

# **Guidelines for Use of the Lists of Electors**



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## I. Introduction

The purpose of this document is to provide candidates, members of Parliament, registered and eligible parties ("authorized recipients") with privacy best practices for the acceptable use of the lists of electors as required by the *Canada Elections Act* (CEA). This will assist in ensuring effective protection and management of personal information contained in the lists of electors.

Elections Canada values privacy and recognizes that the protection of personal information of Canadian electors is an essential element in continuously earning and maintaining the public's trust. Therefore, Elections Canada is providing these guidelines to authorized recipients to educate them on the appropriate measures that should be taken to ensure that the lists of electors are used in an acceptable manner and that personal information is protected against accidental or unauthorized access, disclosure or use, as required by the CEA.

Elections Canada is subject to the terms of the *Privacy Act* and as a general rule does not share personal information about electors. The distribution of the lists of electors to authorized recipients is an exception to this rule specifically required by the *Canada Elections Act*.

Authorized recipients of the lists of electors are not regulated by the *Privacy Act*, although the *Canada Elections Act* requires registered and eligible political parties to adopt and publish their own policies for the protection of personal information. The Office of the Privacy Commissioner of Canada (OPC) has published a guidance document entitled [\*Guidance for federal political parties on protecting personal information\*](#) that sets out both legal requirements and best practices for political parties to follow in developing privacy policies. That document can be found on the OPC's website at [www.priv.gc.ca](http://www.priv.gc.ca).

Respecting electors' privacy is an important element of protecting electors' trust in the democratic institutions of the country. While Elections Canada and political entities (members of Parliament, political parties and candidates) are not subject to the same regulations with respect to personal information, there is nonetheless a shared responsibility for protecting electors' personal information – and in doing so encouraging participation in our democratic processes and fostering the integrity of those processes.

## II. Distribution of the Lists of Electors

Table 1 – *Distribution of the Lists of Electors* provides an overview of the types of lists of electors to be distributed under the CEA and to which authorized recipients. These types are defined as follows:

### a) Annual Lists of Electors

The Chief Electoral Officer must provide an electronic copy of the lists of electors to each member of Parliament for their electoral district by November 15 of each year and, upon request, to each federal registered party for any electoral district in which the party endorsed a candidate in the last general election or by-election.

### b) Preliminary Lists of Electors

Returning officers provide, upon request, an electronic copy of the preliminary lists of electors to each candidate whose nomination at a general election or by-election has been confirmed. Upon request, an electronic copy of the preliminary lists may also be provided to registered or eligible parties by the Chief Electoral Officer for an electoral district in respect of which a writ has been issued.

### c) Updated Preliminary, Revised, Official and Final Lists of Electors

An electronic copy of the following lists are to be provided to candidates for their electoral district and registered political parties for the electoral districts in which they endorsed a candidate:

- upon request, the updated preliminary lists of electors on the 19th day before polling day.
- the revised lists of electors on or after the 11th day before polling day.
- the official lists of electors on or after the 3rd day before polling day.

The Chief Electoral Officer must, without delay after polling day, prepare the final lists of electors and then distribute the lists to each registered party for the electoral districts in which they endorsed a candidate as well as to the candidate elected in each electoral district.

**Table 1 – Distribution of the Lists of Electors**

Type of Lists of Electors	Authorized Recipients	Scope	Format	Date of Distribution	Section(s) of the Act
<b>Annual Lists</b>	Members of Parliament	Electoral district of the member	Electronic copy	By November 15 of each year	s. 45(1)
	Registered parties <i>(upon request)</i>	Electoral districts in which the registered party endorsed a candidate			
<b>Preliminary Lists</b>	Registered and eligible parties <i>(upon request)</i>	Electoral districts in respect of which a writ has been issued	Electronic copy	As soon as possible after the issuance of the writ	s. 93(1.1)
	Candidates <i>(upon request)</i>	Electoral district of the candidate	Electronic copy	Upon confirmation of the candidate's nomination	s. 94
<b>Updated Preliminary Lists</b>	Registered parties <i>(upon request)</i>	Electoral districts in which the registered party endorsed a candidate	Electronic copy	On the 19th day before polling day	ss. 104.1 and 104.2
	Candidates <i>(upon request)</i>	Electoral district of the candidate			
<b>Revised Lists</b>	Registered parties	Electoral districts in which the registered party endorsed a candidate	Electronic copy	On or after the 11th day before polling day	ss. 107(3) and 107(4)
	Candidates	Electoral district of the candidate			
<b>Official Lists</b>	Registered parties	Electoral districts in which the registered party endorsed a candidate	Electronic copy	On or after the 3rd day before polling day	ss. 107(3) and 107(4)
	Candidates	Electoral district of the candidate			
<b>Final Lists</b>	Registered parties	Electoral districts in which the registered party endorsed a candidate	Electronic copy	Without delay after polling day	s. 109
	Elected candidate	Electoral district of the candidate			

### III. Use of the Lists of Electors

The CEA provides specific obligations with regard to the appropriate use of the lists of electors. All authorized recipients should be familiar with the authorized use of the lists of electors and related prohibitions. They should also consult Annex D of these guidelines for frequently asked questions in regard to the authorized use of the lists of electors.

