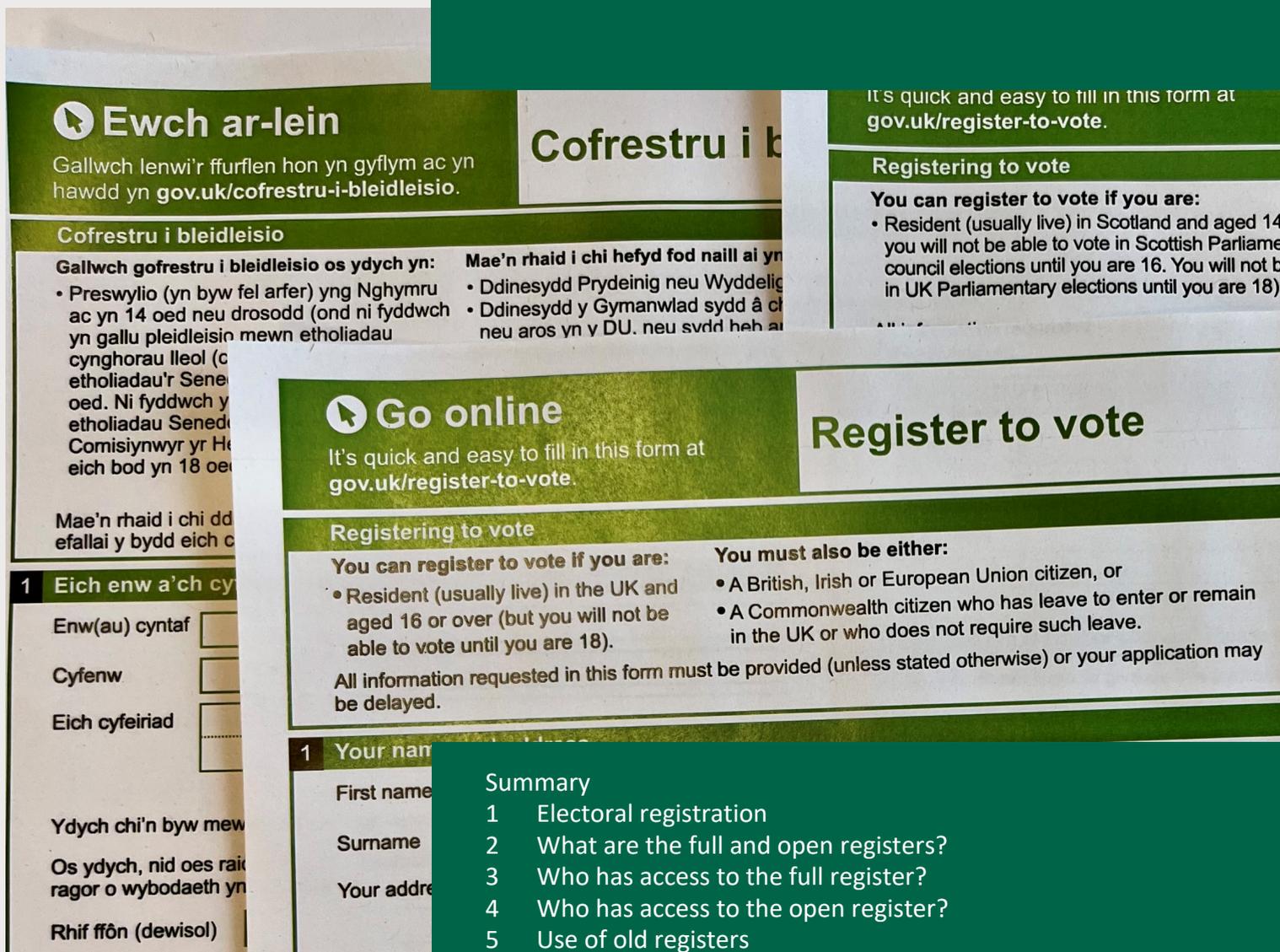


Research Briefing

23 January 2023

By Neil Johnston

Supply and sale of the electoral register



Summary

- 1 Electoral registration
- 2 What are the full and open registers?
- 3 Who has access to the full register?
- 4 Who has access to the open register?
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Summary

The electoral register is a list of everyone who is registered to vote. This briefing paper sets out the rules on access to the electoral register, including the marked registers. It also sets out the background to the introduction of the open register.

There are two versions of the electoral register:

- the full register; and
- the open register, also known as the edited register.

Electoral registers are maintained locally by electoral registration officers (EROs) in your local authority. Voting is voluntary but you must respond to requests for information from an ERO. You cannot object to the use of your name or home address for the purpose of maintaining the electoral register.

The full register

The full register contains the names and addresses of everyone who is registered to vote.

Any member of the public may inspect the full register under supervision. They cannot make any copies or use the information for marketing, but they may make handwritten notes.

There are strict rules on who has access to the full register and on what use can be made of the data contained within it. These are set out in legislation and a breach of the rules is an offence.

Some organisations are entitled to a free copy of the full register on publication. These include:

- the Office of National Statistics and National Records of Scotland;
- the British Library and national libraries in Scotland and Wales;
- the Electoral Commission and boundary commissions;
- Returning Officers running an election;

The full register is also used for summoning juries.

Certain individuals and organisations are entitled to free copies of the full register (or part of it) on request. These include:

- registered political parties - for electoral purposes and for checking donations;
- elected representatives and candidates standing in elections are entitled to the full register for the area they represent or are contesting - for electoral purposes and checking donations;
- referendum campaigners registered with the Electoral Commission;
- local public libraries and local authority archive services; and
- the police and security services.

Government departments may buy a full copy for vetting and crime prevention and detection purposes.

Credit reference agencies are entitled to buy a full copy of the register if they fulfil certain criteria. Credit reference agencies use the full register so that lenders can check the names and addresses of people applying for credit and carry out identity checks to help stop money laundering.

Full copies available for inspection or for supply will not include anonymous registration entries. These are exempt and only the ERO and elections staff will have access to data of those registered anonymously. The data of those under 16 who have registered in advance of reaching voting age (where the voting age is 16), is also protected and is only disclosed in very limited circumstances.

The full list of who can receive or buy copies of the electoral register are set out by the Electoral Commission document, [The electoral register](#).

The open register

The open register contains the names and addresses of everyone who has registered to vote but who has **not opted out** of the open register. The open register is available for sale. Any individual or organisation may buy the open register from an ERO, for any use, on payment of the appropriate fee.

When registering to vote or responding to the annual canvass sent out by the ERO at your local authority, you will be given the option to opt out of the open register.

Currently in Great Britain about 60% of registered electors are opted out of the open register.

Section 7 gives the background to the introduction of the open register.

The marked register

The marked register, which is the register marked off in polling stations to show who has voted, is open for public inspection after an election. Requests

must be in writing and state the purpose of the request. Inspection must be done under supervision only handwritten notes are allowed. Candidates at elections and political parties may also request copies of the marked register for electoral purposes, which may be supplied on payment of a fee.

1

Electoral registration

The electoral register contains the name and address of each eligible registered individual. There is no single national electoral register. Electoral registers are compiled by local electoral registration officers. There is a single online portal for registration, [Register to vote](#), but data is then transmitted to local registration officers.

