

# Electronic Balloting Review

Independent Review of Electronic Balloting  
for Industrial Action: Call for Evidence

# Contents

<b>Introduction</b>	<b>3</b>
<b>Foreword from Sir Ken Knight</b>	<b>4</b>
<b>Purpose and scope of call for evidence</b>	<b>5</b>
<b>Background</b>	<b>6</b>
<b>Call for Evidence</b>	<b>7</b>
Current ballot process	7
E-balloting processes	8
All those entitled to vote have an opportunity to do so	10
Votes cast are secret	12
The risk of unfairness or malpractice is minimised	13
<b>How to respond</b>	<b>15</b>
<b>Confidentiality and data protection</b>	<b>16</b>
<b>Help with queries</b>	<b>16</b>
<b>Questions</b>	<b>17</b>
<b>What happens next?</b>	<b>18</b>
<b>Annex A: Consultation principles</b>	<b>19</b>
Comments or complaints on conduct of this call for evidence	19
<b>Annex B: Response form</b>	<b>20</b>
Questions	21

# Introduction

This review of electronic balloting for industrial action ballots conducted under the Trade Union and Labour Relations (Consolidation Act) 1992 follows the introduction of the Trade Union Act 2016. During the parliamentary debate on the Act the Government undertook to commission an independent review of the case for electronic balloting.

The review which was announced on 3 November, and is led by Sir Ken Knight, the former Chief Fire and Rescue Adviser for England, fulfils that undertaking.

The findings of the review will enable the Secretary of State for Business, Energy and Industrial Strategy to make a properly informed and transparent decision concerning whether safe and secure balloting for industrial action can be achieved via electronic processes, and thereafter whether such a system should be permitted across Great Britain.

Any evidence you can provide in order to help Sir Ken Knight undertake his review will be greatly appreciated.

**Issued:** 1 March 2017

**Respond by:** 10 May 2017 (Midnight) (**extended until 14 July 2017**)

## Enquiries to:

E-Balloting Secretariat  
Department for Business, Energy and Industrial Strategy  
1 Victoria Street  
London  
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Email: [e-ballotingreview@beis.gov.uk](mailto:e-ballotingreview@beis.gov.uk)

This review is relevant to: employers and employees; Trade Unions; individual Trade Unionists; representative bodies; independent scrutineers, academics and technology providers.

# Foreword from Sir Ken Knight

I am pleased to undertake this independent review of electronic balloting (or e-balloting as it is also known) announced by the government.

The review will focus on the delivery of secure methods of e-balloting for determining whether or not industrial action should be taken. As the terms of reference for the review suggest, there are potential risks in conducting e-balloting and the government needs to understand whether, and if so how, these might be overcome before taking a view as to whether strike ballots should be decided by electronic voting.



The Terms of Reference for the review include taking into account the following issues:

- The electronic and physical security of e-balloting methods, including risks of interception, impersonation, hacking, fraud or misleading or irregular practices;
- If any system can safeguard against risk of intimidation of union members and protect anonymity of ballot responses;
- The security and resilience of existing balloting of union members;
- The aims of the Trade Union Act 2016 to ensure strikes and related disruption to the public only happen as a result of a clear, positive decision by those entitled to vote.

It is important to recognise that this review will centre on e-balloting solely within the context of industrial relations. It is not a review of whether e-balloting should be taken up in any other arenas. After over 40 years in the Fire and Rescue Service I have experience of industrial disputes and the processes that lead to them, including strike ballots. In addition, from my time as the government's lead Commissioner responsible for taking control of key decisions in a London Borough, I have direct experience of aspects of voting that can go wrong where there is a lack of transparency and the potential for intimidation.

E-balloting is a complex issue about which there are many views, so the more comments and evidence I receive the better. Accordingly, in leading this review, I will be pleased to hear from a wide circle of interest, including Trade Unions, Trade Union members, representative bodies, business, independent scrutineers, technology providers, think tanks, academics and, of course, the general public. In addition, in order to ensure that I hear from as many parts of the country as possible, I intend to run a number of roundtables around the country to discuss the issues e-balloting gives rise to and I will invite a wide spread of bodies and individuals to attend.

