

POLITICAL PARTIES AND ELECTIONS ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Electoral Registration

Section 35: Schemes for provision of data to registration officers

188. **Section 35** contains provisions empowering the Secretary of State to create, by order, a scheme which requires a public or local authority to supply a registration officer with data which they can use for the purpose of maintaining a complete and accurate electoral register and ensuring that any other information they hold on electors is accurate.
189. *Subsection (1)* provides that the Secretary of State may create an order, referred to as a scheme, which will authorise or require specified persons to provide a registration officer with information from their records, which the registration officer may use for the purposes set out in subsection (2) of the section.
190. *Subsection (2)* sets out the purposes for which the registration officer may use the information provided under a scheme. These purposes include ensuring that their records are accurate, and that all those who are eligible to be registered are included in the register, as well as determining whether the objectives of the scheme are being met.
191. To ensure the scheme can be tailored to the specific circumstances of the registration officer or any public authority affected by the scheme, subsection (3) provides that a scheme may authorise information to be provided at specified times or in specified circumstances.
192. *Subsection (4)* sets out those persons that may be required to provide information under a scheme, namely local or public authorities and/or persons undertaking functions or services on behalf of an authority.
193. *Subsection (5)* allows the Secretary of State, to create more than one data sharing scheme in the same statutory instrument.
194. *Subsection (6)* provides that an order under the new power, will have the effect of removing all barriers to data sharing, statutory or otherwise, that might otherwise have obstructed the establishment of the scheme. It is anticipated that those sharing data under the auspices of any scheme made by order will have regard to the effect of Article 8 of the ECHR, the common law of confidence or any relevant provisions of the Data Protection Act 1998.
195. *Subsection (7)* places restrictions on the onward disclosure by a registration officer of data provided under a scheme. The registration officer may share the data with a person to whom the officer may delegate his or her functions, or to another person where that is for the purposes set out in subsection (2) or is for the purposes of civil or criminal

*These notes refer to the Political Parties and Elections Act
2009 (c.12) which received Royal Assent on 21 July 2009*

proceedings. A person who breaches these restrictions is guilty of an offence and will be liable to a fine on summary conviction.

196. *Subsection (8)* provides that a scheme order contain incidental, supplemental, transitional or saving provision. This is to ensure that the order can be tailored appropriately to the individual circumstances of any scheme.
197. *Subsection (9)* provides that a scheme can only be made following the affirmative resolution procedure.