Technically there are separate franchises, the UK Parliamentary franchise and the local government franchise.¹ However, electoral registers are maintained as far as possible as one register. When someone registers to vote, the information provided will determine which elections they are eligible to vote in and this will be recorded accordingly.²

In England there is an Electoral Registration Officer (ERO) for each local authority responsible for electoral registration. This is the lower tier district or borough council in two-tier areas (where the county council is the upper tier), or in single tier area the local unitary authority, metropolitan borough or London borough. From 1 April 2023 the numbers are:

- 164 district and borough councils (lower tier councils in areas with a two-tier local council structure where county councils are the upper tier);
- 32 London boroughs;
- The City of London;
- 36 Metropolitan borough councils;
- 63 unitary authorities.³

In the 32 unitary councils in Scotland, the registration officer is the local Assessor (except for the City of Dundee and Fife). Assessors in Scotland are also responsible for the valuation of properties for council tax and non-domestic rates.⁴

In Wales, each of the 22 unitary councils has an electoral registration officer.

¹ In Wales, the franchise for Senedd elections is technically separate

² The Library briefing, [Who can vote in UK elections?](#), has more information on the different franchises

³ [ONS Open Geography portal](#). Note that local government reorganisation may alter this number. From 1 April 2023 two-tier local government will abolish 17 districts and upper tier councils in Cumbria, North Yorkshire, and Somerset, and replace them with four unitary authorities

⁴ [See the Scottish Assessors Association website](#)

The electoral registration officer for Northern Ireland, where there is a single central register, is the Chief Electoral Officer for Northern Ireland.⁵

There are two versions of the electoral register maintained by electoral registration officers:

- the full register and
- the open register (also known as the edited register).

Access to the full register is restricted by law. The open register is available for sale for any reason. You have the right to opt out of the open register. For the background to the creation of two versions see Section 7.

EROs have a statutory duty to compile and maintain the electoral register and to “take all steps that are necessary” to improve the coverage and accuracy of the full register under the Representation of the People Act 1983 as amended.

Although electoral registration is now continuous, a new full version of the electoral register is usually published at the beginning or December each year. The December 2020 register has been delayed until February 2021 because of the coronavirus pandemic. This follows the annual canvass of electors, where EROs will contact local electors during the summer to check that details are still correct. In Northern Ireland a canvass is now normally held every ten years.

Additions and deletions to the register during the rest of the year will take effect at the beginning of the following month.

1.1

Do I have to register?

Electoral registration is effectively compulsory. It is not an offence to fail to register to vote, but it is a criminal offence to fail to comply with a request for information from an ERO as part of the annual canvass.

The decision whether to vote remains voluntary and when registering you have the choice to opt out of the open register.

A request for information will usually be in the form of an annual canvass letter/form sent by your council to check whether the electoral register details for your address are still correct. If the details are correct, you will not need to do anything. If, however, any information is wrong or there is someone eligible to register and their details are not included, you **must** respond to the annual canvass form.

⁵ [See the Electoral Office for Northern Ireland website](#)

You could face fine up to £1,000 for failing to provide the information required to the ERO. Information on the number of people fined is not held centrally.⁶

Providing false information is an offence and the penalty is up to 51 weeks imprisonment or an unlimited fine in England and Wales. In Scotland and Northern Ireland, the fine is up to £5,000 or six months in prison.⁷

If an ERO becomes aware of a potential elector at an address and not on the register, usually by information provided during the annual canvass, they must send that person an invitation to apply for registration. Failure to respond to the invitation to register is a civil offence and the ERO may impose a civil fine, a fixed penalty notice of £80.⁸ Figures on the number of penalties issued is not held centrally.⁹

The Local Government and Elections (Wales) Bill, which passed its final stages in the Senedd on 18 November 2020, contains provisions on registering local government electors in Wales. When brought into force they will allow EROs in Wales to register people without the person having to apply. If an ERO is satisfied that a person not on the register of local government electors is entitled to be registered, they can register them but must first write to them. This notice will inform the person of their right to opt out of the open register, and the right to register anonymously.¹⁰ It will also inform them which elections they will be registered for. The ERO cannot register them for the UK Parliamentary franchise. Someone's name will only be added to the register after a 28-day period has elapsed from the sending of the notice.

The Welsh Government consulted on taking forward these powers forward from October 2022 to January 2023 and is considering the responses.¹¹

Introduction of the fixed penalty notice

Civil penalties for failing to respond to an invitation to register (ITR) were introduced in the Electoral Registration and Administration Act 2013 by the Coalition Government. The 2013 Act sped up the implementation of the new system of individual electoral registration (IER). IER had been introduced by the previous Labour Government Political Parties and Elections Act 2009 with phased implementation.

The Coalition Government had originally considered allowing people to opt out of electoral registration and making it a matter for the individual whether or not to reply to an invitation to register. It would maintain the

⁶ [WPQ 116269](#), 6 December 2017

⁷ Section 13D of the Representation of the People Act 1983, as amended

⁸ Section 9E of the Representation of the People Act 1983, as amended

⁹ [WPQ 286651](#), 9 September 2019

¹⁰ The Library briefing, [Anonymous electoral registration](#), has more information on the criteria for anonymous registration

¹¹ Welsh Government, [Electoral administration and reform White Paper](#), 11 October 2022

criminal offence of failure to respond to attempts by electoral registration officers to discover who in a household is eligible to vote stating:

The situation is different for a household canvass. If one member of the household does not reply it has the potential to disenfranchise others in the household who may be eligible to register to vote and for this reason we intend that the current offence...will apply to the household canvass only, thus allowing those who fail to respond to an enquiry to be prosecuted, but not to those who choose not to return an individual application form.¹²

There were concerns expressed that making it optional to be on the register would have an impact on registration rates. In evidence to the Political and Constitutional Reform Committee inquiry on the draft proposals, the Electoral Commission stated that:

The register performs an important civic function, beyond enabling us to vote, and those functions are also important in a democracy. It ensures the public are counted for purposes of representation and drawing boundaries. It ensures that political parties and candidates can contact electors and try and persuade them to vote, and of course it is the register from which potential jurors are drawn. It is also used in law for the purpose of credit reference agency checks and for detecting fraud.¹³

The Electoral Commission were concerned that registration levels could fall to match turnout, in other words from around 90% to less than 70%.¹⁴ The Committee heard from others that the threat of fines for failure to complete a registration form had significantly improved electoral registration rates. In the Government's response to the consultation and the Committee's report, it acknowledged the concerns. It had heard from the Society of Local Authority Chief Executives and Senior Managers, SOLACE, "although sanctions are rarely used, we believe that the threat of sanction is a strong motivator which persuades many people to return their annual canvass form."

The Government heard from several respondents that an alternative approach, the use of a civil penalty for failing to respond to an invitation to register, may be preferable. The Government responded by saying:

Our position remains that we do not intend to criminalise individuals for not registering to vote; however we recognise that there is a debate to be had about the merits of the proposal that we introduce a civil penalty for not returning an IER form¹⁵

The Government introduced the civil sanction for failure to respond to an invitation to register in [Section 5](#) of the 2013 Act. This amended the

¹² HM Government, [Individual Electoral Registration](#), Cm 8108, June 2011, para 65

¹³ Political and Constitutional Reform Committee, [Individual Electoral Registration and Electoral Administration - Volume I PDF version](#) 10th Report, November 2011, HC1463 2010-12, p9

¹⁴ Ibid.