Thank you for taking the time to read this document and for responding to the questions it poses.

**Sir Ken Knight CBE QFSM DL**

# Purpose and scope of call for evidence

1. This call for evidence seeks views on the appropriateness and ease with which electronic balloting (or e-balloting) might be introduced for ballots relating to industrial action conducted under Trade Union and Labour Relations (Consolidation) Act 1992. Currently the requirement is that a postal ballot is required for all such ballots.
2. Some organisations and individuals strongly support the view that e-balloting would be a quicker and more effective means of holding ballots on industrial action. During the passage of the Trade Union Act 2016 through Parliament there were calls for it to be introduced without delay. However, the government has concerns about how e-balloting would work in practice. Specifically, the government requires stronger evidence that the standards of security, including in relation to the technology, and exposure to intimidation or fraud achieved by postal balloting currently can be met or surpassed. This review will look at the facts and evidence from all perspectives.
3. In accordance with its terms of reference, the review will take into account issues, including, but not exclusively:
  - The electronic and physical security of e-balloting methods, including risks of interception, impersonation, hacking, fraud or misleading or irregular practices;
  - If any system can safeguard against risk of intimidation of union members and protect anonymity of ballot responses;
  - The security and resilience of existing balloting of union members;
  - The aims of the Trade Union Act 2016 to ensure strikes and related disruption to the public only happen as a result of a clear, positive decision by those entitled to vote.
4. The focus of the review is to examine e-balloting for industrial action ballots under the Trade Union and Labour Relations (Consolidation) Act 1992. Accordingly, the review will not consider whether e-balloting is a suitable mechanism to be used for any other purpose. Should the government finally determine there is a case for introducing e-balloting for industrial action, there would remain the option of postal balloting as currently exists under the Trade Union and Labour Relations Consolidation Act 1992.
5. Employment law is devolved to Northern Ireland. Accordingly, whilst Sir Ken is seeking views on the proposals across the UK, including Northern Ireland, it would ultimately be for a future Northern Ireland Executive and Assembly to determine whether any change in Northern Ireland is required. The Department for Business, Energy and Industrial Strategy is working closely and consulting with the Department for the Economy on this matter.

# Background

6. Currently the Trade Union and Labour Relations (Consolidation) Act 1992 requires that a postal vote is required for all ballots and elections including industrial action ballots, union elections and political fund ballots. However, Section 54 of the Employment Relations Act 2004 contains an order making power allowing the Secretary of State for Business, Energy and Industrial Strategy to widen the methods of voting that are to be used in ballots and elections conducted under the Trade Union and Labour Relations (Consolidation) Act 1992 provided that postal balloting is retained as an option. Nonetheless, the Secretary of State cannot make an order under Section 54 unless he is satisfied that the voting process to be adopted in particular ballots meets the 'required standard'. In summary the required standard means ensuring that:
  - All those entitled to vote have an opportunity to do so;
  - Votes cast are secret; and
  - The risk of unfairness or malpractice is minimised.
7. This Call for Evidence asks for information both in relation to the current system and how any future e-balloting system might operate to ensure a full understanding of any change from current requirements against these key standards.

