** Sue Markey  
**Subject:** RE: Permitted Participants - post Referendum arrangements

Hi Sue,

As promised, here are the dial in details for our telephone conference at 3pm tomorrow. I expect to be joined by Richard Harris from our Electoral Administration (EA) Guidance Team and Kevin Molloy from our Party and Election Finance (PEF) Guidance Team.

Dial in: 0800 528 5280 or  
+44 (0) 2079790003 (from mobiles)

Access code: 6743042

Regards,

David

---

**From:** David Hampson  
**Sent:** 15 August 2016 11:24

**To:** 'Sue Markey'  
**Subject:** RE: Permitted Participants - post Referendum arrangements

Hi Sue,

That would be fine. I'll send some teleconference details to you shortly.

Regards,

David

---

**From:** Sue Markey [<mailto:Sue.Markey@ico.org.uk>]  
**Sent:** 15 August 2016 11:16  
**To:** David Hampson  
**Subject:** RE: Permitted Participants - post Referendum arrangements

Hi David

Thanks for your email.

If it's still convenient for you and your colleagues can we say 3pm tomorrow afternoon please.

I'll be working from home tomorrow which isn't a problem – can I just check though whether it's easiest for me to phone you on your direct line?

Regards

Sue



Sue Markey  
Senior Policy Officer

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---

**From:** David Hampson [<mailto:DHampson@electoralcommission.org.uk>]  
**Sent:** 12 August 2016 16:04  
**To:** Sue Markey  
**Subject:** RE: Permitted Participants - post Referendum arrangements

Sue,

It's good to hear from you. We would be happy to discuss this issue next week. I've spoken to a couple of colleagues who would be able to join our call – the best times for us are either 11am or 3pm on Tuesday. Would either of those times be convenient?

Thanks,

David

**David Hampson**  
**Interim Senior Electoral Administration Lawyer**  
The Electoral Commission  
3 Bunhill Row  
London  
EC1Y 8YZ  
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---

**From:** Rupert Grist  
**Sent:** 11 August 2016 12:49  
**To:** 'Sue Markey'  
**Cc:** David Hampson  
**Subject:** RE: Permitted Participants - post Referendum arrangements

Sue,

Thanks for your email and phone message. I'll be on leave next week, so could I suggest you liaise with David Hampson, who's now the Interim Senior Electoral Administration Lawyer here (cc'd to this email)? (I've just shifted roles to be Interim Head of Legal, following Louise Footner's absence on sabbatical.)

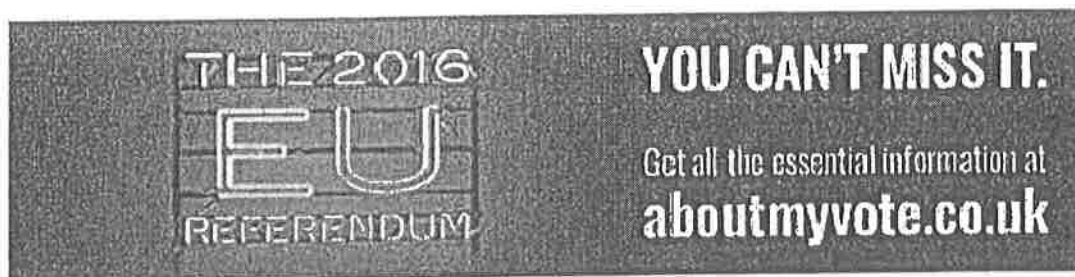
But good to hear from you again – it's useful to us to keep up regular contact on these sorts of matters.

All the best.

Rupert

**Rupert Grist**  
**Interim Head of Legal and Secretariat**  
The Electoral Commission  
3 Bunhill Row  
London EC1Y 8YZ  
Tel: 020 7271 0668 Mob: 07432 629668  
Fax: 020 7271 0505  
Textphone: 18001 020 7271 0659  
[www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)

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---

**From:** Sue Markey [<mailto:Sue.Markey@ico.org.uk>]  
**Sent:** 11 August 2016 12:41  
**To:** Rupert Grist  
**Subject:** Permitted Participants - post Referendum arrangements

Hello Rupert

I'm sorry I missed you when I phoned this morning – and apologies for my rambling message!

