



Reform of the Annual Canvass

Response to consultations on proposed reform of the Annual Canvass

September 2019

Introduction

- 1.1. On 5 October 2018, the Cabinet Office, Welsh Government and Scottish Government jointly published a 'Consultation on Reform of the Annual Canvass', which closed on 30 November 2018.
- 1.2. The consultation document included a series of initial joint policy proposals and asked a series of questions on the detail of these proposals and other options for reform that were available.
- 1.3. These proposals were detailed in the Interim Statement of Policy, and broadly proposed that Electoral Registration Officers (EROs) should be required to match the data they hold on registered electors against national Government data and, where relevant, locally held data sources. Where the data the ERO holds on registered electors matches data in another reliable and accurate dataset, the ERO can have some confidence that the details they hold on their register remain accurate. The ERO would then follow one of two routes for each property.
- 1.4. Route 1 would be used for properties where the data indicates no change in household composition and Route 2 would be used for properties where the data matching and the information held by the ERO has highlighted that there may be a change to the information the ERO currently holds for the property.
- 1.5. A third route, Route 3, was proposed for property types which do not fit clearly within Routes 1 and 2. The characteristics of these property types mean that the ERO can more effectively and efficiently obtain information on residents using an alternative approach, where they are able to identify a 'responsible person' to provide the information in respect of all residents.
- 1.6. This document collates the responses received from stakeholders as part of the consultation, and sets out our response. The details of the canvass reform final policy itself can be found in the accompanying document 'Reform of the Annual Canvass: Statement of Policy', also jointly published with the Welsh Government and Scottish Government.
- 1.7. In addition, the Cabinet Office are required to consult with the Electoral Commission¹ (EC) and Information Commissioner's Office² (ICO) when proposing changes to electoral legislation.
- 1.8. The EC are required to provide a report assessing the current system, the efficacy of the proposals and any other alternative ways there may be to meet the objectives of the canvass that is to identify eligible electors who should be added to the register and necessary deletions from the register.
- 1.9. The ICO consultation concentrated on the data sharing and matching aspects of the proposals. Summaries of these responses are included in sections 4 and 5.

¹ In accordance with Section 8 of the Electoral Registration and Administration Act 2013, Section 53 (5) of the Representation Act 1983 and Section 7 (1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000

² Section 53 (5) of the Representation of the People Act 1983 ('the 1983 Act') and Article 36(4) of the GDPR

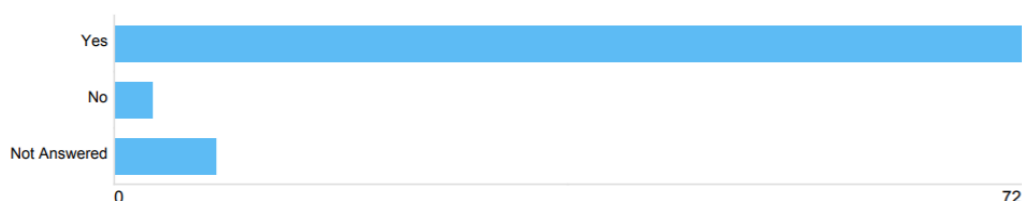
2. Responses to the 'Consultation on Reform of the Annual Canvass'

- 2.1. In all, 83 responses were received from Electoral Registration Officers (EROs), interested individuals and key stakeholders, including the Association of Electoral Administrators (AEA), Scottish Assessors Association (SAA) and EC. We would like to thank all those who took the time to respond for helping us to develop the policy.
- 2.2. The consultation responses were overwhelmingly positive, reflecting the high level of stakeholder engagement undertaken during the development of the initial policy proposals.
- 2.3. Drawing on the experiences of the canvass reform pilots in 2016 and 2017, over the summer of 2018 the Cabinet Office held a series of workshops across the country to introduce EROs and their staff to the new proposals and seeking their views on the options available. As a result of these discussions, we were able to consult on a draft policy that had already been 'user tested' to a degree.

3. Summary of responses and final policy proposals

- 3.1. The consultation document asked for views on 18 separate questions. We have set out each question below showing the overall percentage of negative/positive responses with key points made by respondents underneath.

Q1: We are proposing that the national data matching process is mandatory to complete, with local data matching being conducted at the ERO's discretion. Do you agree that this is the right approach? YES/NO. Please explain your reasoning?