# Call for Evidence

## Current ballot process

8. Under the Trade Union and Labour Relations (Consolidation) Act 1992 a ballot paper must be given a unique sequential number and sent in the post to the relevant member union members eligible to vote in the ballot. The legislation allows a worker the choice of where a postal ballot should be sent - work address or, other addresses (such as home). The voting paper must:
- Specify the address to which it is to be returned and the date it should be returned by;
  - State the name of the independent scrutineer, where applicable;
  - Pose a question which must be asked in a way that can be answered 'yes' or 'no'; and
  - Once the relevant provisions in the Trade Union Act 2016 are in force voting papers will need to contain: a summary of the matter or matters in issue in the trade dispute, the type of industrial action proposed and the time period for when the industrial action is expected to take place.
9. The response can be sent back in a pre-paid envelope. This process should maintain the voter's anonymity – for example the envelope should not have any distinguishing marks that would reveal the voter's identity. For ballots where there are more than 50 members eligible to vote the union must appoint an independent scrutineer. The scrutineer must then take steps so that they are in a position to make a report about whether the ballot has met all the relevant legal requirements. In addition, the scrutineer must be satisfied that arrangements for the production, storage, distribution of the voting papers included all such security arrangements as were reasonably practicable in order to minimise the risk that any unfairness or malpractice might occur.
10. Processes need to be put in place to ensure that:
- Everyone entitled to vote is allowed to do so ie, no-one is accidentally omitted from being asked to vote or indeed votes are included from someone not entitled to vote;
  - The casting of the vote should be done free from interference from, or constraint by, the union or any of its members or employees;
  - The votes are fairly and accurately counted; and
  - The person entitled to vote should be given an acceptable period of time to vote by post.
11. These processes are deemed necessary to ensure the key standards as set out in paragraph 6 above.

**Q1: What are the strengths and weaknesses of the current postal system for achieving the required standards?**

## E-balloting processes

12. It is important to distinguish different types of alternatives from postal voting. Electronic systems can, for example, relate to systems provided at a polling or voting station. These are not necessarily remotely accessed but allow a digital rather than a paper-based system to cast a vote and / or count it. However, for the purposes of this Call for Evidence, we focus on considering an approach that uses technology to allow someone to cast a vote remotely (ie somewhere separate from where any other votes are being cast or counted) and potentially, on a range of systems, which allow the transmission of that information.
13. We understand that such systems are already in operation in the UK, for a range of purposes. For example, one business in the UK that provides independent balloting services to organisations claims to offer e-balloting services to a wide range of organisations providing “*opportunities to vote electronically – whether online, by telephone or by text*”<sup>1</sup>. Those organisations include trade unions, political parties, building societies and cooperatives, community and health based organisations, and businesses. The ballots covered include election of representatives, voting on AGM resolutions and consultative ballots.
14. Perhaps the most stringent and secure standards of integrity are needed for voting in general and local elections. The Report of the Speaker’s Commission on Digital Democracy in 2015 estimated that 14 countries have used internet voting for binding political elections or referendums. The report said that: “*Estonia is the only one to have introduced permanent national internet voting. It has an advanced system for verifying citizens’ identity online, but there have been concerns about the security of its system. In New South Wales, Australia, the strategy of the electoral commission has been to recognise that there is not yet a ‘secure and reliable electronic voting system which removes all the known risks.*”<sup>2</sup> The Speaker’s Commission did, however, set the ambition for secure online voting to be achieved for the General Election by 2020.
15. The standards required by the legislation in relation to industrial ballots are, understandably high standards. Industrial action can have significant impact not just on businesses and those directly employed by the effected business. Industrial action can have profound effects on the wider economy, on individuals, families and other businesses who have no direct interest in the industrial dispute under consideration. It is therefore right that the balloting system meets the required high standards around entitlement to vote, secrecy and fairness. However, these standards may not have to be the same as other balloting situations. For example, one might expect the standards for industrial action ballots to be much higher compared to, for example, a resolution at an AGM of a small, community organisation.

<sup>1</sup> Electoral Reform Services, Trade unions and e-voting – is it possible?, [www.electoralreform.co.uk/trade-unions-and-e-voting-is-it-possible](http://www.electoralreform.co.uk/trade-unions-and-e-voting-is-it-possible) [Accessed 15th November 2016]

<sup>2</sup> Digital Democracy Commission, Open Up! Report of the Speaker’s Commission on Digital Democracy, January 2015, p60 [www.digitaldemocracy.parliament.uk/documents/Open-Up-Digital-Democracy-Report.pdf](http://www.digitaldemocracy.parliament.uk/documents/Open-Up-Digital-Democracy-Report.pdf)

16. We are interested in understanding where e-balloting is currently used, what type of technology is employed and the extent to which standards of access, secrecy and fairness have been achieved. International as well as different UK contexts are welcome, particularly where the system has been evaluated.