¹⁵ HM Government, [Government Response to pre-legislative scrutiny and public consultation on Individual Electoral Registration and amendments to Electoral Administration law](#), Cm 8245, February 2012,p14

Representation of the People Act 1983 by inserting new section 9E in the 1983 Act.

Commenting on the proposals during the Commons Committee stage debate on the provision, Mark Harper, for the Coalition Government said:

Several hon. Members have touched on the public policy reasons justifying a penalty. Some aspects of registration affect other people. First, the register provides the source of jurors, and it is important to have balanced juries made up of a proper cross-section of adult electors. Secondly, electoral registers can affect boundary changes—not just parliamentary boundary changes, but local ones as well, as highlighted by several hon. Members. That is why we decided it made sense to have a civil penalty, which was also in response to the Select Committee’s report and some of the evidence that was taken.¹⁶

During the House of Lords stages, Lord Wallace of Saltaire spoke for the Coalition Government, saying:

The purpose of the civil penalty is to encourage citizens to fulfil what we all regard as their civic duty and to make it clear that there are consequences for them failing to do so. It is not intended that it should be imposed on every single person who for whatever reason fails to go through to the complete process. Indeed, the evidence is that prominent inclusion on the registration form of the words, “This is your civic duty. You are subject to a fine if you do not fill in the form”, significantly increases the number of people who fill in that form. That is particularly valuable. But to move on from there to pursuing everyone who fails to fill in the form accurately, or who refuses point blank after many attempts to fill in the form, takes us a little further down the road from voluntary to compulsory voting than many of us wish to go.¹⁷

In July 2020, the House of Lords Committee’s post-legislative scrutiny report on the Electoral Registration and Administration Act 2013 heard evidence that few EROs use the sanction and where it was used practice varied. Witnesses told the Committee the £80 fine was not a sufficient deterrent and cost more to administer than was collected. It also heard that voters were confused about the difference between the annual canvass forms and an invitation to register, with some potential new voters responding to annual canvass forms but then ignoring the subsequent ITR, thinking they had already registered. The Committee recommended that the Government reconsider the fines regime and the registration system but, in the meantime, should provide greater guidance.¹⁸

The Government responded by saying it believed that local EROs “know their areas best and should have the tools they need to fulfil their statutory duties, but also the discretion to use these tools as they consider best.” It

¹⁶ [HC Deb 25 June 2012, c85-118.](#)

¹⁷ [HL Deb 29 October 2012, c408-45](#)

¹⁸ Electoral Registration and Administration Act 2013 Committee, [An electoral system fit for today? More to be done](#), HL Paper 83 2019-21, paragraphs 188-97

also noted it was the Electoral Commission's role to issue guidance and not the Government.¹⁹

Data protection

Electoral Registration Officers are data controllers under the requirements of data protection law and GDPR, and data must be processed lawfully, fairly and in a transparent manner. They must also ensure that the data they hold is processed securely.

Under data protection law someone can object to the processing of their personal data, but this cannot be applied to information where the collection of or the nature of the processing is specified in electoral law. For example, in relation to electoral registration, someone can object to the processing of their email or telephone contact details but not to the use of their name or home address for the purpose of maintaining the electoral register.²⁰

¹⁹ [Government response to report: An electoral system fit for today? More to be done](#), 7 October 2020, p7

²⁰ Electoral Commission, [EU General Data Protection Regulation \(GDPR\) and Data Protection Act 2018](#)

2 What are the full and open registers?

2.1 The full register

The full register contains the names and addresses of everyone who is registered to vote in public elections in the area that the registration officer is responsible for.

There are strict rules about who has access to the full register (see [Section 3](#)) but it is also a public document and can be inspected by any member of the public who wishes to consult it, subject to rules on inspection.

The register for inspection may be made available in electronic or paper format. However, there are strict restrictions in place to prevent those inspecting the register from making copies.

Inspection must be done under supervision. This will usually be at the local council offices but may also be in a library if suitable monitoring is in place. Handwritten notes may be made by those inspecting the full register. Any other copying or recording is prohibited and is a criminal offence. This includes downloading, photocopying or photographing portions of the register. If a register is made available in electronic format it is specifically prohibited to search by name.

Anyone inspecting the register must not use any details for direct marketing.

Anonymous registration is available for people whose safety would be at risk if their name or address were listed on the electoral register. Those who qualify for anonymous registration will not have personal details shown on the full register. For anonymous entries only the elector number and the letter 'N' are shown at the end of the relevant part of the electoral register. Only the ERO and elections staff have access to data of those registered anonymously.²¹

The full register also contains information on 'attainers'. These are young people who will attain voting age in the lifetime of the register. In Scotland and Wales, where the voting age for some elections has been reduced to 16, the full register will contain attainers aged 15 and, in some instances, 14 years of age. Legislation protects the data on the full register for those below the age of 16 and it can only be disclosed in limited circumstances. Except in

²¹ For more information on anonymous registration, see Library briefing, [Anonymous electoral registration](#)

those limited circumstances, no information on those aged under 16 must be included on any version of the register published or made available.

The circumstances where information those under the age of 16 can be disclosed is to the person themselves, if required for an investigation into registration or election offences, or in connection with elections or registration to returning and registration officers. In elections where a 15-year-old on the register will be 16 by polling day, their information can also be disclosed to candidates and parties in line with lawful access to the full register for candidates (see [Section 3.1](#)).

2.2 The open register

The open register contains the names and address of those who have registered to vote but who have not opted out of the open register. When the open register was first created it was more commonly referred to as the edited register.

Access to the open register is not restricted. It is available for sale to anyone and the data in it may be used for any purpose (see [Section 4](#)).

When registering to vote or renewing a registration during the annual canvass of registered voters, you are made aware of the option to opt out of the open register. Registered electors may change their preference at any time. The online registration service provides more information on the webpage, [The electoral register and the 'open register'](#).

Anonymous registrations are not included in the edited register and all anonymous electors are automatically opted out of the open register.

According to data from the Office of National Statistics, in December 2019 27.4 million voters were opted out of the open register in England and Wales. This was 63% of the 43.7 million electors registered to vote in local elections.²² A similar proportion of voters in Scotland in December 2019 are opted out of the open register: 58%.²³

The number of voters opted out of the open register has grown steadily in recent years. In England and Wales, the figure was around a third in 2013 and has grown each year since. In Scotland the proportion was stable at around a quarter prior to 2015.

The Welsh Government is considering removing the open register for devolved elections in Wales. Its 2022-23 consultation on electoral

²² ONS, Home People, population and community Elections Electoral registration Electoral statistics, [UK Electoral statistics, UK: 2019](#)

²³ National Records of Scotland, [Electoral Statistics for Scotland](#), December 2019

administration has asked to what extent people agree or disagree with such an approach.²⁴

The Welsh Government does not have the power to abolish the open register for UK Parliament elections, as matters relating to UK Parliament elections are reserved to Westminster. It means British, qualifying Commonwealth and Irish citizens resident and registered in Wales to vote in UK Parliament elections, and who have not opted out of the open register, will still have their details listed on the open register in use for UK Parliament elections.

²⁴ Welsh Government, [Electoral administration and reform White Paper](#), 11 October 2022

3

Who has access to the full register?