Option	Total	Percent
Yes	72	86.75%
No	3	3.61%
Not Answered	8	9.64%

Themes of positive responses:

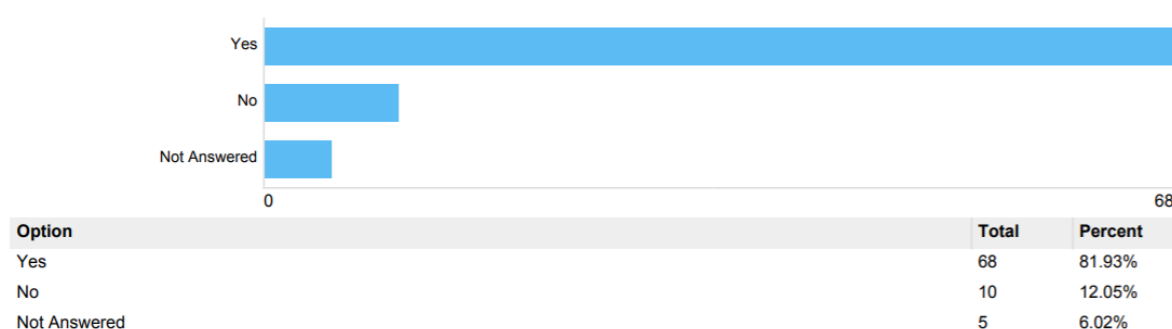
- National data matching worked successfully during the transition to Individual Electoral Registration (IER).
- Data capability across local authorities is varied and therefore allowing ERO discretion would be most appropriate.
- EROs are aware of the most effective methods to use in their areas when canvassing so allowing a level of choice would appropriately reflect this.

Themes of negative responses:

- There were some respondents who felt that local data matching should be mandatory as it helps improve the accuracy of the register.
- Some EROs are not convinced of the accuracy of the DWP data and so believe mandatory local data matching should take place to take account of this.

Over 95% of those who responded to this question agreed with this proposal and given pilot evidence on the use and reliability of local data, we decided to maintain the original proposal. Local data matching will remain an option open to EROs, to ensure they have maximum flexibility. Comprehensive advice for EROs on the process and what types of data source are appropriate will be set out in guidance and we will work closely with the EC on this.

Q2: We are proposing that any property with a red elector must be converted into a red property. A property will only be green if 100% of electors in the property are individually green. Do you agree this is the right approach?



Themes of positive responses:

- A red elector suggests a change of household composition may have taken place.
- Discerning between unmatched and matched households will allow EROs to focus on properties that may have changed in composition.
- An ERO needs to be satisfied that that all eligible residents are included on the register therefore any indication this may not be the case should trigger communication that requires a response.

Themes of negative responses:

- A number of respondents referenced the 'amber' stage used during IER whereby electors that matched some of the information. EROs were then able to try and use other data sources to turn them into a match. They requested the same functionality for the new data match process.
- Some concerns were expressed that certain groups such as attainers or recent arrivals may not be captured using the proposed process.
- Some respondents requested that EROs be given the discretion to turn households from unmatched to matched using their own data sources.

Following feedback received from stakeholders the language has been changed to refer to electors as matched and unmatched, rather than green and red respectively, to avoid any confusion with the IER verification process. The same language will be applied to the property as well as the elector.

A matched elector is one who has been successfully matched against local or national data, while an unmatched elector is one who has *not* been successfully matched against local or national data. We proposed that the presence of an unmatched elector at a property should turn the whole property unmatched, as this would potentially indicate a wider change to the household composition at that property.

With the support of over 87% of those who responded to this question a 100% threshold is to be set in the legislation. We have included in the draft legislation provisions to allow EROs to send properties down Route 2 even if data matching provides successful matches for each individual elector at that property.

Question 3: Do you think a minimum standard for the accuracy of locally held datasets should be mandatory? YES/NO. Please explain your reasoning.



Option	Total	Percent
Yes	55	66.27%
No	15	18.07%
Not Answered	13	15.66%

Themes of positive responses:

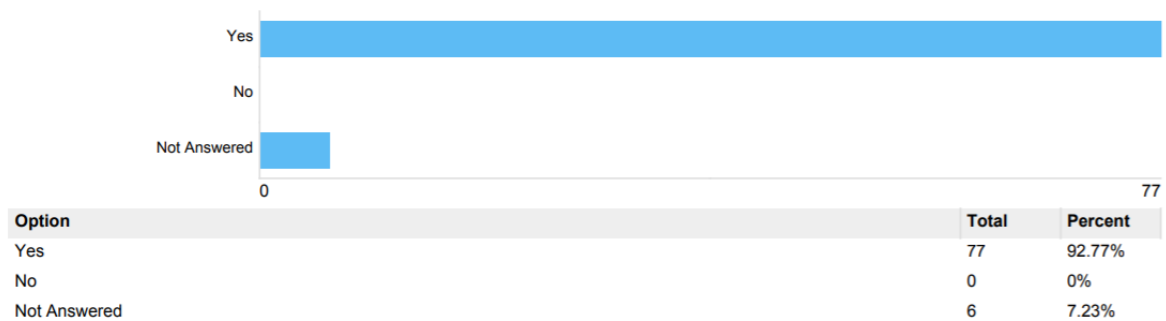
- ERO must have some assurance that the accuracy of the data used is reliable.
- Locally held datasets are only useful if the ERO can be assured of their veracity.
- Groups and organisations using the register should have confidence that there are minimum standards.