**Q2: Please give examples of situations where you are aware e-balloting is currently applied. What type of technology is deployed eg Internet based, telephone-based? What has been the impact and how has it been evaluated?**

## All those entitled to vote have an opportunity to do so

17. This aspect of the standard required of balloting methods – securing access to vote but only by those entitled to - represents for e-balloting both an opportunity and a risk.
18. One of the key reasons advanced in debate in Parliament during the passage of the Trade Union Act for permitting e-balloting was that it would aid higher turnout and participation in voting. Giving more choices about how to vote and using processes that might make it easier to communicate with those eligible to vote should increase turnout. This was particularly relevant to the Trade Union Act because one of its measures involved requiring minimum turnout thresholds to be met before a ballot for industrial action can be considered valid.
19. According to the Speaker's Commission on Digital Democracy, remote online voting has the potential to "*greatly increase the convenience and accessibility of voting*"<sup>3</sup>. E-voting could allow individuals to vote from their laptop or smartphone, potentially easier than postal voting and potentially offering more choices as to how to vote. E-voting could be more accessible to disabled voters. For example, in 2010, in the context of political elections, Scope argued that for some visually impaired people, or those with complex physical impairments "*both polling station and postal voting continued to be fundamentally inaccessible*" – they may need others to mark the ballot paper for them<sup>4</sup>. These same findings and views are likely to apply also to the context of e-balloting for industrial disputes.
20. However, when technology does not work or does not operate with the required resilience, access can also become a challenge. Although digital exclusion can be a severe problem in some communities, the penetration of internet and smartphone technology amongst employees is now high. The Office for National Statistics suggests that around 88% of adults and close to 98% of employees had accessed the internet in the last three months in 2016<sup>5</sup> (with 82% of adults accessing the internet daily or nearly every day<sup>6</sup>). But that technology needs to operate with high resilience and be based on operating systems that are compatible with the wide range of platforms with which a voter may use to access any system.
21. Technology continues to develop in this regard, though problems in the past have been evident. For example, in Geneva in 2008 the introduction of a Java application to the e-voting process reduced the number of operating systems that the voting platform operated on, which may have caused a reduction in the proportion voting via the internet by four percentage points<sup>7</sup>. Others have commented on the fact that

<sup>3</sup> Digital Democracy Commission, Open Up! Report of the Speaker's Commission on Digital Democracy, January 2015, p60 [www.digitaldemocracy.parliament.uk/documents/Open-Up-Digital-Democracy-Report.pdf](http://www.digitaldemocracy.parliament.uk/documents/Open-Up-Digital-Democracy-Report.pdf)

<sup>4</sup> Webrootsdemocracy, Viral voting: future proofing UK elections with an #online, March 2015, p 54, <https://webrootsdemocracy.files.wordpress.com/2014/05/webroots-democracy-viral-voting.pdf>

<sup>5</sup> ONS, Internet users dataset, May 2016

[www.ons.gov.uk/businessindustryandtrade/itandinternetindustry/datasets/internetusers](http://www.ons.gov.uk/businessindustryandtrade/itandinternetindustry/datasets/internetusers)

<sup>6</sup> ONS, Internet access – households and individuals 2016, August 2016, table 1

[www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/datasets/internetaccesshouseholdsandindividualsreferencetables](http://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/datasets/internetaccesshouseholdsandindividualsreferencetables)

<sup>7</sup> Michel Chevalier, Internet voting, turnout and deliberation: a study, 2009, Electronic Journal of e-Government volume 7 issue 1, p33 [www.ejeg.com/issue/download.html?idArticle=177](http://www.ejeg.com/issue/download.html?idArticle=177)

differential access could skew the results of any ballot even if turnout thresholds were reached<sup>8</sup>. Of course, provision of e-balloting does not preclude someone opting to remain with postal voting. But where e-balloting is selected by a voter and any technology access issues emerge subsequently then the move to a postal option would need to be available in tandem or rapidly deployable as an alternative.