Table 2 – *Authorized Use of the Lists of Electors* provides an overview of the authorized uses of the lists of electors. These are further defined as follows:

#### a) Authorized Use by Registered Parties

Registered parties are authorized to use the lists to communicate with electors, including for the purposes of soliciting contributions and recruiting party members.

#### b) Authorized Use by Eligible Parties

Eligible parties are authorized to use the lists to communicate with electors, including for the purposes of soliciting contributions and recruiting party members.

#### c) Authorized Use by Members of Parliament

Members of Parliament (MP) are authorized to use the lists to communicate with their electors. This includes soliciting contributions for their campaign.

- If an MP is a member of a registered party, they may also use the lists of electors to solicit contributions for that party and to recruit party members within their electoral district.

#### d) Authorized Use by Candidates

Candidates are authorized to use the lists of electors to communicate with electors during an election period, including for the purposes of soliciting contributions and campaigning.

**Table 2 – Authorized Use of the Lists of Electors**

Authorized Recipients	Types of Lists	Authorized Uses	Section of the Act
<b>Registered parties</b>	<ul style="list-style-type: none"><li>• Annual lists</li><li>• Preliminary and updated lists</li><li>• Revised lists</li><li>• Official lists</li><li>• Final lists</li></ul>	<ul style="list-style-type: none"><li>• Communicating with electors</li><li>• Soliciting contributions</li><li>• Recruiting party members</li></ul>	s. 110(1)
<b>Eligible parties</b>	<ul style="list-style-type: none"><li>• Preliminary lists</li></ul>	<ul style="list-style-type: none"><li>• Communicating with electors</li><li>• Soliciting contributions</li><li>• Recruiting party members</li></ul>	s. 110(1.1)
<b>Members of Parliament (MP)</b>	<ul style="list-style-type: none"><li>• Annual lists (MP)</li><li>• Final lists (elected candidates)</li></ul>	<ul style="list-style-type: none"><li>• Communicating with electors (this includes soliciting contributions).</li><li>• If a member of a registered party, the lists can also be used for soliciting contributions for the party and recruiting party members</li></ul>	s. 110(2)
<b>Candidates</b>	<ul style="list-style-type: none"><li>• Preliminary and updated lists</li><li>• Revised lists</li><li>• Official lists</li></ul>	<ul style="list-style-type: none"><li>• Communicating with electors (this includes soliciting contributions and campaigning during the election period)</li></ul>	s. 110(3)

### e) Prohibited Use

Pursuant to paragraph 111(f), authorized recipients of the lists of electors are prohibited to use personal information contained in the lists of electors for purposes other than those authorized by the CEA.

Using personal information contained in the lists of electors in an unauthorized manner is a criminal offence under the CEA. Any recipient who makes unauthorized use of the personal information recorded in the lists of electors is liable to a fine of up to \$10,000, imprisonment for up to one year or both (ss. 487(1)(b) and 500(3)).

## IV. Security of Personal Information

Authorized recipients of the lists of electors should take reasonable precautions to protect the security and confidentiality of the personal information of Canadian electors. The safeguards listed below will assist them in ensuring effective protection and management of the lists of electors.

Safeguards may include the following:

- **Administrative measures:** procedures to protect the privacy and security of personal information, staff training on privacy, limiting access to information to a “need to know” basis and based on the reliability status of employees having access to the information.
- **Technical measures:** strong passwords, audit trails, encryption, firewalls and other technical security safeguards to minimize the risk of unauthorized individuals accessing personal information.
- **Physical measures:** restricted access to areas where information is stored.

The following safeguards are provided as guidance. Authorized recipients may see fit to adopt other forms of safeguards that protect the confidentiality and security of the lists of electors.

### **a) Administrative Measures**

It is recommended that privacy procedures be implemented and that the authorized recipients appoint a person who will be responsible for implementing privacy safeguards.

This person should be responsible for the following:

- i. designing and implementing specific protocols regarding the use, safeguarding and disposal of the lists of electors (see section VI on best practices for disposal)
- ii. responding to questions concerning the authorized use of the lists of electors
- iii. controlling access to the lists
- iv. communicating these guidelines to any persons who have been given access to the lists of electors

Training sessions regarding the authorized use of the lists of electors should be provided to all persons who will have access to the lists to ensure that they understand the importance of protecting the privacy of information.