Themes of negative responses:

- EROs felt they should be given discretion over which data sets they used, it is not in their interests to use ones that are not accurate or up to date.
- It is difficult to see how the standard would be agreed and then measured.
- There may be issues around testing the standard of local data sets like council tax or housing data as this may prove controversial.

Over 78% of respondents felt that a minimum standard was important. However, following further extensive discussions with stakeholders it was decided that the prescription of a minimum standard would likely to be arbitrary and difficult to define in legislation. It was also felt that doing so would conflict with the general principle of canvass reform that wherever possible the new processes should be as flexible as possible for EROs. However, Cabinet Office will issue supplementary guidance on what EROs should consider when deciding whether locally held data sources are of a sufficiently accurate standard.

Question 4: Do you agree that Empty and Void properties should be sent through a data matching process? YES/NO. Please explain your reasoning.



Themes of positive responses:

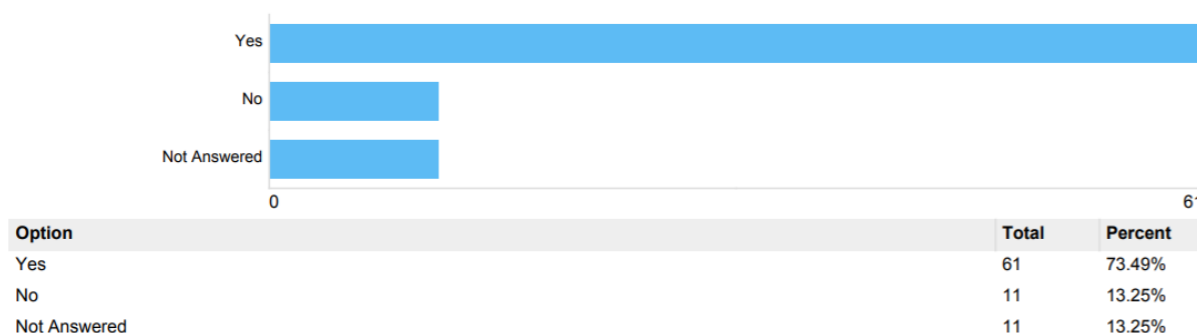
- Proposal will save unnecessary paperwork.
- Helpful for rural local authorities, areas with second homes and areas with other large populations of ineligible electors, such as American military bases.

Themes of negative responses:

- No negative responses were received.

100% of respondents who answered agreed that empty and void properties should be able to go through data matching. As local datasets will be most appropriate in the identification of these empty property there is provision in the draft legislation for this to occur.

Question 5: Do you agree that recent applications to register should be exempted from the data step and automatically marked as green? YES/NO. If Yes, what time period do you think should be defined as 'recent' (1 month, 2 months, linked to the last monthly update? etc.). Please explain. If No, please explain your reasoning.



Themes of positive responses:

- Respondents defining recent as up to 3 months stated that electors often complain about receiving a canvass form shortly after registering to vote.
- Those who defined it as 2 months included reasoning that it can take up to 6 weeks to add an elector to the register.
- Most of the responses of a month felt it should be tied to the last register update.

Theme of negative responses:

- One recent application does not necessarily indicate there have been no other changes to the household and should not result in a fully matched household.

Almost 85% of those who responded to this question agreed with the proposal to exempt recent additions to the register from the data match. There was no strong consensus as to what time period should be considered 'recent'. Therefore, the final policy allows for (but does not require) EROs to exclude recent additions from the data match if they were successfully determined within a maximum of 90 days before the EROs start their canvass. However, EROs will also have the discretion to choose their own limit of anywhere up to 90 days if they feel the maximum is too long in their area. EROs may also choose to include recent additions in the data match step by setting the limit at 0 days.

Question 6: Do you agree with no longer including a single occupancy tick box on registration application forms? YES/NO. Please explain your reasoning.



Option	Total	Percent
Yes	63	75.90%
No	10	12.05%
Not Answered	10	12.05%

Themes of positive responses:

- Leads to a great deal of elector confusion.
- Has created an additional task without any related cost savings.
- Information provided is so often unreliable it is no longer used.

Themes of negative responses:

- Changing the wording could improve results.
- When used in conjunction with other local data like council tax errors can be filtered out.

Over 86% of respondents that replied to the question on the consultation agreed to the removal of the single occupancy tick box from the forms. This is now part of our final policy and the relevant legislation will be amended accordingly.

