# Guidelines on Disclosure and Use of the Lists of Electors from the Office of the Chief Electoral Officer of Canada – 2007

<u>Elections Canada</u>: <u>Political Parties</u>, <u>Candidates and Others</u>: <u>Political Parties</u>: <u>Guidelines on</u>

Disclosure and Use of the Lists of Electors from the Office of the Chief Electoral Officer of Canada

#### **Table of Contents**

- General Principles
- <u>Safequards</u>
- Specific Authorized Uses Under the Canada Elections Act
- Frequently Asked Questions
- Sample Declaration Regarding the Use of the Lists of Electors Provided to Members of the House of Commons
- Sample Declaration Regarding the Use of the Lists of Electors Provided to Federal Registered Political Parties

#### **General Principles**

The lists of electors contain personal information (names and addresses) about Canadian electors. Canadians are concerned about the collection, use and disclosure of their personal information.

The lists of electors are produced from the National Register of Electors and updated during an election or referendum. Between events, the Register is kept up to date with information that electors have given the Chief Electoral Officer, with data from various federal and provincial government agencies, and with data that are held under a provincial law listed in Schedule 2 of the Act, as approved by the Chief Electoral Officer. These agencies, like Elections Canada, are concerned that the personal information on the lists of electors be used *only* for the purposes set out in provincial and federal legislation. For this reason, the agencies and Elections Canada have specific contractual arrangements that limit the use and disclosure of the personal information that they provide.

In accordance with these arrangements and the Canada Elections Act, the Privacy Act and the Government Security Policy, Elections Canada must protect the personal information contained on the lists. It has implemented a number of security safeguards to protect the personal information on the lists, and access to the lists is provided only to Elections Canada staff members who have been subject to a security clearance at the appropriate level and have a need to use the lists.

#### **Safeguards**

Elections Canada recommends that authorized recipients of the lists adopt the following safeguards:

- appoint a person to be responsible for communicating these guidelines to persons who
  have access to the lists of electors, for developing and implementing policies concerning
  the safeguarding of the information contained on the lists, and for answering questions
  about the member's or registered party's use of the lists
- provide access to the lists of electors only to those people who need access to the lists to communicate with electors and constituents on behalf of the member of the House of Commons or registered party
- where a person can perform his or her functions effectively with a paper copy of the lists, provide only a paper copy and not an electronic copy
- ensure that the lists are kept secure (through locked offices and filing cabinets, password protection and possibly encryption, for example)

When a person is given access to the lists, the member of the House of Commons or registered party should inform that individual of the limits on use and disclosure of the lists and obtain a declaration. Sample declarations for members of the House of Commons and registered parties appear at the end of these guidelines. The declaration would acknowledge that the individual understands the limits on use and disclosure, understands the importance of protecting the personal information on the lists, undertakes to protect the confidentiality of that information, will use the lists only for the purposes set out in the Canada Elections Act, and will return or destroy the lists once the task for which the lists were provided is completed.

### Specific Authorized Uses Under the Canada Elections Act

Subsection 110(1) of the Act authorizes registered parties to use the lists for communicating with electors, including using them for soliciting contributions and recruiting party members. Subsection 110(2) authorizes members of the House of Commons to use the lists for communicating with their electors, and if the member of the House of Commons is a member of a registered party, he or she may use the same lists to solicit contributions and to recruit members for that party within the member's electoral district.

Paragraph 111(f) of the Act prohibits knowingly using the personal information that is recorded in a list of electors for a purpose other than those described in section 110 or a federal election or referendum. It is an offence to infringe this provision.

It is important to remember that a member of the House of Commons or a registered party may use only the lists of electors provided to them under section 45 of the Canada Elections Act for the purposes of communicating with electors, as set out in section 110. A member may not use the lists of electors provided to other members of the House of Commons or to a registered party, to

send a communication beyond the member's electoral district, nor can a party use the lists that Elections Canada has provided to its members.

If a registered party or a member sends a communication to electors, the communication should clearly indicate that it is from the registered party or from the member, as the case may be, and that it is authorized under section 110 of the Canada Elections Act.