Authorized recipients may also consider implementing the following additional administrative measures:

- i. The lists of electors should be provided only on a “need to know” basis—that is, only to people who need to communicate with electors and constituents on behalf of the authorized recipients. Strictly limiting the number of people who have access to the lists of electors greatly reduces the chances of a privacy breach.
- ii. If a person can perform their functions effectively with a paper copy of the lists, provide only a paper copy and not an electronic copy.
- iii. Obtain a declaration from each person who will have access to the lists of electors. The declaration should include the following concepts:
  - understanding of the limits on use and disclosure of the lists
  - understanding of the importance of protecting the personal information contained in the lists
  - undertaking to protect the security and confidentiality of the personal information contained in the lists of electors
  - undertaking to use the lists only for the purposes authorized by the CEA
  - undertaking to return the lists of electors upon completion of the task for which the lists were provided

Attached to these guidelines as annexes A, B and C are sample declaration forms that may be used by authorized recipients.

## **b) Technical and Physical Measures**

Authorized recipients should also implement technical and physical measures to protect the security and confidentiality of the lists of electors, whether in paper or electronic format. The lists of electors should be kept in a secure and restricted area when not in use, such as a locked filing cabinet. The electronic copy of the lists of electors should be stored on a secure, password-protected computer. Passwords and keys to the area where lists of electors are stored should be strictly controlled by the person responsible for safeguards.

## V. Loss or Theft of the Lists of Electors

In the event of accidental or unauthorized access, disclosure or use of the lists of electors (e.g. loss of portable media containing electors' personal information), the authorized recipients should be ready to quickly and efficiently deal with this privacy breach. Each incident may require a unique approach. It is recommended that authorized recipients or the person responsible for implementing privacy safeguards take the following steps when dealing with a privacy breach:

- i. contain the breach and identify its source
- ii. mitigate the harm resulting from the breach
- iii. identify any documents that were lost or stolen and retrieve them
- iv. document the circumstances that led to the incident
- v. prevent a recurrence of the event

The Treasury Board of Canada has produced [\*Guidelines for Privacy Breaches\*](#) and a [\*Privacy Breach Management Toolkit\*](#) that can be found on [the Treasury Board of Canada Secretariat's website](#). These tools are designed specifically for government institutions, but they may nonetheless provide useful guidance for authorized recipients of lists of electors in the event of a privacy breach.

In addition, the OPC makes available a variety of materials such as [general prevention and containment tips](#), advice specifically for preventing breaches involving portable data devices like [tablets, smartphones or USB keys](#), and advice with respect to [access controls and passwords](#). These documents can be found on the [Office of the Privacy Commissioner of Canada's website](#).

Authorized recipients are encouraged to report privacy breaches to Elections Canada by contacting the Assistant Director, Access to Information and Privacy at the following coordinates:

Assistant Director, Access to Information and Privacy  
Elections Canada  
30 Victoria Street  
Gatineau, Quebec  
K1A 0M6

Telephone: 819-939-1237  
Fax: 819-939-1410  
Email: [aiprp-atip@elections.ca](mailto:aiprp-atip@elections.ca)

## VI. Disposal of the Lists

Proper disposal of the lists of electors reduces the likelihood of a privacy breach. As a best practice, authorized recipients or the person responsible for the implementation of security safeguards should recover all of the lists of electors at the end of the lists' designated period of use (for example, when an annual list becomes obsolete after the provision of a new list or after an election period has ended).

Once the lists have been retrieved, the authorized recipients or the person responsible for the implementation of security safeguards should ensure the proper disposal of the lists. Paper copies of the lists should be shredded, and electronic copies should be destroyed (not just erased).

## Annex A – Declaration Template for Lists Distributed to Members of Parliament

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### Declaration Regarding the Use of the Lists of Electors [Members of Parliament]

I, [insert name of individual to whom lists are provided], do solemnly declare the following:

- I have received a copy of the lists of electors for the electoral district of [insert name of electoral district].
- I understand the importance of protecting the security and confidentiality of the personal information contained in the lists of electors.
- I undertake to use the lists of electors only for the purpose of communicating with electors including soliciting contributions for the campaign.
- [Include only if the member of Parliament is a member of a registered political party; otherwise, delete this point] I understand that I may use the lists of electors to solicit contributions and recruit members for the [insert name of registered party] within my electoral district.
- I will take appropriate measures to protect the confidentiality of the personal information contained in the lists. I will not disclose any information contained in the lists.
- I will not keep a copy of the lists and will return my copy once I have completed the task for which it was provided to me.