Question 7: Do you agree that an email contact should be permitted as the first form of contact for households in Route 1 (where an email address is held), followed by a paper contact if there is no response? YES/NO. Please explain your reasoning.



Option	Total	Percent
Yes	68	81.93%
No	4	4.82%
Not Answered	11	13.25%

Themes of positive responses:

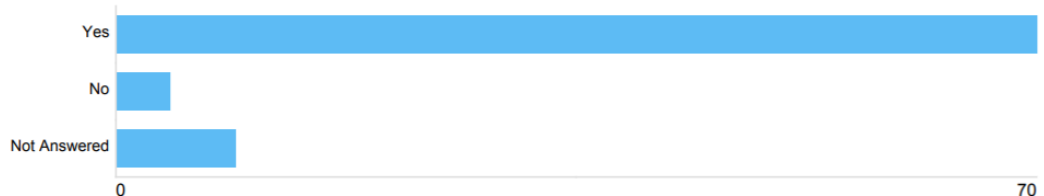
- Opportune way of moving to more digital delivery of services and encourage channel shift.
- A quick and efficient method of confirming electors.
- Can help to limit printing and reduce costs.

Themes of negative responses:

- Emails can be insecure and not necessarily confidential.
- May not reach the most appropriate person.
- May receive different responses from electors in a property.
- Electors don't respond well to unsolicited emails.

Over 94% of those who responded to the question agreed that where the appropriate contact details are held, an email contact should be permitted as the first contact under the Route 1 process. However, as the email is not necessarily linked to the property, the legislation will clarify that the email should only be sent to an elector who has been confirmed at the property by the data match step. An email contact will also require a response. If no response is received, the ERO is then required to send a paper communication to the property which does not require a response if there is no change to report.

Question 8: Do you agree with the proposed process for Route 1? YES/NO. Please explain why.



Option	Total	Percent
Yes	70	84.34%
No	4	4.82%
Not Answered	9	10.84%

Themes of positive responses:

- Opportunity for non-paper responses will be time and cost saving.
- EROs with very settled populations will be able to reduce their workload considerably.
- Will allow more time to focus on areas of high churn.

Themes of negative responses:

- Many were similar to the themes for question 7 and were around email security and reliability.
- Would like the option to send multiple reminder emails.

Almost 95% of the respondents to this question agreed with the proposals and the final policy reflects this. Route 1 allows for an email pre-communication in response to requests from EROs who already use email extensively as a form of communication. If no response is received, they will then send the Route 1 paper communication, known now as Canvass Communication A. This communication will not be required by law to be ‘accompanied by a pre-addressed reply envelope, the postage of which has been pre-paid’ as is currently the case. However, the legislation will not prevent them from doing so if they wish to.

Question 9: Do you agree with the proposal to exclude mandatory follow up activity (reminders and household visits, etc.) with households sent through Route 1? YES/NO. Please explain why.



Option	Total	Percent
Yes	73	87.95%
No	3	3.61%
Not Answered	7	8.43%

Themes of positive responses:

- It is reasonable to assume there has been no changes after the data match has been completed.
- Will allow EROs to save time and resources better directed towards properties likely to have changed composition.

Themes of negative responses:

- If no satisfactory response is received, EROs should be required by law to follow up.
- There is a risk it may result in a drop in the completeness and accuracy of the register.

96% of respondents agreed with the proposal and this is reflected in the draft legislation.

Question 10: Do you agree with the proposed process for Route 2? YES/NO. Please explain why.



Option	Total	Percent
Yes	64	77.11%
No	11	13.25%
Not Answered	8	9.64%

Themes of positive responses:

- Availability of alternative contact methods coupled with ERO discretion and ability to target resources more appropriately is very welcome.
- Households that may have changed need to be canvassed effectively and the proposed canvass will ensure this happens.
- Robust canvass process which also allows ERO flexibility.

Themes of negative responses:

- Still contains too many reminder stages, reduce to first form and personal contact.
- Initial paper contact too restrictive, ERO should be able to choose what method is employed and when.
- Remove personal contact as this is expensive and often low yield.

Over 85% of respondents agreed with the proposals for Route 2 as set out in the consultation. The original intention was for the first contact in Route 2 to be a HEF (Household Enquiry Form, used for the current canvass) which required a response. This was then to be followed by a mandatory 2 further contacts, with one personal visit. However given some of the risks and opportunities identified during the consultation and additional input from stakeholders, the proposals have been further developed.