22. We are interested in understanding more about both the benefits and risks of e-balloting in relation to voter access.

**Q3: How much do you believe the use of e-balloting for industrial action would increase turnout, if it were available? What other access benefits might it bring?**

**Q4: Which forms of e-balloting system (eg telephone / internet) would help ensure access? What evaluations have taken place on the robustness and resilience of different systems to ensure access in a voting context?**

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<sup>8</sup> Ben Goldsmith, Holly Ruthrauff, Implementing and overseeing electronic voting and counting technologies, National Democratic Institute, 2013, p224  
[www.eods.eu/library/Implementing\\_and\\_Overseeing\\_Electronic\\_Voting\\_and\\_Counting\\_Technologies.pdf](http://www.eods.eu/library/Implementing_and_Overseeing_Electronic_Voting_and_Counting_Technologies.pdf)

## Votes cast are secret

23. Just as for General Elections, ensuring anonymity of a vote is vital to the integrity of industrial action ballots. Voter coercion is a challenge that most voting systems need to consider how to avoid. In 2014 the Electoral Commission, for example, identified the risks to individuals voting remotely - away from the polling station – where there is greater opportunity for other individuals to place the voter under undue pressure to vote in a particular way<sup>9</sup>. The circumstances for industrial action ballots are different in this regard and being able to vote away from the work place is likely to be an advantage in avoiding undue influence from those with a stake in the outcome. In this sense, postal and e-balloting are more similar, but we are interested in understanding circumstances where they might deliver different outcomes in terms of voting secrecy. We understand that the majority of people choose to have their voting papers sent to their home address rather than, say, place of work, so they currently have the opportunity to vote in private. A move to electronic voting is likely to move voting to e-mails and smartphones. Accordingly, we are interested to know whether there would be implications for workplace intimidation if people shift from voting in the privacy of their own home to a mobile device.
24. We are also interested to understand more about what technology systems could or should be put in place to maintain voter secrecy in an e-balloting scenario. We assume that e-balloting would require some sort of identification number (code or number, etc) to be linked to the voter<sup>10</sup> in order to fulfil other elements of the standards we would expect to be met (see next section). These records of internet voting will be stored digitally and need to be held securely but, unlike postal voting, will also retain information on the identity of the origin of vote. Some have identified concerns that hacking would allow this information to be revealed<sup>11</sup>, if voter ID had not been securely separated from the vote itself. Others, however, argue that e-balloting can potentially mitigate against voter coercion more than would be the case under postal voting<sup>12</sup>.

**Q5: In what circumstances might e-balloting be more or less secret when compared to postal voting?**

**Q6: What mitigations can be employed to ensure that under e-balloting, hacking of the system, even if successful, would not allow the identity of a vote to be revealed? Have such mitigations been evaluated?**

**Q7: Would e-balloting increase the scope for intimidation and undue influence (being forced to vote, and being forced to show which way someone had voted, and being forced to vote in a certain way)?**

<sup>9</sup> The Electoral Commission, Electoral Fraud in the UK: final report and recommendations, January 2014, p30

<sup>10</sup> European Parliament, E-public, e-participation and e-voting in Europe – prospects and challenges, November 2011, p115

<sup>11</sup> Open Rights Group, May 2007 Election Report, June 2007, p30 [www.openrightsgroup.org/wp-content/uploads/org\\_election\\_report.pdf](http://www.openrightsgroup.org/wp-content/uploads/org_election_report.pdf)

<sup>12</sup> European Parliament, E-public, e-participation and e-voting in Europe – prospects and challenges, November 2011, p119 <http://bookshop.europa.eu/en/e-public-e-participation-and-e-voting-in-europe-prospects-and-challenges-pbBA3212563/>