Strict rules apply to who can have access to the full register. These are set out in legislation.²⁵ As noted in [Section 2.1](#), any member of the public may inspect the full register, subject to the restrictions on copying.

Other organisations and individuals have the right to a free copy of the full electoral register, subject to restrictions on how the data are used. Government departments and credit reference agencies may buy copies of the full register.

There are general restrictions placed on those who receive a copy of the full register, either for free or on payment of a fee.

Recipients cannot supply a copy of the full register to others not authorised to have access. Nor can they disclose any details from the full register unless the details are also on the open register.

Unauthorised disclosure or use of information on the full register (that is not on the open register) is an offence. The register can only be used for the purpose stated in the regulations by these organisations.

The penalty for an offence relating to sale and supply of the full register is an unlimited fine in England and Wales, or a fine of up to £5,000 in Scotland and Northern Ireland.

3.1

Free copies

Right to be supplied

The following organisations and individuals are entitled to a free copy of the full register and must be supplied with a copy on publication. This usually includes monthly updates, lists of absent voters (those registered for proxy or postal votes) and the overseas voter list (where appropriate):

- Returning Officers running an election;
- The British Library and the national libraries of Scotland and Wales;

²⁵ Principally the Representation of the People (England and Wales) Regulations 2001, the Representation of the People (Scotland) Regulations 2001, and Representation of the People (Northern Ireland) Regulations 2008, as amended

- UK Statistics Authority;
- National Records of Scotland;
- The Electoral Commission;
- Boundary Commissions – both Parliamentary and local government boundary commissions;
- National Park authorities in Scotland;
- Jury Central Summoning Bureau - under the provisions of the Juries Act 1974 copies of the full register must also be supplied to the courts for the purposes of summoning jurors.

The copies of registers held by the national libraries may be inspected, but those inspecting the registers are under the same restrictions as those inspecting a local copy at their council: only handwritten notes may be made, and any other copying or recording is prohibited and is a criminal offence. Libraries and councils making registers available for inspection must also make sure that the register cannot be searched by name.

Copies more than 10 years old held by national libraries are not subject to the same restrictions and may be supplied for historical or statistical research. However, whoever is supplied with such copies must not supply, use or disclose information other than for the research unless information contained in it that is available in the open register.

Right to request

Other organisations and individuals have the right to a free copy of the full register (or parts of it) on request, subject to restrictions on the use of the information. They may also request monthly updates, the list of absent voters, and overseas voter list where appropriate. An ERO must comply with a request.

Those who have a right to the full register (or part of it) on request are:

- Elected representatives;
- Candidates standing in elections;
- Registered political parties;
- Local constituency parties;
- Election agents for political parties submitting a list of candidates for elections using a list (for example regional candidates at Scottish and Welsh Parliamentary elections);

- Registered third party campaigners or registered referendum campaigners (known as permitted participants);
- Councils, including parish councils;
- Returning officers for National Park Authority elections in Scotland;
- Public library or local authority archive services;
- National Crime Agency and police forces;
- The security and intelligence services, including GCHQ

In Northern Ireland, a registered medical practitioner may also request a copy of the full register for 'medical purposes' in case of an emergency. "Medical purposes" means the provision of medical care or treatment for the person or a dependent of that person.

Elected representatives

Elected representatives, including MPs, MSPs, MSs, MLAs, police and crime commissioners, elected mayors, members of the GLA, and councillors must be provided, on request, with a copy of the full register for use for 'electoral purposes'.

Each representative may only request the full register and overseas voter list for the area they represent. For regional members of the Scottish and Welsh Parliaments and GLA list members in London this can be the whole region.

"Electoral purposes" is not defined in the legislation. When the legislation allowing for the open register to be compiled (see [Section 7](#)) was discussed in 2002, the then Minister, Yvette Cooper, was questioned about the meaning of 'electoral purposes'. In summing up she said it should have a 'liberal interpretation':

Fundamental questions were asked about the nature of "electoral purposes". It is a broad concept and it is right to adopt a liberal interpretation of what it means. It should be defined as anything to do with the process of campaigning and getting elected. Fundraising for the purposes of winning elections is part of "electoral purposes" and the regulations cover the circumstances when political parties seek to raise funds.

...

It is right not to pin down "electoral purposes" too narrowly. We do not want to omit anything that counts as an important part of what political parties and those seeking to represent the people in a democracy should be able to do to communicate with voters. Voters themselves should have their human right

to participate in free and fair elections recognised. In a democracy, it is crucial to sustain those principles.²⁶

Regulated donees

Most elected representatives are also ‘regulated donees’ under the provisions of the Political Parties, Elections and Referendums Act 2000 (PPERA).

Elected representatives must report donations and loans above a certain value to the Electoral Commission and must ensure all donations over a certain level are from a permissible source. The main exception is parish or community councillors, who are not subject to PERA regulation on donations and loans.

One permissible source is an individual registered on a UK electoral register (including the overseas voters list). Regulated donees can use their copy of the electoral registers to check the permissibility of donors.

Candidates

Someone becomes a candidate on being formally nominated during the election period. This is in the first few days of the election timetable. Most election timetables are 25 working days from the notice of election to polling day.

On formally being nominated, candidates are entitled to a free copy of the full electoral registers and the absent voter lists for the electoral area that they are contesting. Registration officers must, by law, provide the details on the full register to candidates on request.

Candidates may only use the information for electoral purposes and for checking donations and loans received for their election campaign.

In most major elections, candidates are entitled to send one free election communication. This can either be an unaddressed communication to a single address, or an addressed communication to each elector at an address. Candidates must cover the printing costs of the communication, but it must be delivered free of charge by the Post Office.

This is why potential voters sometimes receive election leaflets from parties and candidates that they do not support. This is not a breach of data protection rules. Candidates have a lawful right to the full register for the area they are contesting to campaign to potential voters.

²⁶ Standing Committee on Delegated Legislation, Draft Representation of the People (Scotland) (Amendment) Regulations and Draft Representation of the People (England and Wales) (Amendment) Regulations 2002, [22 July 2002, c 21](#)

Political parties

Registered political parties are entitled to a full copy of the electoral registers. They can use them for electoral purposes and for checking the permissibility of donations and loans from registered electors.

Local constituency parties are also entitled to the full register for the constituency for electoral purposes.

Other recipients

Third party and referendum campaigners that are registered with the Electoral Commission are also entitled to the full registers. These can be used for election or referendum campaigning and for verifying donations and loans are from permissible individuals.

Parish/Community councils can use a copy of the full register for their area to verify whether someone is entitled to attend and participate in a meeting of the parish, parish council meeting or parish polls.

Police forces may use the full registers for prevention and detection of crime and the enforcement of the criminal law.

3.2

Sale of copies

A copy of the full register can only be sold to those organisations listed in the regulations. These organisations are:

- Government departments (including the Environment Agency, the Financial Services Authority, the Scottish Government and any body which carries out the vetting of any person for the purpose of safeguarding national security); and
- Credit reference agencies.

The standard prohibitions apply. They must not use the register other than for the purposes set out in the regulations nor can they supply a copy or disclose information contained in it (that is not contained in the edited register).²⁷

Credit Reference Agencies

Credit reference agencies can, by law, purchase the electoral registers, including overseas voters lists. They provide proof to lenders that applicants

²⁷ Regulation 112, Representation of the People (England and Wales) Regulations 2001

for credit do in fact live at the address given and that they are not attempting to obtain credit fraudulently using a false name and address.