#### **Frequently Asked Questions**

1. May a registered party, or a member of the House of Commons, share the lists of electors produced by Elections Canada with a party's electoral district association?

Yes. A registered party or member of the House of Commons may share the lists of electors provided by Elections Canada pursuant to section 45 of the Canada Elections Act with an electoral district association, but only for use on behalf of the registered party or member. If an electoral district association contacts electors on behalf of a member or party, the member or party supplying the lists should adopt the safeguards outlined in these guidelines.

The electoral district association may use the lists only as instructed by the registered party or member, and only for the purposes for which the registered party or member, as the case may be, is authorized to use the lists under section 110 of the Act. It should be made clear, particularly in any communication with the public, that the electoral district association is acting on behalf of the registered party or the member.

2. May a member of the House of Commons or a registered party share the lists of electors produced by Elections Canada with political parties or candidates at any other level of government, or with members of provincial or territorial legislatures for the political purposes of those other parties or candidates?

No. Parties, members, or candidates from other levels of government may not use federal lists of electors for their own political purposes. The lists of electors can be used only by the federal registered party or federal member for communicating with their electors, or for a federal election or referendum.

3. May a member of the House of Commons or a registered party tell a person if that person is or is not on a list of electors?

Yes. However, there is no obligation for a member or a registered party to tell a person if he or she is or is not on a list of electors. A member of the House of Commons or a registered party is permitted to use the lists of electors to communicate with their constituents, in accordance with section 110 of the Canada Elections Act.

Electors wishing to confirm that they are registered in the National Register of Electors should contact Elections Canada directly. Information in the Register is updated on an ongoing basis between elections, using administrative and electoral data sources.

4. May a member of the House of Commons or a registered party tell a person if that person's friends or relatives are or are not on the lists of electors?

No. Such use, either by members of the House of Commons or by a registered party, of lists provided between elections under section 45 of the Canada Elections Act is not authorized under section 110 of the Act.

5. May a member of the House of Commons or a registered party merge the lists of electors they receive with previous lists?

Yes. So long as the lists are used only for the purposes set out in section 110 of the Act, the merger of lists is acceptable.

6. How should a member of the House of Commons or registered party respond if another organization or party requests a copy of the lists of electors?

Any request to a member of the House of Commons or to a registered party from any person or body to obtain a copy of the lists of electors, or information in the lists, should be forwarded to:

Senior General Counsel, Legal Services Elections Canada 257 Slater Street Ottawa, Ontario K1A 0M6

or by fax to the Senior General Counsel, Legal Services at 613-993-5880.

## Sample Declaration Regarding the Use of the Lists of Electors Provided to Members of the House of Commons

, [p	rint name]:	do solemni	v declare t	that
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- I understand the importance of protecting personal information on the lists of electors.
- I understand that I may use the lists of electors provided to a member of the House of Commons only for the purposes of communicating on behalf of the member with the member's electors. If the member of the House of Commons is a member of a registered political party, I may also use the same lists to solicit contributions and recruit members for that party within the member's electoral district.
- I will take appropriate measures to protect the confidentiality of the personal information on the lists. I will not disclose the lists to anyone outside the office of the member of the House of Commons or outside the registered party.
- I will not keep a copy of the lists and will return or destroy my copy once I have completed the task for which I have been provided a copy.

Signature:
This [day] of [month], [year].
[The member of the House of Commons or the registered party should keep a copy of this declaration on file.]
Sample Declaration Regarding the Use of the Lists of Electors Provided to Federal Registered Political Parties
I, [print name]:, do solemnly declare that:
<ul> <li>I understand the importance of protecting personal information on the lists of electors.</li> <li>I understand that I may use the lists of electors provided to a federal registered political party only for the purposes of communicating on behalf of the party with electors, including soliciting contributions and recruiting party members.</li> <li>I will take appropriate measures to protect the confidentiality of the personal information on the lists. I will not disclose the lists to anyone outside the registered political party or outside the office of the member of the House of Commons.</li> <li>I will not keep a copy of the lists and will return or destroy my copy once I have completed the task for which I have been provided a copy.</li> </ul>
Signature:
This [day] of [month], [year].
[The registered party or the member of the House of Commons should keep a copy of this declaration on file.]