## The risk of unfairness or malpractice is minimised

25. There are a number of specific challenges that apply to ballot systems, but which require a technological response in the case of e-balloting.
26. One challenge relates to voter verification – the process must ensure that the correct person is voting in a ballot. It should mitigate against the risk that even if the ballot information is sent accidentally to the wrong person or forwarded on to someone else, the vote can only be cast by the person who is eligible to vote. This requires authentication codes to be made available to the voter in a way that is as secure as possible against being accidentally or otherwise used by someone else.
27. Security from interception or interference remains another challenge – mentioned in the last section was the risk of identity being revealed following a hack into a system. But there is a wider risk that others have identified that some may try to exploit weaknesses in software used by the ballot organiser<sup>13</sup> or the often less secure computers or other devices of the voters. Some, however, claim the contrary when making a comparison with postal voting. For example, Web Roots Democracy argues that for postal voting, committing fraud has “*relatively low barriers and requires little specialist knowledge*”. Effectively, the person committing fraud needs to collect and complete the postal ballot forms. With electronic voting, where the secure ID codes are likely to be sent to individuals’ web addresses, there is a higher barrier to accessing the ballot<sup>14</sup>.
28. Some go further and believe that e-balloting systems need to offer greater functionality than traditional systems of voting in order to build confidence and assurance in their security. For example, some have stated that an e-voting system should allow the voter to verify that the vote that has been recorded (ie. the vote that the voter recorded on their device) agrees with the vote cast as it was counted in the ballot<sup>15</sup>. Some have taken the view that scrutineers should verify that the recorded votes have been accurately counted<sup>16</sup>.
29. Taking these challenges together, some have expressed concern that technology can sufficiently deal with these challenges at this time. For example, The Speaker’s Commission on Digital Democracy quoted The Open Rights Group to sum up the overall accumulation of challenges for technology:

*“Voting is a uniquely difficult question for computer science: the system must verify your eligibility to vote; know whether you have already voted; and allow for audits and recounts. Yet it must always preserve your anonymity and privacy. Currently, there are no practical solutions to this highly complex problem and existing systems are unacceptably flawed.”*

<sup>13</sup> Open Rights Group, May 2007 Election Report, June 2007 p20 [www.openrightsgroup.org/wp-content/uploads/org\\_election\\_report.pdf](http://www.openrightsgroup.org/wp-content/uploads/org_election_report.pdf) - this discusses the vulnerability to hacking of some of the software used for the internet voting systems during the pilots in the 2007 elections in England.

<sup>14</sup> Webrootsdemocracy, Viral voting: future proofing UK elections with an #online , March 2015, p57 , <https://webrootsdemocracy.files.wordpress.com/2014/05/webroots-democracy-viral-voting.pdf>

<sup>15</sup> Electoral Reform Services, Trade unions and e-voting: is it possible?, [www.electoralreform.co.uk/trade-unions-and-e-voting-is-it-possible](http://www.electoralreform.co.uk/trade-unions-and-e-voting-is-it-possible)

<sup>16</sup> Galois/US Vote Foundation, The Future of Voting: End-to-end verifiable voting, July 2015, p3

30. However, we also note that the Speaker's Commission concluded that: *"It is only a matter of time before online voting is a reality, but first the concerns about security must be overcome."* We are therefore interested in hearing evidence about how technology is evolving to deal with these challenges. It may also be possible, indeed it may be necessary, to provide mitigations to some of these risks that are not technology-based. For example, it may be possible or necessary to change the role of the independent scrutineer under an e-balloting system to verify and provide assurance that risks have genuinely been mitigated.

**Q8: How do you believe technology has evolved or will evolve to address the risks set out above?**

**Q9: How will e-balloting change the scope for industrial action and how does that affect the public interest?**

**Q10: Are there other risks or challenges associated with e-balloting, not identified above? How might they be mitigated?**

**Q11: How might other non-technological processes need to change, such as the role of the scrutineer, if e-balloting were made available for industrial ballots?**

**Q12: What costs are associated with the technological options around e-balloting and also non-technological mitigations?**

# How to respond

This call for evidence opened on 1 March 2017 and the last date for responses is midnight on 10 May 2017 (**extended until 14 July 2017**).

When responding, please state whether you are responding as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents by selecting the appropriate interest group on the consultation form and, where applicable, how the views of members were assembled.