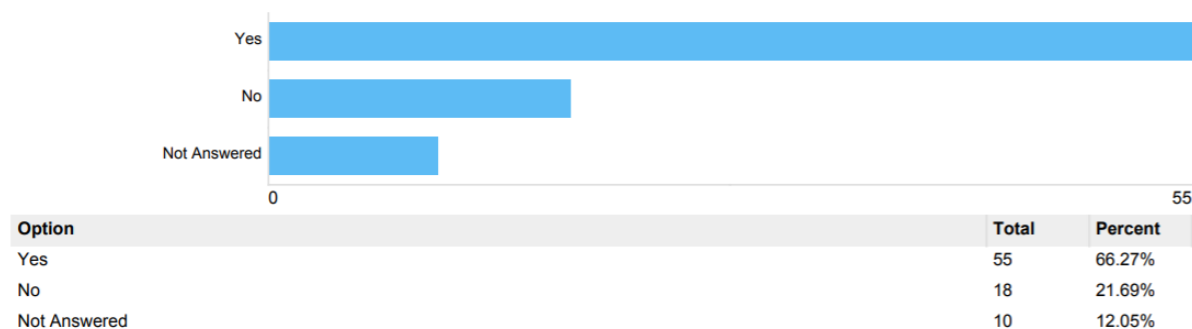
The draft legislation now provides that:

- The first contact must be to the property either by paper communication (prescribed canvass form or Canvass Communication B) or by household visit.
- The chasing cycle includes a mandatory three contact stages, two of which must be with the property (household visit or written communication).
- A contact attempt can be made by sending a paper communication, a telephone call, an email, a personal visit or an alternative form of electronic communication.
- The full cycle must include the delivery of a prescribed paper canvass form, with a pre-paid envelope, to the address at some point in the cycle.
- The full cycle must include a personal contact, a household visit or telephone call, at least once.

As now, the chasing cycle can only be closed by the ERO once a response has been received or if all three contact stages have been completed.

Guidance on the alternative contact methods available (email, text, telephone etc.) and the appropriate, acceptable combinations of contacts will be issued in due course and we will work closely with the EC on this.

Question 11: Do you agree that a personal contact (door knock or telephone call) should be a mandatory element of the revised canvass? YES/NO. Please explain why.



Themes of positive responses:

- A personal visit is important for those unable to reply in written format.
- Personal contacts are better able to elicit a response where a change in composition is assumed.
- Are an important safeguard against electors who may not respond and ensure a robust canvass process.

Themes of negative responses:

- Response rates can be low and this is an expensive way of canvassing.
- Canvassers can be hard to recruit and safety concerns have been raised.

Over 75% of respondents agreed with this proposal and the policy is therefore for the personal contact to remain a mandatory part of the canvass. This personal contact can be either a household visit or a telephone call.

Question 12: Are there property types in addition to those detailed above that you believe should be directed to Route 3? Please list and explain your reasoning.

The property types listed in the question were Houses in Multiple Occupation (HMOs), care homes and student halls of residence.

The following additional property types were listed by respondents:

- Women's Refuges
- Nursing Accommodation
- Semi-independent living accommodation (Half-way houses)
- Hostels
- Religious retreats
- Mobile home sites

- Armed service barracks
- Marinas
- Very isolated rural dwellings
- Gated properties
- Properties owned by foreign or absent owners

Reasons given included:

- Safety concerns for canvassers working in isolated or rural locations.
- These properties can have a fast turnover of residents making them hard to canvass using normal process.
- A single point of contact can make it easier to conduct a productive canvass.
- EROs know their area and the best approach to canvassing certain properties, good relationships have been built up over time and can be very effective at helping obtain the required information.

Rather than having an exhaustive list of qualifying properties in the legislation we have chosen to approach Route 3 by giving a non-exhaustive list and including a definition of the type of property that qualifies. This will allow EROs the discretion to use their experience to decide the best way to canvass these properties.

The draft legislation also provides for multi-household residential properties or properties to which EROs have attempted to contact in the previous 18 months without success to be sent down Route 3 if the ERO believes Route 3 offers a better chance of obtaining the required information.

The draft legislation excludes normal blocks of flats which don't meet the criteria listed above. Clear details on how to conduct a Route 3 canvass and when to revert to Route 2 will be provided in guidance. The full policy is detailed in the Statement of Policy published alongside this response.

Question 13: Do you believe this is the correct process to deal with these properties? YES/NO. If No, can you suggest an alternative approach?



