

Guidelines on Access to and Disclosure of Alberta's List of Electors

General Principles

These guidelines set out the interpretation that Elections Alberta gives to the provisions of the *Election Act* regarding use of the list of electors together with safeguards that Elections Alberta recommends be followed by registered political parties, Members of the Legislative Assembly (MLA), candidates, and constituency associations to ensure the privacy of Albertans is protected.

The list of electors contains names, residential and mailing addresses (if different), telephone numbers (where provided), and a unique identifier of Alberta voters. The list of electors has been compiled from a variety of sources including past enumerations, revisions, confirmations, voter registration on polling day, information provided directly by electors, and from a variety of secondary data sources. Alberta's election laws permit access to the list of electors by registered political parties, MLAs, constituency associations, and to candidates during a campaign period. The use of list of elector information by these participants in the political process must be consistent with the electoral purposes for which it was collected (as specified in the *Election Act*).

The Freedom of Information and Protection of Privacy Act embodies a set of principles governing the use and disclosure of personal information held by public bodies. Elections Alberta subscribes to those principles that limit the use and disclosure of personal information that is contained on the list of electors.

Personal information contained in Alberta's list of electors is protected by Elections Alberta in accordance with the spirit of Alberta's privacy protection legislation. Therefore, internal access to the register of electors is provided only to Elections Alberta staff who have a need to use the register and have sworn oaths of confidentiality. Public access to the list of electors during elections serves an important democratic purpose. However, in an effort to balance this purpose with the equally important principle of privacy protection, access to the list of electors is becoming more tightly controlled. No longer are lists publicly posted during elections.

Persons or their agents are restricted to accessing information in the register of electors about themselves to determine whether the information is correct and those requesting access must show identification and sign a declaration. Personal security protection measures were introduced in 2004 to permit voters concerned about their personal safety to vote by special ballot. These voters have their identifying information replaced by a numeric identifier and are not assigned to a polling subdivision in the poll book. Otherwise they retain the same voting rights as any other eligible voter.

The availability of the list of electors in electronic form has served to magnify concern for the security of the list of electors and privacy protection. It is a natural outgrowth of the concern over privacy protection that access to the list of electors is strictly limited to authorized users and that safeguards are actively employed to protect the personal information contained on the list from unauthorized use.

Accordingly, security safeguards have been implemented to protect the personal information on lists of electors available in electronic form. Access to the list of electors on a user's computer requires a password. To obtain this password, users must contact Elections Alberta. Without the password users are unable to view the list.

Should you require a replacement List of Electors for any reason, the *Election Act* prescribes that you must provide the Chief Electoral Officer with the reason for the request. If the List of Electors is lost you will be responsible for providing the details of the loss.

Authorized Uses

According to Alberta's *Election Act*, a list of electors may be used by registered political parties and registered constituency associations for communicating with electors, including for soliciting contributions and recruiting party members. MLAs may use the list of electors for carrying out the duties and functions of the member. MLAs who are members of a registered political party may also use the list for soliciting contributions for their party or for any of the party's constituency associations and recruiting party members. MLAs who are not members of a registered political party but who have endorsed a constituency association, may use the list of electors for soliciting contributions for use by the constituency association.

The Chief Electoral Officer (CEO) may also provide information from the register of electors to Elections Canada and to municipalities for the purpose of compiling or revising their respective lists or registers of electors.

Persons or their agents are also entitled to have access to information in the register of electors about themselves to determine whether the information is correct.

Section 163 of the *Election Act* of Alberta makes it an offence for a person to use information obtained from the register of electors for a purpose other than for conducting general elections, by-elections, referendums and plebiscites; for compiling or revising lists or registers of electors under the authority of the *Election Act*, the *Canada Elections Act* and the *Local Authorities Election Act*; and for contravening the restrictions placed on the use of voter information authorized for registered political parties, constituency associations, MLAs, candidates and election officers. The penalty for any of these offences is a fine of not more than \$100,000 or imprisonment for a term of not more than one year or to a fine and imprisonment.

Safeguards

The safeguards outlined below have been developed by Elections Alberta in consultation with the Office of the Information and Privacy Commissioner. These safeguards will help political entities fulfill their responsibility to take all reasonable steps to protect the List of Electors from loss and unauthorized use, as directed by the *Election Act*. Elections Alberta recommends that registered political parties, constituency associations, Members of the Legislative Assembly and candidates who receive the list of electors adopt the following minimum safeguards.