On request and on payment of the correct fee an ERO must sell the full register to a credit reference agency. The agency must have permission under the Financial Services and Markets Act 2000 to act as a credit agency and must be “carrying on the business of providing credit reference services” as defined in the regulations. An ERO has the right to require evidence that the agency meets the definition.

There are currently three main credit reference agencies operating in the United Kingdom; Experian Ltd, Equifax plc, and TransUnion. As electoral registers are compiled locally, the credit reference agencies therefore have to purchase the registers for each area separately and they do this in December each year shortly after the publication of the register following the autumn canvass; they also purchase the monthly updates to the register.

Fees

The current fees for sale of the full register and monthly updates are as follows:

- in data format:
£20 plus £1.50 for each 1,000 entries (or remaining part of 1,000 entries)
- in printed format:
£10 plus £5 for each 1,000 entries (or remaining part of 1,000 entries).

The fees for the overseas voters lists are:

- in data format:
£20 plus £1.50 for each 100 entries (or remaining part of 100 entries)
- in printed format:
£10 plus £5 for each 100 entries (or remaining part of 100 entries).²⁸

²⁸ Regulation 111(2) Representation of the People (England and Wales) Regulations 2001

4

Who has access to the open register?

There are no restrictions on the sale of the edited version of the register or on the uses that can be made of it.

The Electoral Registration Officer must supply a copy of it to any person on payment of a fee.

The current fees are as follows:

- in electronic data format:
£20 plus
£1.50 for each 1,000 entries (or remaining part of 1,000 entries)
- in printed format:
£10 plus
£5 for each 1,000 entries (or remaining part of 1,000 entries).²⁹

²⁹ Regulation 110(2) Representation of the People (England and Wales) Regulations 2001

5 Use of old registers

Before the open register was introduced in 2002, old copies of the full register could be sold to anyone prepared to pay a fee. Some of the information in the old registers compiled before 2002 will still be current, for example people who have not moved home for many years.

In the period after the introduction of the open register, some companies made use of the data from full registers purchased pre-2002 to maintain their databases. Because these registers were compiled before the law was changed, the companies were not acting illegally by using this information. They were using information provided by the electors before it was possible to 'opt out' of the open register.

A PQ in April 2006 asked whether companies using the information provided before electors were able to 'opt out' could be prevented from doing so. The then Minister, Bridget Prentice, responded:

Bridget Prentice: The Representation of the People Regulations 2002 provide that electors may opt out of the edited version of the register of electors if they do not want their details to be sold to anyone for any purpose.... Any attempt to use legislation to impose a retrospective ban on the use of information derived from pre-2002 electoral registers, though, is likely to be impracticable and unenforceable since this may be provided by commercial organisations based outside of the UK against whom the sanctions of UK law cannot be applied. Electors who do not want their details to be used by commercial organisations may wish to approach the mailing or telephone preference services requesting deletion from company records or publicly available websites or otherwise make a request directly to an individual organisation. If an organisation fails to comply with such a request an elector may pursue the issue with the Information Commissioner's Office.³⁰

In 2006, the B4Usearch website, which offered free searches from the pre-2002 electoral registers, was issued an enforcement notice by the Information Commissioners Office (ICO). After receiving almost 1,600 complaints the ICO found that – because of the way that the pre-2002 register had been used – the website did not comply with the first principle of the Data Protection Act.³¹

The [ICO website now advises](#) the following:

It has come to our attention that some organisations which legitimately bought a copy of the register before the change in the law might still be using people's details contained in it. It is also possible that if an individual didn't

³⁰ HC Deb 18 April 2006 c42W

³¹ The [Data Sharing Review](#), by Mark Walport and Richard Thomas. Ministry of Justice, July 2008, p72

opt out in each year since 2002, some organisations might also have their details in a version of the open register.

Depending on the circumstances, the use by an organisation of an older version of the register may raise issues in relation to the processing of personal data, giving rise to a risk of a breach of the provisions of the Data Protection Act 1998. Such processing might be unfair and might not accord with the expectations of individuals.

If you have concerns about an instance where an organisation is using your details from an older version of the register, [please tell us about it](#).

6 Marked registers

Following elections certain election documents are open for public inspection. This includes the electoral registers used in polling stations and absent voter lists. This does not apply to ballot papers and the corresponding number lists for ballot papers, to protect the secrecy of how people voted. These are held securely and can only be inspected by order of a court if electoral fraud is suspected.

The registers available for inspection are called the 'marked registers'. These are electoral registers from polling stations that show who has turned out to vote. It also includes lists of absent voters, which show who has been issued with a ballot paper, who has returned their postal ballot paper, and who has had a proxy vote cast on their behalf.

These documents are destroyed 12 months after an election unless a court orders otherwise.

In England and Wales, EROs administer access to marked copies of the electoral register and absent voting lists. In Scotland, the process is administered by the relevant Returning Officer.

Marked registers can be inspected anyone in person free of charge. Inspection is under supervision and only handwritten notes may be made. Any other copying or recording is not permitted and is a criminal offence.

The rules governing inspection and access to copies of the marked registers for UK Parliamentary elections are principally contained in schedule 1 of the Representation of the People Act 1983, as amended. Similar rules for other elections appear in other enactments.³²

Applications for inspection must be in writing and must state:

- which register or document the applicant wants to inspect;
- whether they wish to inspect a printed or data copy (where appropriate);
- the purposes for which any information will be used;

³² For example, in Scotland the provisions for local elections come from the Local Electoral Administration and Registration Services (Scotland) Act 2006 and the Representation of the People (Post-Local Government Elections Supply and Inspection of Documents) (Scotland) Regulations 2007

- where the request concerns the marked register or lists, why inspection of the full register or unmarked lists would not be sufficient to achieve the purpose;
- who will be inspecting the documents, and
- the date on which they wish to make the inspection.

Candidates, registered parties and police forces who have access to the full register under the rules mentioned in [Section 3](#) may also request a copy of marked registers to be supplied, on payment of the correct fee. The data may be used for electoral purposes.

The current statutory charges for a copy of the whole or any part of the marked register or lists are:

- £10 admin. plus £1 per thousand entries (or part) for a data copy;
- £10 admin. plus £2 per thousand entries (or part) for a paper copy.

The recipient of the data must securely destroy it once the purpose for which it has been supplied has finished. Unauthorised disclosure or supply of the marked lists is an offence.

7

Background to the introduction of the open register

Copies of the electoral register have been made available for sale in one form or another since at least 1832. Electoral law made provision both for the sale of the register and set the fees charged for providing copies.

Until the secret ballot was introduced by the [Ballot Act 1872](#), poll books, which listed eligible voters and who they voted for, were also public documents.

7.1

Howarth Report

After the 1997 General Election, the Home Office set up a working party on electoral administration under George Howarth, then minister at the Home Office with responsibility for elections. The full report of the working party was published in October 1999.³³

Membership of the working group was drawn from the three major political parties represented in the House of Commons at the time, in addition to representatives of the local authority associations, central government departments, returning officers and electoral administrators.