You can reply to this consultation online at:

<https://beisgovuk.citizenspace.com/lm/electronic-balloting-review>

The consultation response form is available electronically on the consultation page: [www.gov.uk/government/consultations/electronic-balloting-for-industrial-action-knight-review-call-for-evidence](http://www.gov.uk/government/consultations/electronic-balloting-for-industrial-action-knight-review-call-for-evidence) (until the consultation closes). The form can be submitted by email or by letter to:

Christine Pelletant  
E-Balloting Secretariat  
Department for Business, Energy and Industrial Strategy  
1 Victoria Street  
London  
SW1H 0ET

Tel: 020 7215 5000

Email: [e-ballotingreview@beis.gov.uk](mailto:e-ballotingreview@beis.gov.uk)

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BEIS calls for evidence are digital by default but if required printed copies of the call for evidence document can be obtained from the address above.

Other versions of the document in Braille, other languages or audio-cassette are available on request.

# Confidentiality and data protection

Information provided in response to this call for evidence, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). If you want information, including personal data that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

## Help with queries

Questions about the policy issues raised in the document can be addressed to:

Andrew Miller  
E-Balloting Secretariat  
Department for Business, Energy and Industrial Strategy  
1 Victoria Street  
London  
SW1 0ET

Tel: 020 7215 6198

Email: [e-ballotingreview@beis.gov.uk](mailto:e-ballotingreview@beis.gov.uk)

# Questions

The questions are repeated in the response form at [Annex B](#).

- Q1** What are the strengths and weaknesses of the current postal system for achieving the required standards?
- Q2** Please give examples of situations where you are aware e-balloting is currently applied. What type of technology is deployed eg Internet based, telephone-based? What has been the impact and how has it been evaluated?
- Q3** How much do you believe the use of e-balloting for industrial action would increase turnout, if it were available? What other access benefits might it bring?
- Q4** Which forms of e-balloting system (eg telephone / internet) would help ensure access? What evaluations have taken place on the robustness and resilience of different systems to ensure access in a voting context?
- Q5** In what circumstances might e-balloting be more or less secret when compared to postal voting?
- Q6** What mitigations can be employed to ensure that under e-balloting, hacking of the system, even if successful, would not allow the identity of a vote to be revealed? Have such mitigations been evaluated?
- Q7** Would e-balloting increase the scope for intimidation and undue influence (being forced to vote, and being forced to show which way someone had voted, and being forced to vote in a certain way)?
- Q8** How do you believe technology has evolved or will evolve to address the risks set out above?
- Q9** How will e-balloting change the scope for industrial action and how does that affect the public interest?
- Q10** Are there other risks or challenges associated with e-balloting, not identified above? How might they be mitigated?
- Q11** How might other non-technological processes need to change, such as the role of the scrutineer, if e-balloting were made available for industrial ballots?
- Q12** What costs are associated with the technological options around e-balloting and also non-technological mitigations?

## What happens next?

While this call for evidence is open Sir Ken will host some roundtable meetings, which will be an opportunity for interested parties and individuals to offer their views in person. The meetings will run from late January/February 2017. There will be at least one meeting in each of Scotland, Wales and England. Full details of the meetings will be given in due course on gov.uk.

Sir Ken Knight will consider all responses to this call for evidence in developing his review and he will report to the government before end December 2017, at which point the report will be published. The Secretary for State for Business Energy and Industrial Strategy will then respond to Sir Ken's report, having consulted relevant organisations, including professionals from expert associations to seek their advice and recommendations.

# Annex A: Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

[www.gov.uk/government/publications/consultation-principles-guidance](http://www.gov.uk/government/publications/consultation-principles-guidance)

## Comments or complaints on conduct of this call for evidence

If you wish to comment on the conduct of this call for evidence or make a complaint about the way this call for evidence has been conducted, please write to:

Angela Rabess  
BEIS Consultation Co-ordinator  
1 Victoria Street  
London  
SW1H 0ET

Tel: 020 7215 1661

Email: [angela.rabess@beis.gov.uk](mailto:angela.rabess@beis.gov.uk)

However if you wish to comment on the specific policy proposals you should contact the Head of the E-Balloting Review Secretariat - Andrew Miller, see '[Help with queries](#)'.

