

Summary: Intervention & Options

Department/Agency: Ministry of Justice	Title: Impact Assessment for Political Parties and Elections Act – Information sharing	
Stage: Royal Assent	Version: Final	Date: 20 July 2009
Related Publications:		

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What is the problem under consideration? Why is government intervention necessary?

The Co-ordinated On-line Record of Electors (CORE) information system would be kept and managed by a public body called the CORE keeper. Government intervention is necessary to permit the CORE keeper to share information with the Electoral Commission and others, subject to conditions. Without such intervention the Electoral Commission and other recipients would not be able to realise the full benefits of the CORE system.

What are the policy objectives and the intended effects?

To ensure that the information held on the CORE information system can be shared with those authorised to receive it and for the CORE keeper to place conditions on its supply, in order to safeguard and manage the information, and ensure the it is used for the intended purposes.

What policy options have been considered? Please justify any preferred option.

Two main options have been considered, which are assessed against the “base case” (do-nothing). Briefly these are :

Option 1 – No new data sharing powers and no additional conditions to the supply of the data (“do nothing”)

Option 2 – New data sharing powers and conditions on supply – preferred option

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

The CORE keeper will be established by Order at the end of 2010. Six months after the CORE scheme is operational (2011), the data sharing functions will be reviewed (end of 2012)

Ministerial Sign-off

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

..... Date: 20 July 2009

Summary: Analysis & Evidence

Policy Option: 1

Description: Designate a new public body (corporation sole)

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' The preferred option does not represent any additional costs to the operational costs of the CORE keeper, which have been detailed in the impact assessment for the CORE keeper	
	One-off (Transition)	Yrs		
	£			
	Average Annual Cost (excluding one-off)			
	£		Total Cost (PV)	£ Nil
Other key non-monetised costs by 'main affected groups'				

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' The JCSB would save £60,000 pa by accessing electoral register data from a single source.	
	One-off	Yrs		
	£ Nil			
	Average Annual Benefit (excluding one-off)			
	£60,000	10	Total Benefit (PV)	£ 0.6m
Other key non-monetised benefits by 'main affected groups'				
There would be benefits to wider society largely through the CORE Keeper being permitted to share relevant information with the Electoral Commission related to its functions. These would include benefits of the CORE scheme such as regulating political party donations and the required checks by political parties. The ability to place conditions on the supply of data would re-assure society that the information is handled appropriately.				

Key Assumptions/Sensitivities/Risks

Price Base Year	Time Period Years	Net Benefit Range (NPV) £	NET BENEFIT (NPV Best estimate) £
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What is the geographic coverage of the policy/option?	UK-wide			
On what date will the policy be implemented?	2011			
Which organisation(s) will enforce the policy?	Ministry of Justice			
What is the total annual cost of enforcement for these organisations?	£			
Does enforcement comply with Hampton principles?				
Will implementation go beyond minimum EU requirements?				
What is the value of the proposed offsetting measure per year?	£			
What is the value of changes in greenhouse gas emissions?	£			
Will the proposal have a significant impact on competition?				
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	N/A	N/A	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)		(Increase - Decrease)	
Increase of	£	Decrease of	£
		Net Impact	£

Key: Annual costs and benefits: Constant Prices (Net) Present Value

1. Scope of the Impact Assessment

- 1.1 This Impact Assessment (IA) assesses the impact of the statutory measures in the Political Parties and Elections Act 2009 (“the Act”), to establish the data sharing powers within the Co-ordinated Online Record of Elections (CORE). The IA reflects discussions held with various stakeholders¹.
- 1.2 CORE policy was established through a public consultation in 2006-7 following the establishment of the CORE scheme in the Electoral Administration Act 2006 (“the 2006 Act”). This IA takes pre-existing policy as given and this IA does not therefore revisit this. This IA seeks to provide a factual assessment of the likely impacts of creating new data sharing powers and imposing new conditions on the supply of the data held within the CORE information system.
- 1.3 CORE was established under Part 1 of the 2006 Act. The Act confers a power on the Secretary to establish, by order, a CORE scheme. The scheme, which will bring together data from the electoral registers compiled by each local authority in England, Wales and Scotland and create a national record. The 2006 Act also allowed for the Electoral Commission to be designated the CORE keeper, which would mean that they held the responsibility to manage the database and the flow of in and out of it.
- 1.4 However, subsequently the Electoral Commission decided that it could not be the CORE keeper, due to a re-focusing of its priorities, and an alternative means to provide for one was found. The Government decided to take amendments in the Political Parties and Elections Act to amend the 2006 Act to enable it to designate a different organisation to be CORE keeper² and to review that data sharing provisions.
- 1.5 The services the designated CORE keeper will offer are:
 - An online search tool for authorised users to search the electoral register database
 - An enquiry service for ad hoc enquiries (for example, the production of statistical data) relating to electoral registration and requests from people and organisations not entitled to use the online search tool or receive raw register data
 - Supply of raw electoral register data to those authorised to receive it
 - Potential provision of management reports on the data held
 - A potential central point for the validation of personal identifiers

2. Option Analysis

- 2.1 This section sets out an analysis of the two options considered.