At that time, EROs/returning officers were statutorily required to provide copies of the full register free of charge to those who required it for electoral purposes. They also had to provide any surplus copies on payment of a fee to any other person who requested it. There was no open or edited register.

The Howarth working party examined the sale of the electoral register, noting that:

Supply of the register for commercial use is, and has for some time been, a major source of complaint to Government and to registration officers.³⁴

The working party heard anecdotal evidence that the sale of the register for commercial purposes might be acting to discourage individuals from registering, although the limited research available at the time suggested it “may not be significant”.

³³ [Final Report of the Working Party on Electoral Procedures](#) [Howarth Report], Home Office, October 1999

³⁴ As above, para 2.4.3

It also heard from the then Data Protection Registrar that commercial exploitation of the personal information held on the registers was out of step with data protection law and practice at the time:

The way in which individuals have to supply their names, addresses and, in some cases, dates of birth, once a year, on penalty of a criminal conviction, for whatever purpose someone might choose to purchase them for, is out of step with current Data Protection practice and law. The partial protection that individuals gained from the geographical distribution of the register, its length and format has been eroded by developments in technology.³⁵

The working party heard from the business sector that although the register was one of a series of data resources used to deliver services, the register was a key source because it provided access to national database and that limiting access to the full electoral register would adversely affect businesses and employment.³⁶ The working party also noted that very few businesses purchase the register direct and that “most non-electoral uses are sourced from copies of the register provided by the two main consumer credit reference agencies, Experian and Equifax”.³⁷

The working party examined data protection implications of the existing position, and the possible effect on the level of electoral registration, weighing them against its usefulness for law enforcement, including measures to prevent money laundering, and the concerns of the companies which use the electoral register, particularly in relation to credit, and charities that would find it harder to focus fund-raising and membership campaigns. It recommended that:

- Electors should be allowed to decide whether their personal details should be included in the register made commercially available (Recommendation 12)
- The full register should continue to be available to electoral users, but a licensing arrangement should be agreed to ensure that its use is restricted to electoral purposes only (Recommendation 13).

The recommendations followed considerable debate in the working party, which concluded that ‘in the wider economic interest of the United Kingdom, it would be wrong wholly to withdraw electoral registration data from use commercially.’³⁸ The Working Party added that ‘the requirements of natural justice require that we should go further and allow the extension of consumer choice to the question of what registration information is sold on commercially.’³⁹

³⁵ As above, para 2.4.6

³⁶ As above, para 2.4.16-17

³⁷ As above, para 2.4.21

³⁸ As above

³⁹ As above, para 2.4.23

The Howarth working party's recommendations on the sale of the electoral register required primary legislation. Section 9 of the Representation of the People Act 2000 subsequently amended Schedule 2 to the Representation of the People Act 1983 to require EROs to compile an edited version of the register which omitted the names of all those electors who had asked for their details not to be included in the version of the register that could be sold to commercial organisations.

7.2 The Robertson judgment

While the Government was consulting over the draft regulations to implement the provisions of the Representation of the People Act 2000, an elector in Pontefract, Brian Robertson, requested that his name and address on the electoral register should not be supplied to commercial organisations on privacy grounds. When this was refused, he applied to the High Court for judicial review of the local Electoral Registration Officer's decision. Judgment was given on 16 November 2001 and applied to the law as it stood before the introduction of the open/edited register provisions in 2002.⁴⁰

The judgment held that the refusal of the ERO to accept this request was contrary to the Data Protection Directive and to Article 8 and Article 3 to Protocol 1 of the European Convention on Human Rights. Mr Justice Maurice Kay ruled that Mr Robertson was entitled by section 11(1) of the Data Protection Act 1998 to require the ERO to stop disclosing information about him on the electoral register to commercial concerns which intended to process this for direct marketing purposes.

The judge also found that the sale of copies of the register with information about Mr Robertson to commercial concerns, without giving him the opportunity to object, would be incompatible with the Convention and the Human Rights Act 1998. The judge found that without the right of objection, the claimant had established "an unjustified, disproportionate restriction on the right to vote".⁴¹

7.3 Regulations introducing the open register

Regulations to implement Section 9 of the Representation of the People Act 2000 were brought forward in 2002. An initial consultation was undertaken by the Government in 2001, but in response to a parliamentary question, the

⁴⁰ [R \(on the application of Robertson\) v City Of Wakefield Metropolitan Council \[2001\] EWHC Admin 915](#)

⁴¹ As above, para 42

Government indicated that concerns about the proposals meant it would delay the introduction until after the 2001 annual canvass.⁴²

In May 2002, the Government published a policy paper on the sale of the register, and new detailed draft regulations for England and Wales the provision of both a full and an edited version of the electoral register to be compiled.⁴³ The consultation document described the broad principles behind the regulations as follows:

- The extent of access to, and supply and sale of, electoral registers must be that which is appropriate having regard to the nature of the data contained in the registers, including in particular that it is personal data compulsorily obtained for the specific purpose of enabling qualifying electors to vote;
- The regulatory framework must be consistent with the requirements of the European Data Protection Directive and the Data Protection Act 1998; and
- That framework must be compliant with the European Convention on Human Rights and thus the provisions of the Human Rights Act 1998.⁴⁴

The new registration forms to be used for the annual canvass and throughout the year for rolling registration would include an “opt out” box to allow electors to say if they wanted their details left out of the edited version of the register.

The edited, or open, version would therefore omit the names of those people who had indicated that they wished their names to be excluded from it and would be available for sale without restriction.

In its response to the consultation document, the Electoral Commission stated its opposition to the principle that the register should be available for sale for commercial purposes:

1. The view of the Commission is that electoral registers should be compiled exclusively for electoral and other limited statutory purposes and that they should not be made available for sale for commercial purposes. The Commission calls on the Government to reconsider the issue of principle and to restrict the use of the electoral register to electoral purposes alone, together with certain limited statutory purposes.

2. The Commission recognises that the Government puts the sale of electoral registers in its historical context, in that copies of the register have been available for sale in one form or other since the 19th century. However, many circumstances have changed over the years and particularly pertinent are the relatively recent introduction of data protection principles into European law,

⁴² [PQ 4024, HC Deb 12 July 2001, c 637W](#)

⁴³ Dep 02/1007, Policy paper on electoral registers - access, supply and sale: the Government's intentions for regulations under section 9 of the Representation of the People Act 2000, 13 May 2002.

⁴⁴ Ibid

including in the UK, and the incorporation of the European Convention on Human Rights into UK law. The expansion of mass communications and data processing has meant that the electoral register has been put to uses never previously envisaged. Its sale for direct marketing purposes has led to an individual elector resorting to litigation to protect his data protection and human rights.