I would like to speak to you please – if this falls within your remit – about any 'winding up' arrangements post Referendum for those bodies / individuals who were registered as permitted campaigning participants. My interest is particularly in relation to the disposal by them of the full electoral register.

It would be really helpful if we could have a short telephone discussion – I'm happy to fit in with when would be most convenient for you, or a colleague if more appropriate, to do so. I will be away from the office tomorrow but any time next week would be good if possible please.

Kind regards

Sue



Sue Markey  
Senior Policy Officer

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Janine Gregory

---

**From:** Sue Markey  
**Sent:** 09 September 2016 13:59  
**To:** 'David Hampson'  
**Subject:** RE: Permitted participants and the electoral register  
**Attachments:** Lessons learned from the EU referendum - final version.docx

Hello David

Many thanks for getting back to me on this.

Not a problem re the draft text – I'm very happy to take a look before it's published; and thank you again for the Electoral Commission's assistance in flagging up this issue with permitted participants. .

For information, I've attached a copy of our response to the Public Administration and Constitutional Affairs Committee's call for evidence 'Lessons learned from the EU Referendum' which I mentioned when we spoke the other week – I've referred to our liaison concerning this issue at paragraph 9.

Kind regards

Sue



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---

**From:** David Hampson [<mailto:DHampson@electoralcommission.org.uk>]  
**Sent:** 09 September 2016 13:07  
**To:** Sue Markey  
**Subject:** RE: Permitted participants and the electoral register

Hello Sue,

Sorry for the slow response to your email – I've been out of the office for a few days. Thanks for the helpful discussion the other week. My colleagues are working on some draft text to send to permitted participants to remind them of their obligations and will forward it to you for your information / comments before we publish it. We'll be in touch shortly.

Thanks again for raising this issue, so that we can bring this to permitted participants' attention.

Kind regards,

David

**David Hampson**  
**Interim Senior Electoral Administration Lawyer**  
The Electoral Commission  
3 Bunhill Row  
London  
EC1Y 8YZ  
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---

**From:** Sue Markey [<mailto:Sue.Markey@ico.org.uk>]  
**Sent:** 30 August 2016 18:15  
**To:** David Hampson  
**Subject:** Permitted participants and the electoral register

Hello David

Thank you for your and your colleagues' time the other week when we spoke about the permitted participants' access to the full electoral register now that the referendum has taken place.

I wondered please if you had an update on whether the Electoral Commission may be able to assist us in getting our message out to those organisations and individuals that they should ensure they now dispose of their copies of the full register.

Kind regards

Sue



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Janine Gregory

---

**From:** David Hampson <DHampson@electoralcommission.org.uk>  
**Sent:** 15 September 2016 15:45  
**To:** Sue Markey  
**Subject:** RE: Permitted participants and the electoral register CCM:0165627

Hello Sue,

We've drafted some text for us to send to permitted participants along the lines we discussed (please see below). Please let me know if you have any comments and I would also be grateful if you were able to add a link where requested (if there is a link that it would be useful to include on destruction of personal data).

Thanks very much.

Kind regards,

David

*Dear Campaigner,*

Now that the EU referendum has taken place, there should be no need for you to retain versions of the electoral register you obtained under the Representation of the People (England and Wales) Regulations 2001 (SI 2001/341) and you should now destroy any paper and electronic versions you received in accordance with the Information Commissioner's Office guidelines [insert link from ICO], if you have not done so already.

Further information on the use of the electoral register and absent voter lists are available in the guidance: [Campaigning dos and don'ts](#)

If you have any questions please let me know.

Kind regards,

Kevin

---

**From:** Sue Markey [mailto:Sue.Markey@ico.org.uk]  
**Sent:** 09 September 2016 13:59  
**To:** David Hampson  
**Subject:** RE: Permitted participants and the electoral register

Hello David

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Not a problem re the draft text – I'm very happy to take a look before it's published; and thank you again for the Electoral Commission's assistance in flagging up this issue with permitted participants. .

For information, I've attached a copy of our response to the Public Administration and Constitutional Affairs Committee's call for evidence 'Lessons learned from the EU Referendum' which I mentioned when we spoke the other week – I've referred to our liaison concerning this issue at paragraph 9.