## Annex B: Response form

The call for evidence is available at: [www.gov.uk/government/consultations/electronic-balloting-for-industrial-action-knight-review-call-for-evidence](http://www.gov.uk/government/consultations/electronic-balloting-for-industrial-action-knight-review-call-for-evidence).

If you would prefer not to respond online you may submit your response by letter.

The closing date for responses is **midnight on 10 May 2017 (extended until 14 July 2017)**.

Please return completed forms to:

Christine Pelletant  
E- Balloting Secretariat  
Department for Business, Energy and Industrial Strategy  
1 Victoria Street  
London  
SW1 0ET

Email: [e-ballotingreview@beis.gov.uk](mailto:e-ballotingreview@beis.gov.uk)

Please be aware that we intend to publish all responses to this call for evidence.

Information provided in response to this call for evidence, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes. Please see [page 16](#) for further information.

If you want information, including personal data, that you provide to be treated as confidential, please explain to us below why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we shall take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

I want my response to be treated as confidential

Comments:

## Questions

Name:

Organisation (if applicable):

Address:

Please select which best describes you or your organisation:

	<b>Respondent type</b>
<input type="checkbox"/>	Business representative organisation/trade body
<input type="checkbox"/>	Central government
<input type="checkbox"/>	Charity or social enterprise
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Large business (over 250 staff)
<input type="checkbox"/>	Legal representative
<input type="checkbox"/>	Local government
<input type="checkbox"/>	Medium business (50 to 250 staff)
<input type="checkbox"/>	Micro business (up to 9 staff)
<input type="checkbox"/>	Small business (10 to 49 staff)
<input type="checkbox"/>	Trade union or staff association
<input type="checkbox"/>	Other (please describe)

**Question 1: What are the strengths and weaknesses of the current postal system for achieving the required standards?**

**Question 2: Please give examples of situations where you are aware e-balloting is currently applied. What type of technology is deployed eg Internet based, telephone-based? What has been the impact and how has it been evaluated?**

**Question 3: How much do you believe the use of e-balloting for industrial action would increase turnout, if it were available? What other access benefits might it bring?**

**Question 4: Which forms of e-balloting system (eg telephone / internet) would help ensure access? What evaluations have taken place on the robustness and resilience of different systems to ensure access in a voting context?**

**Question 5: In what circumstances might e-balloting be more or less secret when compared to postal voting?**

**Question 6: What mitigations can be employed to ensure that under e-balloting, hacking of the system, even if successful, would not allow the identity of a vote to be revealed? Have such mitigations been evaluated?**

**Question 7: Would e-balloting increase the scope for intimidation and undue influence (being forced to vote, and being forced to show which way someone had voted, and being forced to vote in a certain way)?**

**Question 8: How do you believe technology has evolved or will evolve to address the risks set out above?**

**Question 9: How will e-balloting change the scope for industrial action and how does that affect the public interest?**

**Question 10: Are there other risks or challenges associated with e-balloting, not identified above? How might they be mitigated?**

**Question 11: How might other non-technological processes need to change, such as the role of the scrutineer, if e-balloting were made available for industrial ballots?**

**Question 12: What costs are associated with the technological options around e-balloting and also non-technological mitigations?**

Please use this space for any general comments that you may have, comments on the layout of this consultation would also be welcomed.

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply

At BEIS we carry out our research on many different topics and consultations. As your views are valuable to us, would it be okay if we were to contact you again from time to time either for research or to send through consultation documents?

Yes

No



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Contact us if you have any enquiries about this publication, including requests for alternative formats, at:

E-Balloting Secretariat  
Department for Business, Energy and Industrial Strategy  
1 Victoria Street  
London  
SW1H 0ET

Email: [e-ballotingreview@beis.gov.uk](mailto:e-ballotingreview@beis.gov.uk)