3. The personal data contained in the electoral register is obtained compulsorily to enable the register to be compiled. The Commission is concerned about the balance between the rights of individual electors who provided information on this basis and the wider use of the data proposed in the draft Regulations.⁴⁵

The Government subsequently pressed ahead with the open register and introduced the draft regulations. They were approved by both Houses of Parliament before being implemented in 2002. Similar regulations for Scotland and Northern Ireland were also approved.⁴⁶

The regulations for England, Wales and Scotland have since been amended, principally in 2006. This was to add the security services, the national libraries in Scotland and Wales and national park authorities in Scotland (for the use of national park elections), to the organisations entitled to full copies of the register. These additions were made after consultation⁴⁷

The regulations for Northern Ireland were consolidated in new regulations in 2008 and have been amended since. The provisions in Northern Ireland for access for registered medical professionals in a medical emergency, were added in 2010.⁴⁸ This followed a consultation, which received general support.⁴⁹ The Electoral Commission noted it supported the change:

Our long-held policy position is that the electoral register should be used only for electoral purposes. However given the unique structure of electoral administration in Northern Ireland, where there is a single CEO and one centrally held electoral register, the case for amending the legislation to allow the CEO alone to provide up to date information in the event of a medical emergency is in the interests of voters generally. Therefore, we would be supportive of this change in the context of Northern Ireland.⁵⁰

⁴⁵ Electoral Commission, Electoral Registers – Access, Supply and Sale. Response of the Electoral Commission [Emphasis in original]

⁴⁶ The regulations for England and Wales, and Scotland were approved - [HC Deb 15 July 2002](#) and [HL Deb 16 July 2002, c1175-86](#). The Northern Ireland regulations were approved – [HC Deb c537, 18 July 2002](#) and [HL Deb 22 July 2002, c126-32](#)

⁴⁷ Department for Constitutional Affairs, Electoral Registers: [Proposed changes to the Representation of the People Regulations, Response to Consultation CP\(R\) 21/05](#), August 2006

⁴⁸ The Representation of the People (Northern Ireland) (Amendment) Regulations 2010 amended the 2008 principal regulations

⁴⁹ Northern Ireland Office, [Government response to consultation: Improving Electoral Registration Procedures in Northern Ireland](#), November 2009

⁵⁰ Electoral Commission, The Electoral Commission's response to the Northern Ireland Office consultation paper – Improving Electoral Registration Procedures in Northern Ireland, October 2009

8 Reviewing access to the open register

8.1 The report of the Data Sharing Review

On 11 July 2008, the Ministry of Justice published the report of the [Data Sharing Review](#). The Review had been set up by the Government in December 2007 to examine the operation of the Data Protection Act 1998.

The report recommended measures to increase public trust and confidence in the handling and processing of personal data by both the public and private sectors.⁵¹ The authors of the review commented that they had

...focused primarily on the issues surrounding the sharing of personal information that have given rise to recent problems and anxieties: how is data shared? by whom? with what authority? for what purposes? with what protections and safeguards?⁵²

The report noted, at the time, around 40% of registered voters opted out of the open register but criticised the language used on registration forms, saying it could be confusing “and many people do not realise it is the edited register that is on public sale”. The report went on to say that selling the register was an unsatisfactory way to treat personal information.

It sends a particularly poor message to the public that personal information collected for something as vital as participation in the democratic process can be sold to ‘anyone for any purpose’. And there is a belief that the sale of the electoral register deters some people from registering at all. We are sympathetic to the strong arguments made by the Association of Electoral Administrators and the Electoral Commission that the primary purpose of the electoral register is for electoral purposes.⁵³

Recommendation 19 of the Review recommended that the Government should abolish the edited/open register and remove the provisions allowing the sale of the edited electoral register. It noted this would not affect the sale of the full register to political parties or to credit reference agencies.⁵⁴

⁵¹ The [Data Sharing Review](#), by Mark Walport and Richard Thomas. Ministry of Justice, July 2008

⁵² *Ibid*, p1

⁵³ *Ibid*, p 73

⁵⁴ *Ibid*, Recommendation 19

8.2 Consultation on the abolition of the edited register

In November 2009 the Labour Government announced a consultation on the impact of accepting Recommendation 19 of the Data Sharing Review, in particular the impact the abolition of the edited register would have on businesses, charities and the privacy of individuals.⁵⁵

The consultation presented a range of options for abolition or retention with modification to the existing regime. The Government did express a view on a preferred option. The consultation also set out the arguments for and against an open/edited register. The key arguments for abolishing the open register were summarised as:

- The public should be aware of how and where their data is being used. Concerns raised by the Data Sharing Review, were that the public were not sufficiently informed that data on the edited/open register could be sold and that they had a choice about opting out;
- The existence of the edited/open register may be deterring people from registering to vote. There was no detailed research available to determine whether this was occurring but a survey of local authorities in August 2008 showed that 88% of the Electoral Registration Officers who responded that having two registers with one of them available for sale, deterred people from registering to vote; and
- The privacy concerns and the risk of deterring individuals from registering to vote would undermine the legitimacy of the democratic process.

The Electoral Commission supported the abolition of the edited register saying that “electoral registers should be used for purposes exclusively related to elections and referendums”.⁵⁶ Their response included the following further points:

- The abolition of the edited register may provide reassurance for electors at a time when they will – as part of the transition to individual electoral registration - be asked to supply additional personal information when registering to vote.
- If the edited register were to be maintained then as an absolute minimum the Commission believes that the current “opt out” provision

⁵⁵ Ministry of Justice, Electoral registers: proposed changes to the edited register, consultation paper [CP 46/09], 24 November 2009

⁵⁶ Electoral Commission response to the consultation paper Electoral registers: proposed changes to the edited register, February 2010

should be replaced with one which allows electors to “opt in”, backed up with improved guidance for the public about the edited register.⁵⁷

Organisations in favour of retaining the open register told the Government that it was a valuable and “that its abolition would have a significant impact on them”. The national coverage and annual update of registers mean that business using the open/edited register described it as “a cost-effective and relatively inexpensive data source”.

In the Impact Assessment that accompanied the consultation gave more detail of some of the benefits of access to the edited registers. Debt collection agencies are a major user of the edited registers and in 2008 the Credit Services Association estimated some 15 million traces were undertaken to track down people who owed money. The Impact Assessment also noted that local businesses tend to buy the edited register locally and abolition could increase their costs by finding alternative sources. A similar situation could apply for some local charities. Credit agencies and financial institutions use the edited registers for post-credit applications that do not fall under the ‘permitted uses’ of the full register.⁵⁸

Organisations in favour of keeping the edited register noted that alternatives may be found but perhaps at a significantly greater cost.

The credit reference agency Experian argued for the retention of the edited register in its response to the consultation paper.⁵⁹ Experian disagreed with the suggestion that the edited register discouraged people from registering to vote and gave details of a survey it had carried out about this issue:

Critically the survey of over 28,000 people resulted in 4,600 responses and shows that of those people that do not register, any commercial use of their data is most definitely not the issue. Voter disinterest and apathy accounted for nearly a third of the total with a significant number believing themselves not entitled to register or not registering because they were registered elsewhere or in transit. Voter disinterest was particularly the case for younger people.⁶⁰

A cross-industry group, which had been formed to consider the credit industry’s response to the consultation paper, also opposed the abolition of the edited register.⁶¹

⁵⁷ Ibid

⁵⁸ Ministry of Justice, Impact Assessment of proposals to change the electoral registers, 24 November 2009, pp11-12

⁵⁹ Experian’s response to the consultation paper Electoral registers: proposed changes to the edited register, February 2010

⁶⁰ Ibid, p23

⁶¹ Credit industry’s response to the consultation paper Electoral registers: proposed changes to the edited register, February 2010

The consultation ended on 23 February 2010. The Labour Government were not returned after the 2010 general election and so did not have time to publish a response to this consultation.