Kind regards

Sue



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Thanks again for raising this issue, so that we can bring this to permitted participants' attention.

Kind regards,

David

**David Hampson**  
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The Electoral Commission

3 Bunhill Row

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**Sent:** 30 August 2016 18:15  
**To:** David Hampson  
**Subject:** Permitted participants and the electoral register

Hello David

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I wondered please if you had an update on whether the Electoral Commission may be able to assist us in getting our message out to those organisations and individuals that they should ensure they now dispose of their copies of the full register.

Kind regards

Sue



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Janine Gregory

---

**From:** Sue Markey  
**Sent:** 16 September 2016 14:17  
**To:** 'David Hampson'  
**Subject:** RE: Permitted participants and the electoral register CCM:0165627

Dear David

Many thanks for your email and also sight of text to permitted participants in relation to the destruction of their copies of the full electoral register following the Referendum.

Thank you for the Electoral Commission's assistance in highlighting this issue to permitted participants – I don't have any comments to make on the wording of the text which is very clear in its message.

I've included here the link to our guidance on deletion of personal data which makes reference to the fifth data protection principle's requirement that "personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes".

[https://ico.org.uk/media/for-organisations/documents/1475/deleting\\_personal\\_data.pdf](https://ico.org.uk/media/for-organisations/documents/1475/deleting_personal_data.pdf)

Kind regards

Sue



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Senior Policy Officer

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David

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**Interim Senior Electoral Administration Lawyer**

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**Sent:** 30 August 2016 18:15

**To:** David Hampson

**Subject:** Permitted participants and the electoral register

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I wondered please if you had an update on whether the Electoral Commission may be able to assist us in getting our message out to those organisations and individuals that they should ensure they now dispose of their copies of the full register.

Kind regards

Sue



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**Janine Gregory**

---

**From:** Karim Aziz <KAziz@electoralcommission.org.uk>  
**Sent:** 16 December 2016 10:11  
**To:** Judith Jones  
**Subject:** RE: Follow-up from yesterday's meeting

Thanks Judith, that's helpful.

Looking forward to meeting in September, if not before!

Thanks, Karim

---

**From:** Judith Jones [<mailto:Judith.Jones@ico.org.uk>]  
**Sent:** 15 December 2016 08:05  
**To:** Karim Aziz  
**Cc:** Sue Markey  
**Subject:** RE: Follow-up from yesterday's meeting

Hi Karim

Good to meet you too. Here's the link to our website on data protection reform:

<https://ico.org.uk/for-organisations/data-protection-reform/>

This webpage includes links to quite a lot of further information including a detailed overview of the GDPR document and the 12 steps guidance document on preparing for the GDPR:

<https://ico.org.uk/media/1624219/preparing-for-the-gdpr-12-steps.pdf>

There was also a discussion about transfers of data to the USA and I suggested attendees may find it useful to look at the ICO blog on the issue. Here's the link:

<https://iconewsblog.wordpress.com/2016/08/04/the-what-why-and-how-of-transferring-data-to-the-usa/>

Many thanks for inviting us to the meeting – it was a useful opportunity to update the political parties at one meeting.

We would be very happy to come down to the meeting in September 2017 when I'm sure we'll have more to say on the implementation of the GDPR.

I hope this is helpful.

Kind regards

Judith



Judith Jones  
Group Manager – Government and Society

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow,  
Cheshire SK9 5AF

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---

**From:** Karim Aziz [<mailto:KAziz@electoralcommission.org.uk>]

**Sent:** 07 December 2016 16:49

**To:** Judith Jones

**Subject:** Follow-up from yesterday's meeting

Hi Judith, it was great to meet yourself and Sue yesterday. I think it was a really beneficial meeting.

As you probably remember, the group asked for a link to your microsite and to the 12 steps guidance document that you mentioned. Could you send to me and I'll then pass on to the members of the Westminster PPP.

Also, just to confirm that you're both happy to come down to the meeting in September 2017 too?

Thanks Judith and speak to you soon.

Karim

**Karim Aziz**

**Press and Public Affairs Manager**

The Electoral Commission

3 Bunhill Row

London EC1Y 8YZ

Tel: 020 7271 0512

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