

## **Constitutional and Legislative Affairs Committee**

(CLA(4)–06–12)

**CLA109**

### **Constitutional and Legislative Affairs Committee Draft Report**

**Title: The Local Election Survey (Wales) Regulations 2012**

**Procedure: Affirmative**

Section 1 of the Local Government (Wales) Measure 2011 (the Measure) imposes a duty on a local authority (a county council or a county borough council), in accordance with regulations, to conduct a survey after each ordinary election to the council of the county or county borough and to each community council (normally held concurrently every four years) in the local authority's area.

A local authority must conduct the survey by asking prescribed questions of councillors and unsuccessful candidates who have stood for election as councillors in the local authority's area.

These Regulations prescribe the questions that a local authority must ask when conducting a local election survey. The prescribed questions and the form in which they may be asked are set out in the Schedule to the Regulations.

### **Technical Scrutiny**

No points are identified for reporting under Standing Order 21.2 in respect of this instrument

### **Merits Scrutiny**

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument –

Much of the information to be gathered by this survey is sensitive personal data within the meaning given to that term by section 2 of the Data Protection Act 1998. Although the Measure provides for anonymity, the small number of candidates for some authorities may make it relatively easy to recognise those with a particular combination of characteristics (age, gender, religion etc.). The form of questionnaire therefore includes a footnote that draws attention to the provision in section 1 of the Measure that there is no duty to complete the survey.

[S.O.21.3(ii) that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly;]

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**Legal Advisers  
Constitutional and Legislative Affairs Committee**

**March 2012**