- Appoint a person to be responsible for safeguarding the list of electors. This person would be responsible for communicating these guidelines to persons who are given access to the list, for developing and implementing policies concerning protection of the information, and for answering questions about the party's, constituency association's, MLA's or candidate's use of the list of electors.
- Do not permit the list of elector information to be used for any purpose other than for the purposes authorized by the *Election Act* for that particular user.
- Access to the list of electors should be provided only to those people who need access to the list for an authorized purpose on behalf of the party, constituency association, MLA or candidate.
- Restrict reproduction of the list of electors to the number of copies that are absolutely necessary for staff to perform their work.
- Where a person can perform his or her functions effectively with a paper copy of the list, provide a paper copy and not an electronic copy.
- Ensure that both electronic and paper copies of the list of electors are kept secure. This includes administrative, technical and physical safeguards that ensure confidentiality and security of the list of electors. At minimum this would entail keeping paper and electronic copies of the list of electors in a physically secure location and in a locked filing cabinet which is accessible only to authorized users. If the list of electors is stored on a computer system, it should be password protected to guard it against unauthorized use.
- Ensure that both electronic and paper copies of the list are disposed of in an appropriate manner. For both electronic copies on disc and paper copies this entails shredding in a shredder with a minimum security level of 3 (Maximum dimensions = 2mm wide strip or a 4 x 30mm particle). This corresponds to the minimum recommended security level for disposing of personal business information including customer and account information and personnel records. For electronic copies on computer the list must be deleted and at the end of the lifecycle of the computer the hard drive must be removed and destroyed.
- Upon becoming aware of any loss, unauthorized access to, disclosure, or use of the list of electors, the Loss of List of Electors Reporting Procedure must be followed.

When a person is given access to the list of electors, the person appointed responsible for safeguarding the list, the candidate or MLA, as the case may be, should inform the individual of the limits on the use and disclosure of the list and must obtain a signed declaration (see page 5) from the user prior to the release of the list. A copy of the declaration should be retained on file. The declaration would acknowledge that the individual understands the limits on use and disclosure, understands the importance of protecting the personal information on the list, undertakes to protect the confidentiality of that information, will use the list only for the purpose of communicating with electors or constituents and will return or destroy the list once the task is completed.

Loss of List of Electors Reporting Procedure

Upon becoming aware of any loss, unauthorized access to, disclosure, or use of the list of electors, the following steps are mandatory.

- Conduct a physical search for the lost list of electors at the location where it went missing and make every reasonable effort to retrieve the missing data.
- Contact the person appointed to be responsible for safeguarding the list of electors by the registered political party, constituency association, MLA, or candidate who provided access to the list of electors and advise them of the details surrounding the lost data.
- Contact Elections Alberta immediately and provide
 - the date, time, and place of loss
 - details of circumstances leading up to the loss
 - contents of list information that is missing (electoral division, polling subdivision information) and format (either printed list or electronic media)
 - details of actions taken to retrieve the lost list of elector information before reporting loss
 - the name and contact information for the individual who was responsible for safeguarding the list
- Take any action the Chief Electoral Officer shall direct. This may include notifying the local police authority.

Declaration regarding use of the List of Electors

I, _____, do solemnly declare the following:

- I understand the importance of protecting personal information on the list of electors.
- I understand that I may only use the list of electors provided for the purpose of communicating with electors, including for soliciting contributions and recruiting party members.
- I will take appropriate measures to protect the confidentiality of the personal information on the list. I will not disclose the list of electors or any information contained on the list to anyone outside the registered political party, the constituency association, the Member of the Legislative Assembly's office, or the candidate's campaign.
- I will not keep a copy of the list of electors and will return or destroy the copy provided to me once I have completed the task for which it was provided.
- I will immediately report any loss, unauthorized access to, disclosure or use of the list of electors following the Loss of List of Electors Reporting Procedure.

Signed: _____

This _____ day of _____ (month), _____ (year).

* A copy of this declaration should be kept on file with the registered political party, the constituency association, the Member of the Legislative Assembly, or the candidate.

* For further information please refer to sections 20(2) and 163 of the *Election Act*.

* Any questions or concerns regarding use and disclosure of elector information should be referred to Elections Alberta (780-427-7191).