OPTION 1 (Do Nothing)

Description

- 2.2 In this option the data sharing powers would remain as they are within the 2006 Act, and no conditions in addition to those in the 2006 Act would be added when the CORE keeper supplies data to recipients. In addition the Juries Act 1974 would remain unchanged.
- 2.3 The effect of using this option would be as follows:

¹ Stakeholder meetings and workshops were conducted throughout 2008 with representatives of the major political parties, electoral administrators and suppliers of the electoral management systems.

² The CORE keeper sections have been dealt with within its own impact assessment

- i. The provisions within with 2006 Act would remain as they are. At the time of drafting the 2006 Act the Electoral Commission had been the preferred CORE keeper so no data sharing powers were deemed necessary as the CORE keeper would essentially be sharing information with its own body. As the CORE keeper is now not the Electoral Commission there may be no legal grounding for the CORE keeper to supply data between the two separate bodies, meaning the EC may not have the necessary information to fulfil its role.
- ii. The CORE keeper would supply data with the same considerations whether it was the data for one local authority or whether it was the national dataset
- iii. The Juries Act 1974 would remain unchanged meaning that the electoral registration officers would still be responsible for supplying the data to the Jury Central Summoning Bureau (JCSB), meaning that the JCSB would not be able to benefit having data from the central repository.

OPTION 2 (Data sharing is expanded and conditions applied)

Description

- 2.4 Conditions on the supply of data - The Representation of the People Act 1983, regarding inspection and supply of electoral registers and other documents by electoral registration officers (ERO's) are transferred to the CORE keeper by section 2(2) of the 2006 Act. While the application of these regulations to the CORE keeper does not expand the list of authorised recipients, the CORE keeper will be apply to supply information on a national scale whereas ERO's can do so only in relation to their area.
- 2.5 In light of this increased range of data, specific arrangements may be required where registration information is supplied to ensure that the provision of the data is appropriate. The additional requirement may include that any request for data is accompanied by a statement that regard has been given to the restrictions on use that will apply once the information has been provided.
- 2.6 It is hoped that this additional requirement will reassure both the electoral registration officers who supply the data, and members of the public whose details are contained within the data that the CORE keeper is safeguarding their interests by acknowledging the increased use that organisations can get from a national dataset.
- 2.7 Data Sharing – As noted above it was originally intended that the Electoral Commission would be designated as the CORE keeper. Because the Commission and the CORE keeper will now be separate entities it is necessary for the CORE keeper to be provided with a power to share information with the Electoral Commission in connection with their duty as regulator of political parties and the performance of electoral registration officers. Without this power, the CORE scheme would fail to realise the benefits of a transparent system for regulating political party donations.
- 2.8 Juries Act 1974 - Section 3 of the Juries Act 1974 currently requires every electoral registration officer to deliver to an officer designated by the Lord Chancellor copies of the register for the purpose of summoning jurors.
- 2.9 Currently the Jury Central Summoning Bureau ("JCSB"), which is part of Her Majesty's Courts Service, holds the responsibility for collating the electoral registers for England and Wales for the purpose of jury summoning. Once the system is operational it is envisaged that the JCSB can obtain a copy of the registers for England and Wales from the CORE keeper, rather than from individual EROs.
- 2.10 The benefit of this is that the delays experienced and costs incurred by the JCSB in obtaining and compiling the registers from 392 local sources will be eliminated.

SUMMARY OF OPTIONS ANALYSIS

- 2.11 The two options have been considered (do nothing versus introducing the changes) and it was agreed that the it would better to introduce the changes. This is because:

- i. The electoral registration officers that have provided feedback on the proposals expressed concern that the national data set would be available to all with no additional restraints. The additional conditions that can be applied should be sufficient to ease these concerns.
- ii. Additional conditions will reassure those on the electoral registers that due care is being given to the supply of their personal data.
- iii. The JCSB will be able to benefit from the supply of data from a single source rather than multiple sources, and existing compatibility and timing issues will be resolved.
- iv. The Electoral Commission will have access to information necessary for them to assist in fulfilling their duties in the electoral field and as regulator of political party donations.

3. Enforcement and Implementation

- 3.1 The legislative amendments were introduced in the House of Lords on 17 June 2009. However, they will not be utilised until the CORE keeper has been established and the CORE scheme is operational, both of which are subject to the affirmative resolution procedure. In the case of the CORE keeper Order this means that before it is issued it must first be agreed by the Information Commissioner and the Electoral Commission, and for the CORE Scheme Order each electoral registration officer has to also be consulted.

4. Competition Assessment

- 4.1 A preliminary competition filter was undertaken and this revealed that there are no impacts on competition, therefore a full assessment was not necessary.

5. Small Firms Impact Assessment

- 5.1 No impact on small firms has been identified. We have approached some of the smaller political parties for discussion on the development of the project to ask if there is any impact on them, but have as yet to receive any responses.

6. Legal Aid and Justice Impact Test

- 6.1 There will be no affect on Legal Aid or justice as a result of the implementation of this legislation

7. Race / Disability / Gender Equality

- 7.1 Neither of the options considered have any impact on Race, Disability or Gender of individuals.

8. Human Rights

- 8.1 The proposals are compliant with the Human Rights Act