

The Association of Electoral Administrators



Freedom of Information Request – Voter ID awareness, training, safety and complaints

1 Introduction

- 1.1 We have received numerous queries from members about a recently issued Freedom of Information (FOI) request. A copy of the FOI can be found in [Appendix A](#).
- 1.2 We have produced this information sheet to help you consider how to respond if you choose to do so.

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2 Returning Officer and Electoral Registration Officer Exemption

- 2.1 [Section 1 of the Freedom of Information Act 2000 \(Section 1, Freedom of Information \(Scotland\) Act 2002\)](#) (FOIA from now on) provides for the general right of access to information held by public authorities. They also specify the conditions which need to be fulfilled before an authority is obliged to comply with a request.
- 2.2 [Schedule 1 of the FOIA](#) sets out the list of public authorities required to respond to FOI requests.
- 2.3 While a local authority, assessor or valuation joint board is required to comply with FOI requests, there is no requirement for an Electoral Registration Officer (ERO) or Returning Officer (RO) to do so.
- 2.4 This is because EROs and ROs work independently of the local authority, assessor or valuation joint board. They are therefore not subject to the FOIA. [as laid out in the final paragraph of the ICO definition document for principal local authorities.](#)
- 2.5 It should be recognised that although the ERO and RO are exempt from the FOIA 2000, much of the resource necessary to deliver activities is provided by their appointing local authority. There will therefore be occasions where an FOI request made to the local authority that, on the face of it, relates to ERO or RO responsibilities will need to be responded to, e.g. where the enquiry relates to financial support provided to the ERO or RO, where services are procured through corporate procurement arrangements, etc.
- 2.6 For this FOI, **question a) to f)** requests information on the public information campaign the council is undertaking to inform voters about the new voter ID requirements. **As the question directly relates to actions of the council, to comply with the legislation, we consider you should provide the information requested.**
- 2.7 As questions g) to j) relate to ERO and RO functions, they can legitimately refuse to respond on the grounds the information requested is held by them and not the local authority and is therefore not subject to the FOIA.
- 2.8 While it is considered good practice to be transparent and generally provide the information requested by an FOI, the ERO/RO is under

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no legal obligation to do so and can refuse any such request where it relates to information held by them.

- 2.9 If your ERO/RO decides to take this approach, you are only required to provide an answer for question a) to f). You can state no response will be provided for questions g) to j) due to them relating to data held by the ERO/RO, who is not listed in Schedule 1 of the FOIA as being subject to FOI requests.

3 FOI Response Tips

- 3.1 The AEA's position is that wherever possible, EROs and ROs should be transparent and provide information where it does not cause undue pressure on the delivery of services.
- 3.2 If your ERO/RO decides they do not wish to use their exemption for questions g) to j) of the FOI, we have provided the following tips to help you provide a reply as quickly and as easily as possible.
- 3.3 **For question a)** it is likely the accountancy department will be able to provide details on budget allocated for awareness campaigns for 2022/2023 and 2023/2024 (if any) and the total spend up 28 February 2023.
- 3.4 **For question b)** it is likely the accountancy department can provide a breakdown of how your awareness campaigns are funded between the local authority and new burdens funding provided by the Department of Levelling Up, Housing and Communities (DLUHC).
- 3.5 **For question c)** it is likely in liaison with your communications department (and other departments involved in any awareness campaign) you can estimate approximately how many days staff have spent on the awareness campaign to date.
- 3.6 **For question d)** if you made an assessment at the start of your awareness campaign on number of residents who were unaware of voter ID requirements this can easily be included as it should form part of your communications plan. If no assessment was undertaken, you may wish to reference assumptions for your area were based on national data provided the Electoral Commission (EC). The EC voter ID pre-campaign survey undertaken in December 2022 found 78% of people were unaware of the new requirement to show photo ID in polling stations.¹
- 3.7 **For question e)** if you have set targets and established the means of measuring the effectiveness of your campaign this can easily be included as it should form part of your communications plan. If no targets were set locally and no provision put in place to record the effectiveness of the campaign, you may wish to point to national data provided by the EC as your way of tracking what is likely to be the case for your area. For example, on 10 March new figures released by the EC showed a jump in voters' awareness of the new

¹ <https://www.electoralcommission.org.uk/media-centre/most-voters-know-they-need-id-vote-do-you>

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voter ID requirement from 22% in December 2022 to 63% in February 2023.

- 3.8 **For question f)** if you have identified which groups in your area would be most difficult to communicate the new requirements to this can easily be included as it should form part of your communications plan. If you have not identified the most difficult groups to communicate with in your local area, you could reference you based your decisions on information provided by the EC which identified the following groups would need the most support in accessing photo ID:
- Disabled people
 - Gypsy, Roma and Traveller communities
 - Older people
 - People experiencing homelessness
 - People who are registered to vote anonymously
 - Trans and non-binary people
- 3.9 **For question g)** at the time of the request, it is highly unlikely polling station staff will have been trained for 4 May polls. It would be legitimate to state training will take place in the coming weeks and will cover all aspects of each role, including but not limited to new voter ID and accessibility requirements.
- 3.10 **For question h)** it is likely you can state that you have been liaising with your Single Point of Contact (SPOC) in the police to ensure provisions are in place to keep polling station staff safe. If specific measures have already been agreed with the SPOC (e.g., at least two visits to every polling station, direct phone numbers for polling station staff to raise concerns) you could highlight these if you wish. It is also be important to highlight that liaison with SPOC is a standard part of election planning each year.
- 3.11 **For question i)** you can state to date no guidance has been received from central government regarding the safety of polling station staff on polling day.
- 3.12 **For question j)** if you have a system for recording questions or complaints related to voter ID this information should be readily available. If you do not currently have a system in place for recording questions and complaints it would seem reasonable to state that due to the timing of the request so close to 4 May elections, that you do not have sufficient time to collate this information. However, you would be happy to consider the request again after 4 May if they choose to submit it.

Appendix A – FOI Request

I am writing to request that under the terms of the Freedom of Information Act 2000 (FOIA) you provide details of any awareness campaigns in place in relation to the new requirements under the Election Act 2022 to present photo ID at polling stations. In your response, please provide as much of the following detail as possible without exceeding your cost limit.

- a) What is the total budget that is to be spent on awareness campaigns, ii) what is the spend up to the 28th February 2023?
- b) How much of the total budget is local authority funded and how much is funded by central government?
- c) How many days have council staff spent on the awareness campaign?
- d) What assessment did you make of the number/% of residents who were unaware of the requirement to present photo ID at polling stations before your campaign started?
- e) What target have you set for the number/% of residents who are aware of the need for Photo ID, ii) how are you measuring it and iii) what is your latest estimate of the number/% of residents who are aware of the need for photo voter ID?
- f) Which, if any, groups have been identified as the most difficult to communicate the new requirements under the Election Act 2022 to?
- g) How much extra time has been set aside for training polling station staff who will be present at the local election polling stations on the 4th May 2023 on the new requirements under the Election Act 2022 to present a photo ID at polling stations?
- h) What additional planning have you undertaken with the local police force to ensure that polling stations staff are kept safe in the event that voters raise concerns regarding having to show photo ID?
- i) What guidance have you received from central government regarding the safety of polling station staff on polling day?
- j) How many questions or complaints from residents have you received regarding the new requirements for Voter ID under the Election Act 2022?

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If possible, I would like to receive this information in a spreadsheet format. If this information is only available in a different format, please provide this instead.

If you can only provide part of this information, please do so.