8.3 Early Day Motion calling for retention of the edited register

Early Day Motion 215 tabled on 14 June 2010 called for the retention of the edited register on the following grounds:

That this House believes that the edited electoral register provides very significant social and economic benefits for the UK as a whole; notes that the edited electoral register does this by helping charities to fundraise, helping reunite lost friends and family (including the 3,000 people found by the Salvation Army), locating and connecting organ and bone marrow donors, enabling adoption organisations to find biological parents of adoptive children, and assisting businesses provide age verification, to reduce credit card fraud, minimise identity theft, pursue bad debts, repatriate dormant financial assets to their rightful owners, and support probate; and opposes all steps which might further significantly restrict access to or abolish the edited electoral register.⁶²

The motion had cross-party support with 49 signatories.

8.4 Political and Constitutional Reform Select Committee

The Political and Constitutional Reform Select Committee examined the Government's proposals for individual electoral registration (IER) and associated electoral administration matters in 2011. It recommended that the edited register should be abolished in a report published in November 2011⁶³

The Committee considered evidence about the different ways of encouraging people to register to vote and noted that electoral administrators believed the sale of the edited register discouraged people from registering to vote.⁶⁴ The Electoral Commission and the Association of Electoral Administrators both reiterated in their written evidence to the Committee their support for the abolition of the edited register.

⁶² [EDM 215 of 2010-12 \(Public value of the edited electoral register\)](#)

⁶³ Political and Constitutional Reform Committee, [Individual Electoral Registration and electoral administration](#), HC 1463, 2010-12

⁶⁴ *Ibid.*, para 42

The Committee received written evidence in support of retaining the edited register. 192.com, a commercial online directory of personal and business details, argued that:

...the Edited Register has significant social and economic benefits. Businesses rely on it to verify potential suppliers and customers, tackle credit card fraud, meet obligations where supplying age-restricted goods or when tracing debtors. For charities, it helps reunite lost friends and families (including 3,000 found annually by the Salvation Army), underpins locating and connecting organ donors, locating natural parents of adoptees and supports fundraising. Local government relies on it for purposes not permitted with the Full Register such as debt recovery. Individuals rely on it for finding lost family members and for building trust in strangers that they are about to transact with.

6. The introduction of IER offers an important opportunity to enhance the collection and administration of voter registration and, concomitantly, improve the Edited Register by ensuring citizens are given an annual choice on whether to opt-out and improving consent through standardised guidance.⁶⁵

192.com also cited research which it had commissioned from Europe Economics which found that there would be "very considerable adverse economic effects together with social impact" if the Edited Register were abolished.⁶⁶

However, Committee recommended that the edited register should be abolished:

Whatever benefit it might bring, we cannot justify the sale to commercial organisations of personal details gathered by the Government for electoral purposes. The Electoral Commission has suggested that if Government decides to keep the edited register that it should be changed to an opt in system, instead of opt out. We suspect that this option might well make the edited register too incomplete to be of much use. **We recommend that the edited register should be abolished.**⁶⁷

The Government published its response to the Committee's report on 9 February 2012.⁶⁸

There was no announcement of a decision about the sale of the register and the Government stated that the matter was still under consideration:

The Government takes the handling of personal information seriously and is committed to working to maximise registration rates. This needs to be balanced against the potential economic impact of abolishing the edited register. The Government's approach to this issue is currently under

⁶⁵ [Written evidence](#) submitted to the PCR Committee by 192.com

⁶⁶ Ibid

⁶⁷ Political and Constitutional Reform Committee, [Individual Electoral Registration and electoral administration](#), HC 1463, 2010-12

⁶⁸ Government response to pre-legislative scrutiny and public consultation on Individual Electoral Registration and amendments to Electoral Administration law, [Cm 8245](#), February 2012

consideration in the context of the wider access regime for the electoral registers.⁶⁹

8.5 The UK Government's decision to retain the edited register

The current electoral registration system, individual electoral registration, was introduced by the [Electoral Registration and Administration Act 2013](#).

The legislation made no change the arrangements for the sale of the electoral register nor did it make any provisions for the abolition of the edited register.⁷⁰

The Chairman of the Political and Constitutional Reform Select Committee, Graham Allen MP, pressed the Government for further information on its position on the edited register during the second day of the committee stage of the Bill:

When my Committee conducted its pre-legislative scrutiny of the Bill, it recommended the abolition of the edited electoral register. We did not feel that it was appropriate for personal details gathered by the Government for electoral purposes to be sold to commercial organisations. Sadly, on this occasion the Government did not accept our recommendation, and that is why I am pressing the Minister tonight. I want to understand this thinking and to establish whether he wishes to think about the issue further, either now or at a later stage. The Government did, however, say in their response that they were

“aware of and considering the finely balanced arguments on the future of the edited electoral register.”

My Committee feels that while the edited version of the register continues, it is important for people who are being invited to register to realise that it may be sold—I am sure that many do not know that—and that it could be used for commercial purposes. It is also important for them to know exactly how they can opt out of the edited register.

I hope that the Minister will take the opportunity to respond to the points that I have made, and to tell us whether he has had any further thoughts of the sort that he outlined in his initial response to my Committee.⁷¹

The Minister, Mark Harper, confirmed in the debate that the Government had decided that the edited version of the register should be retained:

⁶⁹ Ibid, para 173

⁷⁰ For more details about individual electoral registration under the Act, see: House of Commons Library Standard Note 6764, [Individual Electoral Registration](#)

⁷¹ HC Deb 25 June 2012 c93

We have discussed whether it should be abolished with interested parties on both sides of the debate and received numerous representations. The previous Government consulted, but did not have the opportunity to take a decision before leaving office. There are those, particularly in the electoral community, including the Electoral Commission, who argue that having an edited register acts as a disincentive to people registering, but we have seen no convincing evidence of that. On the other side of the argument, some argue that it provides significant wider social and economic benefits, and in the previous Government's consultation, 7,447 of about 7,600 responses favoured the edited register's retention for those reasons. On balance—it is a finely balanced decision—the Government believe that keeping the edited register from which voters can choose to opt out is the right decision.⁷²

The Government's commitment to retain the open register was reiterated in answer to a Parliamentary Question in 2018:

The Government considered the future of the edited (or open) register in 2013 and concluded that it should be retained. The Government concluded that there are wide societal and economic benefits to the edited register. These include allowing businesses to check the identity and address details of people who wish to purchase their goods or services. The Government saw no convincing evidence that the sale of the edited register - from which anyone can quickly and easily opt out - has a negative impact on registration rates.⁷³

The Government recently restated its view that it had seen no convincing evidence acts as a disincentive to register to vote in November 2020.⁷⁴ It was responding to a House of Lords Committee's post-legislative scrutiny report on the Electoral Registration and Administration Act 2013. The Committee had recommended that the open register should be abolished saying:

...its compilation serves no public good, it presents a privacy risk and the proceeds from its sale yield an insignificant amount of money for Local Authorities.⁷⁵

⁷² Ibid, c101

⁷³ [WPQ 124835 \[Electoral Register\]](#), 31 January 2018

⁷⁴ [Government response to report: An electoral system fit for today? More to be done](#), 7 October 2020, p6

⁷⁵ Electoral Registration and Administration Act 2013 Committee, [An electoral system fit for today? More to be done](#), HL Paper 83 2019-21, paragraph 134

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