Signature: \_\_\_\_\_ [individual to whom lists are provided]

Signature of witness: \_\_\_\_\_ [person responsible for privacy safeguards]

This \_\_\_\_\_ [day] of \_\_\_\_\_ [month], \_\_\_\_\_ [year].

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*Note: A copy of this declaration should be kept on file by the person designated by the member of Parliament as responsible for privacy safeguards.*

## Annex B – Declaration Template for Lists Distributed to Political Parties

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### Declaration Regarding the Use of the Lists of Electors [Political Parties]

I, [insert name of individual to whom lists are provided], do solemnly declare the following:

- I have received a copy of the lists of electors for the electoral district of [insert name of electoral district].
- I understand the importance of protecting the security and confidentiality of the personal information contained in the lists of electors.
- I understand that I may use the lists of electors only for the purposes of communicating with electors on behalf of the [insert name of political party], including soliciting contributions and recruiting party members.
- I will take appropriate measures to protect the confidentiality of the personal information contained in the lists. I will not disclose any information contained in the lists.
- I will not keep a copy of the lists and will return my copy once I have completed the task for which it was provided to me.

Signature: \_\_\_\_\_ [individual to whom lists are provided]

Signature of witness: \_\_\_\_\_ [person responsible for privacy safeguards]

This \_\_\_\_\_ [day] of \_\_\_\_\_ [month], \_\_\_\_\_ [year].

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*Note: A copy of this declaration should be kept on file by the person designated by the political party as responsible for privacy safeguards.*

## Annex C – Declaration Template for Lists Distributed to Candidates

### Declaration Regarding the Use of the Lists of Electors [Candidates]

I, [insert name of individual to whom lists are provided], do solemnly declare the following:

- I have received a copy of the lists of electors for the electoral district of [insert name of electoral district].
- I understand the importance of protecting the security and confidentiality of the personal information contained in the lists of electors.
- I understand that I may use the lists of electors provided to [insert name of candidate] only during the election period for the purposes of campaigning and soliciting contributions as a candidate or on behalf of the candidate.
- I will take appropriate measures to protect the confidentiality of the personal information contained in the lists. I will not disclose any information contained in the lists.
- I will not keep a copy of the lists and will return my copy once I have completed the task for which it was provided to me.

Signature: \_\_\_\_\_ [individual to whom lists are provided]

Signature of witness: \_\_\_\_\_ [person responsible for privacy safeguards]

This \_\_\_\_\_ [day] of \_\_\_\_\_ [month], \_\_\_\_\_ [year].

*Note: A copy of this declaration should be kept on file by the person designated by the candidate as responsible for privacy safeguards.*

## Annex D – Frequently Asked Questions

### **1. May a candidate, member of Parliament, registered or eligible party share the lists of electors with a party's electoral district association?**

Yes. The lists of electors may be shared with an electoral district association, but only for use on behalf of the candidate, registered party or member of Parliament. If an electoral district association uses the lists of electors to contact electors on behalf of the authorized recipient, it should adopt the safeguards outlined in these guidelines.

The electoral district association may use the lists only as instructed by the authorized recipient and only for purposes authorized under section 110 of the CEA. It should be made clear, particularly in communications with the public, that the electoral district association is acting on behalf of the authorized recipient.

### **2. May an authorized recipient share the lists of electors 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 may be used only by the federal political entity for communicating with their electors or for a federal election, by-elections or referendum.

### **3. May an authorized recipient tell a person if they are or are not on the lists of electors?**

Yes. However, it is important that the authorized recipient confirm the identity of the individual who is making a request. Information contained in the lists of electors should not be divulged; instead, it should simply be confirmed. This prevents the person making such a request from gaining access to information that may not belong to them.

Furthermore, information in the National Register of Electors (the Register) is updated on an ongoing basis and is therefore more up to date than information contained in lists provided periodically to authorized recipients. Electors wishing to confirm their status in the Register can use Elections Canada's Online Voter Registration Service to check whether they are registered to vote, update their registration information, or be added to the Register. They can also contact Elections Canada directly to confirm their status or have their information updated, as required.

### **4. May an authorized recipient tell a person if that person's friends or relatives are or are not on the lists of electors?**

No. An elector may confirm only their own registration status on the lists of electors.

**5. May a member of Parliament, registered or eligible party merge the lists of electors they receive with previous lists?**

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

**6. How should an authorized recipient respond if another organization or individual requests a copy of the lists of electors?**

Any request from any person or body to obtain a copy of the lists of electors, or information contained in the lists, should be forwarded to the following address for review and consideration:

Mailing address: Assistant Director, Access to Information and Privacy  
Elections Canada  
30 Victoria Street  
Gatineau, Quebec  
K1A 0M6

Telephone: 819-939-1237

Fax: 819-939-1410

Email: [aiprp-atip@elections.ca](mailto:aiprp-atip@elections.ca)