Option	Total	Percent
Yes	62	74.70%
No	8	9.64%
Not Answered	13	15.66%

Themes of positive responses:

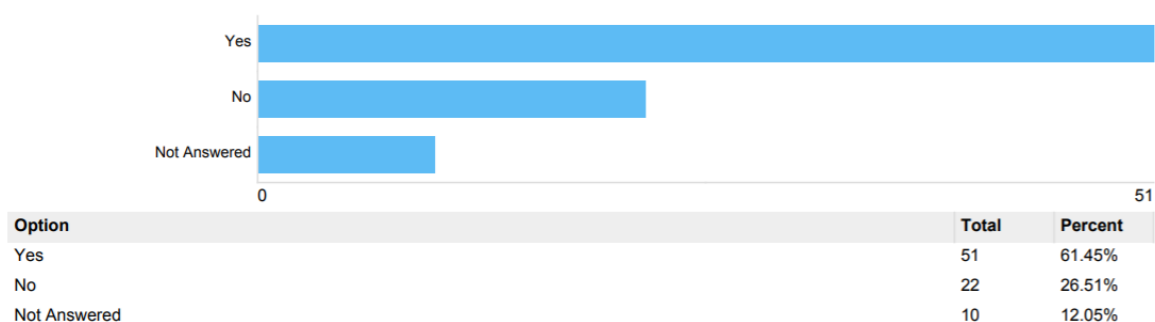
- ERO discretion needs to be maintained.
- Designation of Responsible Officer should remain flexible enough to allow EROs to approach the right person to obtain the required information.

Themes of negative responses and alternative suggestions:

- Including HMOs is potentially difficult as landlords cannot be relied upon to share the names of their tenants.
- Current system of paper forms and canvassers works well and should continue.
- Legislation is needed to support the request for information.

Almost 89% of those who responded to the question agreed with the proposals and these are included in the draft legislation. The process will be optional for the ERO. If they wish to use the route they will be required to first of all compile a list of appropriate properties and decide whether these properties will be exempted or not from the data discernment step. The ERO will then be obliged to identify an individual, company or other organisation responsible for the property and who lawfully holds information on the residents of the property and require them, using their Regulation 23³ power, to require them to provide a list of all current residents. If the ERO cannot identify such a person, then the property should be sent down Route 2.

Question 14: Do you believe that sending these properties into Route 2, the full canvass, if the ERO is unable to obtain data, is the correct safeguard for these properties? YES/NO. Please explain your reasoning.



Themes of positive responses:

- Will provide a good safeguard measure to ensure no electors are missed through no contact being made with properties.
- Will ensure all occupants are given an opportunity to respond and provide the required information.

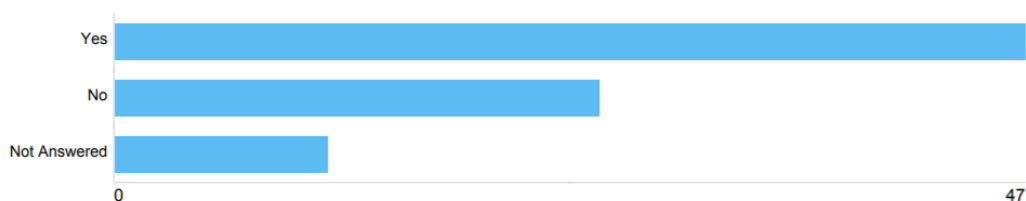
Themes of negative responses:

- Forcing EROs to fall back to Route 2 is counter intuitive as EROs already know this isn't an effective way of obtaining the correct information and is therefore a waste of resources.
- Legislation should place an explicit duty on responsible officers, provided that any enforcement action for non-compliance is not too heavy a burden on ERO's.

³ Regulation 23 of the Representation of the People (England and Wales) Regulations 2001 and the Representation of the People (Scotland) Regulations 2001

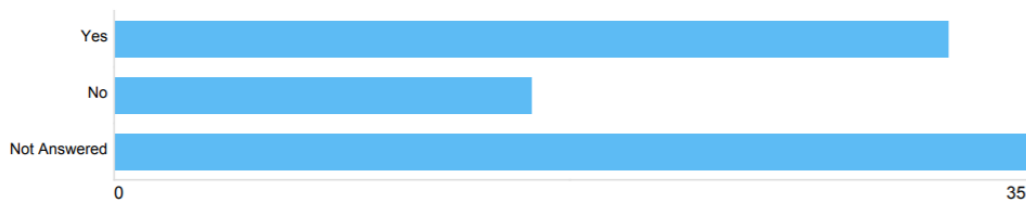
Almost 70% of respondents agreed that these properties should be sent down Route 2. The draft legislation prescribes that where it does not prove possible for the ERO to obtain a list of eligible residents within the canvass period, EROs are obliged to revert to the Route 2 process.

Question 15: Do you agree with the proposal that pending/potential electors should be included in the data matching and canvass communication?



Option	Total	Percent
Yes	47	56.63%
No	25	30.12%
Not Answered	11	13.25%

If yes, do you think there are any risks in doing so?



Option	Total	Percent
Yes	32	38.55%
No	16	19.28%
Not Answered	35	42.17%

Almost 76% of respondents to this question agreed with the proposal that determined/potential electors should be included in the data matching and canvass communication. Among the reasons given were that:

- It could assist in helping to keep registration as up to date as possible; and,
- Well designed, clear forms would ensure electors knew what was being asked of them and would help improve response rates.

