



Llywodraeth Cymru
Welsh Government



Unpublished

PUBLICATION, DOCUMENT

The local election survey: guidance

Advice to help local authorities follow the regulations on surveys of election candidates.

First published: 9 October 2024

Last updated: 9 October 2024

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Introduction

As highlighted in the report *On Balance: Diversifying Democracy in Local Government in Wales* local authorities do not reflect the communities they serve. The Welsh Government has introduced a number of initiatives to encourage people from underrepresented groups to consider standing for election. The survey aims to help build a picture of the characteristics of those standing for and being elected to local authorities and help develop policy in this area.

Part 1 of the Local Government (Wales) Measure 2011 (“the Measure”) provides for the strengthening of local democracy and Chapter 1 of that Part concerns the promoting and supporting of membership of local authorities. Sections 1 to 3 make provision for a survey of councillors and candidates for election as councillors. The questions and form of the survey are prescribed in regulations. The relevant regulations are entitled the Local Election Survey (Wales) Regulations 2012 (S.I. 2012 No. 685 W.93) (“the 2012 Regulations”). These were amended by the Local Election Survey (Wales) (Amendment) Regulations 2022.

The rationale behind a survey is that it would reveal the characteristics of those standing for election and those who get elected to local government at the normal elections (not by-elections). In order to allow for changes in the profile of candidates and councillors to be tracked over time, the survey must be repeated at the time of each ordinary election (section 1 of the Measure). The purpose of the survey is to establish the effectiveness of policies aimed at widening participation in local government over time.

This Statutory Guidance replaces the version issued in January 2017.

What the Measure requires

Under section 1 of the Measure (as amended by the Local Government (Wales) Act 2015) each county and county borough council is required, in accordance with regulations, to conduct, or arrange for the conduct of, a survey of elected councillors and the unsuccessful candidates in their area.

This will relate to councillors and candidates at both county and community level. The survey may be conducted before or after the election and the forms may be issued to individuals as soon as the nomination process commences.

The questions and form of the survey is stipulated in the 2012 Regulations, which also prescribe how the results are to be collated.

Section 1(4) of the Measure provides that the questions may relate to the following:

- gender
- sexual orientation
- language
- race
- age
- disability
- religion or belief

- health
- education and qualifications
- employment
- work as a councillor

This list is not exhaustive: the 2012 Regulations prescribe questions relating to the subjects listed in paragraph 2.2 above and also request details of an individual's party affiliation, involvement with the third sector and length of political activity.

There is no duty on any individual to provide any information, though clearly the higher response rate achieved, the more reliable the data will be. There is also no requirement that local authorities arrange for the information to be provided anonymously. Removing this requirement allows those conducting the survey to monitor response rates and identify those candidates who were elected.

Local authorities have 6 months from the date of the ordinary election to collect and collate the data and forward it to the Welsh Government.

Data Cymru

The Welsh Government has commissioned Data Cymru to undertake the survey on behalf of all 22 local authorities. This will meet the local authority's statutory obligation and the data analysis collated by Data Cymru for each area will be available to each local authority after the completion of the survey.

Local authorities may publish their results but will need to be careful they are not presented in such a way as to enable identification of any individual candidate. If, for instance, there were only 1 candidate from an minority ethnic group, results could not be disaggregated by ethnicity, showing other characteristics according to ethnic group, as it would be clear that all characteristics indicated for that group were the characteristics of the single individual.

Personal information

Those conducting the survey and collating the information need to be mindful of their responsibilities under data protection legislation that regulates the use of personal data.

The General Data Protection Regulation (“UK GDPR”) defines personal data as any information relating to an identified or identifiable natural person (“data subject”). An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.

Sensitive, personal (special category) data in the UK GDPR is data consisting of: racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data, data concerning health data concerning a natural person's sex life or sexual orientation.

About half of the categories of data in section 1(4) of the Measure are defined as special category data under the UK GDPR. The sensitivity of this data requires extra consideration in processing.

Data Cymru and Local authorities need to give adequate consideration to the handling, storage and destruction of the returned survey responses. The Welsh Government suggests that 12 months is an appropriate retention period for the returned survey responses.

The GDPR does not apply to data that are rendered anonymous in such a way that individuals cannot be identified from the data.

Pseudonymous data are still treated as personal data because they enable the identification of individuals (albeit via a key). However, provided that the "key" that enables re identification of individuals is kept separate and secure, the risks associated with pseudonymous data are likely to be lower, and so the levels of protection required for those data are likely to be lower.

All data gathered through this research must be reported in an anonymised format. Published reports must not include any information that could be used to identify individual participants.

The Information Commissioner's Office is a useful resource for advice on the issue of personal information under UK GDPR. More information can be found on their [website](#).

Content of the 2012 Regulations

Regulation 3 of the 2012 Regulations provides that the questions and the form in which they are to be asked are set out in the Schedule to the Regulations. None of the prescribed questions can be changed or supplemented. Only the prescribed questions can be used in the survey. Parts 2 and 3 of the Schedule provide 2 alternative sets of questions for use before and after the election. If a survey is being conducted before the election, the survey must include the questions contained in Parts 1, 2, and 4 of the Schedule. If a survey is being conducted after the election, the survey must include the questions contained Parts 1, 3, and 4 of the Schedule.

Transmission of results to Welsh Government

The survey data must be collated for each local authority and the aggregated data provided in an electronic format to the Welsh Government within 6 months of the local elections. The data should include results for all candidates and results split by community and county elections. The full response rate and response rate by community and county elections should be shown. The raw data for each local authority will be provided to the respective local authority using a secure data transfer. The Welsh Government have also instructed Data Cymru to provide a report setting out an analysis of the data.

The Welsh Government will publish the results within 12 months of the local elections. It will be for the appropriate Welsh Minister to decide in what form the

results will be published and the degree of detail but the information received by the Welsh Government will be shared with the WLGA and One Voice Wales.

Finance

The Welsh Government will make available £35,000 in 2021 to 2022 to Data Cymru for the management, delivery, analysis and provision of data in respect of the 2022 survey.

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