

GENERAL SYNOD ELECTIONS 2021

Frequently Asked Questions

A set of Notes for the Guidance of Dioceses (“the Notes”) has been produced by the Legal Office of the National Institutions of the Church of England to assist Dioceses in preparing for the General Synod elections. The Notes and relevant legislation are available online at the Elections homepage: [General Synod elections | The Church of England](#). The purpose of this FAQ document is to answer queries that have been raised about aspects of the elections process. You are welcome to send further queries to synodelections@churchofengland.org. Queries which may be of wider interest will be added (suitably anonymised) to this FAQ document.

CONTENTS

USING THE ONLINE PORTAL

1. How does Civica support the diocese with setting up the election process?
2. How does the online portal work with Electoral Areas?
3. Who should a candidate who is not an elector contact to be able to use the online portal?
4. What resources are available to help electors and candidates to access the online portal?
5. Can the diocesan office cast the vote on behalf of an elector that cannot use the online voting system?
6. If a candidate wishes to observe the count, is that possible?

PROCESS & LEGAL ISSUES

7. How do dioceses set their timetable for the elections?
8. How do Presiding Officers ensure that the online nominations are valid?
9. Is there a requirement to include the year of birth on nominations?
10. How are the functions of presiding officers etc under the Church Representation Rules and the Election Rules of the Three Houses (“the Rules”) affected by the Data Protection Act 2018?

USING THE ONLINE PORTAL

1. *How does Civica support the diocese with setting up the election process?*

Each diocese will have an individual contact at Civica to support them with setting up the online portal and managing the election process. Once the diocese has been given their contact, they will be able to agree the deadlines for each stage of the process, as well as what information is needed.

2. *How does the online portal work with Electoral Areas?*

Each Electoral Area will need to act as a separate entity for the online election process.

3. *Can a candidate who is not an elector use the online portal?*

Yes, Civica will give each diocesan office logins for non-electors.

4. *What resources are available to help electors and candidates to access the online portal?*

Civica are preparing a video showing the process step-by-step.

5. *Can the diocesan office cast the vote on behalf of an elector that cannot use the online voting system?*

Yes, Civica will give each the diocesan office additional logins so they can access the online portal on behalf of those that do not have access to the internet.

6. *If a candidate wishes to observe the count, is that possible?*

Yes, Civica will provide facilities for candidates to observe the count. The diocesan contact at Civica will be able to advise dioceses and candidates on this.

PROCESS & LEGAL ISSUES

7. *How do dioceses set their timetable for the elections?*

The Archbishops have set the period within which the elections must be held (the timetable is at annex A of the Notes). However, each diocese is able to set its own timetable for each stage within that period. The only requirement is that each stage must ensure that the minimum periods required are met.

The Nomination Stage must allow at least 28 days.

The Ballot Stage must allow at least 21 days.

8. *How do Presiding Officers ensure that the online nominations are valid?*

The position is in effect the same as with nomination papers. The Presiding Officer is required to determine whether a nomination is valid (i.e. that it is made by following the procedure provided for by the elections portal and that it includes the information required by the election rules – rule 25(3) for the House of Clergy and rule 6(2) for the House of Laity). It is not the Presiding Officer's responsibility to identify personation in respect of a nomination made using the elections portal any more than it is in respect of a nomination paper. In both cases, the security mechanism is the same: the presiding officer informs the candidate and the persons who nominated the candidate that the nomination has been received. If a person who has not in fact nominated a candidate receives such information, he or she can reasonably be expected to inform the Presiding Officer accordingly, irrespective of whether the nomination was made using the elections portal or a nomination paper.

9. *Is there a requirement to include the year of birth on nominations?*

Yes, this is required under the election rules, 6(2)(c) for the House of Laity and 25(3)(c) for the House of Clergy.

10. *How are the functions of presiding officers etc under the Church Representation Rules and the Election Rules of the Three Houses ('the Rules') affected by the Data Protection Act 2018?*

The Data Protection Act 2018, together with the UK General Data Protection Regulation (together known as the UKGDPR) governs the UK's data protection regime.

The Rules require personal data to be processed for the purposes of the Synodical elections in various ways. These include:

- secretaries of deanery synods giving a list of names and addresses of members of both houses of their deanery synods to the diocesan electoral registration officer (CRR rule 20)
- the diocesan electoral registration officer recording those names and addresses (including email addresses) in a register of electors (CRR rule 27)

- the diocesan electoral registration officer and the secretaries of deanery synods ascertaining whether the content of the registers of electors are correct (CRR rule 54)
- the issue by the presiding officer of invitations to nominate (CRR rule 55, HoL Election Rules rule 5)
- the supply by the presiding officer to every candidate of a copy of the name and address of every elector (including email addresses where provided) (HoL Election Rules, rule 6)
- the equivalent rules in the Election Rules for the Clergy and the Upper Houses of the Convocations.

The CRRs are primary legislation (being contained in Schedule 3 to the Synodical Government Measure 1969). The Election Rules of the Houses are made under the authority of the CRRs or under the authority of Canons H 2 and H 3 and impose legal requirements on presiding officers and others. Accordingly, in all the above cases, the “processing [of the data] is necessary for compliance with a legal obligation to which the [data] controller is subject.” That is the lawful basis for the processing of the data under article 6 of the UKGDPR.

Inclusion of an individual on the register of electors reveals that individual’s religious beliefs, as electors must be members of the Church of England or of a Church in communion, and the register therefore contains ‘special category personal data’ to which additional protections apply. In order to process this data it is necessary, as well as satisfying a lawful basis under article 6, also to satisfy one of the conditions under article 9. The relevant condition for the processing under article 9 is that the “processing is carried out in the course of its legitimate activities with appropriate safeguards by a ... not-for-profit body with a ... religious ... aim” (article 9(d)).

The consent of those whose names are on the register of electors is not required for the processing of their data in accordance with the Rules, and such consent should not be sought. A diocese’s published privacy notice should state that individuals’ data is processed for the purposes of elections under the Church Representation Rules and the Election Rules of the three Houses of the General Synod.

The guidance for parishes which is available at [GDPR-FAQ.pdf \(parishresources.org.uk\)](https://parishresources.org.uk/GDPR-FAQ.pdf) may also be helpful. Although that guidance is concerned with electoral rolls and APCMs, the same principles are applicable here.

v. 1 – 6 May 2021