However, respondents also listed the risks they believed to be associated with doing so. These included:

- Huge potential for elector confusion if they are included on canvass communications as they may assume they are already registered.
- Including them in the data match carries the risk a property is matched incorrectly leading to the wrong Route being used for the canvass.

If No, please explain why:

Those who did not agree noted that determined/potential electors will already have applied to register and it would be a waste of time and effort to attempt to start the cycle again through the data match. Respondents felt this was also likely to confuse or frustrate electors.

Ultimately with only one-third of those who responded positively to the question feeling that there were no risks attached to the proposals, it has been decided that pending/potential electors should not be included in the data step at this point. Instead the draft legislation provides that determined electors (previously known as 'pending electors') should be excluded from the data matching and automatically identified in EROs' Electoral Management Systems (EMS) as being matched.

Unregistered electors (previously known as 'potential electors') will not be included in either the data match or on canvass communications. Potential electors are individuals who the ERO has identified as potentially being at a property but who have not yet made a successful application. We have concluded that including potential electors in the data match step would be impractical due to the unknown provenance and quality of the data sources identifying them and unintended impacts this could have on the DWP match rate.

Question 16: What do you think the issues with the current HEF are?

Responses included:

- Elector confusion – people believe they are registered after completing their details on a HEF not realising this is the first part of a two-stage process with them then having to complete an ITR to register.
- Size – too large and too much information. Currently A3, however A4 is an easier size to manage for the personal canvass and for the person completing the form, not to mention ERO processing.
- There are two designs for the HEF – pre-populated and blank. We are aware of some EROs only using the one template for populated and not populated. Consideration should be given to whether it is possible for there to be just one design.
- There is too much information on page 1 and evidence that residents are not reading the accompanying letter.

The response to this question is combined with the response to question 17 below.

Question 17: Is there information that can be taken out of the HEF?

Responses included:

- The number of lines available for names to be added could be reduced.
- Pre-populated HEF doesn't need to include postal voting arrangements.
- Postal vote information at the end of the HEF doesn't need to be included as it will be included on the ITR.
- Reduce the wording on page 1 (letter).
- Word optional should be reconsidered regarding contact details. We would advise that consideration is given to how the register to vote website has been changed to encourage citizens to provide contact details.

The reformed annual canvass will provide more flexibility to EROs regarding the communications channels they are able to use, including written communications to a property. While our intention is to introduce more flexibility and innovation into the canvass process, the experience of the canvass pilots carried out in 2016 and 2017 demonstrated that without an

element of central control the quality of communications used by EROs, and the change responses identified through the canvass, are likely to vary greatly.

The legislation therefore requires the EC to design a paper Canvass Communication A (for use as part of Route 1), a paper Canvass Form and a paper Canvass Communication B (both for use as part of Route 2). The draft legislation removes some of the previous prescription required in these communications, in order to address some of the issues raised during this consultation. We will share with the EC the full responses to the above for their consideration as part of this process and will work with them to try and ensure the optimum form design.

The EC may also provide advice on the use of electronic communications, content, messaging and, for prescribed communications, the design of communication methods used for the canvass. As is currently the case, these prescribed communications must be signed off by a Cabinet Office Minister.

Question 18: Is there any further feedback you would like to provide in relation to the proposed new model for the annual canvass that has not already been covered in another question?

Responses included:

- Requests to extend publication of monthly updates into October and November.
- Removing the prepaid envelope to encourage channel shift.
- Change the 1 December publication date.
- Ensure any changes are widely publicised so the public are made aware as well as the Electoral Community.
- Early contact with EMS suppliers is essential, please make sure they don't use this as an excuse to charge more for their services.
- A number of EROs asked about being able to test the process before it goes live citing Confirmation Dry Run and Confirmation Live Run as good examples.
- A number of EROs asked that the right support and training be put in place in good time.
- UPRNs and the lack of them across registers was raised as a serious concern.

Careful analysis of these comments has been undertaken. Where the comments relate to the implementation of Canvass Reform, these have been factored into the implementation plans. Where there have been comments relating to policy that falls outside of the proposed Canvass Reform changes, we will ensure these are captured for further consideration as part of the Registration Improvement Project.

4. Summary of Electoral Commission Report

The Minister for the Cabinet Office is obliged, under the Electoral Registration and Administration Act 2013, the Representation of the People Act 1983, and the Political Parties, Elections and Referendums Act 2000, to formally consult the EC on any plans to amend the annual canvass. The consultation with the EC is required to last three months, and ran from 28 March to 28 June.

The EC is, in turn, obliged to report on the extent to which they consider the plans will meet the objectives of the canvass - that being to assist EROs in ascertaining the names and addresses

of persons who are not registered in a register but who are entitled to be registered, and those persons who are registered in a register but who are not entitled to be registered. The EC is also obliged to report on the merits of the current canvass and alternative ways of meeting the canvass objectives.

Bob Posner, Chief Executive of the Electoral Commission, wrote to the Minister for the Constitution enclosing the EC's formal response⁴. Overall, the EC found that:

'The canvass reform proposals should result in greater efficiency, allowing Electoral Registration Officers to focus their increasingly limited resources on areas of greatest need thereby better meeting the objectives of the canvass'.

The EC also concluded that reforming the annual canvass provides a strong basis for further reforms to modernise the electoral registration process.

In its report the EC makes a number of minor and technical suggestions for the drafting of the SI, which will be dealt with bilaterally at an official level outside of this response. Aside from these, the EC makes a number of minor recommendations relating to the Governments' proposals. None of these require any change to the wider canvass reform policy.

The EC recognises that the available evidence on the accuracy of the data held in the DWP data warehouse suggests it is comprehensive and largely accurate, and on that basis provides some assurance as to its suitability for the data matching step. The EC also notes that in the future datasets which are even more accurate may become available. However, the EC expressed concerns that the SI is not drafted in such a way as to be able to make use of these datasets in the future. Given these datasets have not as yet been identified, it is not possible to characterise them in legislation with sufficient clarity and certainty at this moment in time. We will of course continue to consider whether any additional datasets might be used as part of the data matching step, and will be able to amend the SI as required through future legislation. It is also worth noting that the data held in the DWP data warehouse is also used for the process of verifying applications to register to vote under the system of Individual Electoral Registration, so any change to the use of the data held in the DWP data warehouse in the future would likely have to be reflected in legislation elsewhere.

As set out above, in addition to the results of the national data match EROs will be able to take into account local data they hold in deciding whether to put a property down Route 1. They will be able to gather this data under their existing powers under Regulations 23, 35 or 35A of the Representation of the People (England and Wales) Regulations 2001 or the Representation of the People (Scotland) Regulations 2001. For the sake of clarity, the EC recommended that this be made clear on the face of the SI. However, as part of their day to day activities EROs will be aware of their powers under existing legislation, given their reliance on those powers in carrying out their wider registration duties. Further, specific references to existing powers in legislation would mean that if any future changes were made to the other regulations containing those information-gathering powers, additional consequential amendments would be required to the

⁴ <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/responses-consultations/our-report-uk-governments-draft-statutory-instrument-reform-annual-canvass>

regulations amended by this SI. For these reasons, we do not think it is necessary to restate on the face of the SI the range of information gathering powers EROs already have.

The EC's response also recognises the importance of any locally-held data being of sufficiently high quality, and recommends that clear guidance is issued to allow EROs to identify and use suitable datasets correctly. As per the response to Question 3 above, Cabinet Office will work with the EC to issue supplementary guidance on what EROs should consider when deciding whether locally held data sources are of a sufficiently accurate standard.

It is also recognised that the success of the canvass reform provisions will be reliant on effective management and close communication between all partners, including EMS suppliers, DWP, Cabinet Office, the Welsh Government and the Scottish Government. All three Governments will continue to work together collaboratively to provide for an annual canvass suitable for the 21st century.

5. Summary of Information Commissioner's Office Response

The Minister is also required, under the Representation of the People Act 1983, to consult the ICO. The length of consultation with the ICO is not specified in legislation, and ran from 30 May to 27 June, particularly focussing on those provisions which will authorise or require a person to disclose information to another for the purposes of the data matching step, and the proposed new offence for the misuse of data handled during the data matching step.

In a letter to the Minister for the Constitution the Information Commissioner, Elizabeth Denham CBE, declared that:

'We are satisfied that the draft SI accurately reflects the aims of the project and is correctly limited in scope to deliver the Canvass Reform... [T]he Cabinet Office has, so far, weighed the risks and benefits of the new scheme, considered its necessity and proportionality, and sought to mitigate the risks identified.'

Her letter also concluded that 'a suitable and lawful basis has been identified and evidenced' and that 'regarding the new offence, my office consider that it does not raise any new or significant data protection issues'.

6. Next Steps

The UK Government, Welsh Government and Scottish Government will now look to each bring forward legislation to implement the policy described above across Great Britain. The policy is set out in more detail in the Statement of Policy published alongside this consultation response.

The intention is for all necessary legislation to be in place by early January 2020 to allow for the use of the new system as part of the next annual canvass, due to start in July 2020. We will continue to work closely with the electoral community, to ensure smooth and successful delivery of the reformed canvass.