

**Second Working Paper on Data Protection and Online Voting in Parliamentary and other Governmental Elections**

*- adopted at the 37<sup>th</sup> meeting on 31 March / 1<sup>st</sup> April 2005 in Madeira -*

The International Working Group on Data Protection in Telecommunications adopted at its 30<sup>th</sup> meeting on 28 August 2001 in Berlin a Working Paper on data protection and online voting in parliamentary and other governmental elections.<sup>1</sup>

Since then, remote e-vote projects have been carried out in several countries. Those projects have generated new information and more analysis tools, resulting from their evaluation.

The Working Group therefore makes the following additional recommendations:

Electronic voting systems have to guarantee the secrecy of the vote, the privacy of the voter and the confidentiality of the voting procedures. The electronic vote in polling station, without voter's data transmission or votes transmission through an electronic infrastructure has to guarantee the confidentiality, integrity and availability of the system by the following procedures:

- the hard- and software should be submitted to a prior technical and organisational audit, carried out under the supervision of the electoral competent public body (or independent body designated by the electoral competent authority) and
- the system (hard- and software) should be notified to the electoral competent public authority and the software should be certificated with a digital signature, in order to guarantee the integrity and transparency of the system .

The transmission of personal data regarding the voters and the votes cast, through a network that connects online polling stations, does not provide enough guarantees, unless the transmission is done in a secure virtual private network.

For further discussion the Working Group recommends to proceed on the basis of the terminology of the Council of Europe Recommendation Rec(2004)11 of the Committee of Ministers to member states on legal, operational and technical standards for e-voting adopted on 30 September 2004<sup>2</sup>.

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<sup>1</sup> See <[http://www.datenschutz-berlin.de/attachments/210/online\\_voting.htm](http://www.datenschutz-berlin.de/attachments/210/online_voting.htm)>).

<sup>2</sup> The Recommendation is available at  
<[http://www.coe.int/T/e/integrated\\_projects/democracy/02\\_Activities/02\\_e-voting/](http://www.coe.int/T/e/integrated_projects/democracy/02_Activities/02_e-voting/)>)

## **Annex**

In this Recommendation the following terms are used with the following meanings:

- authentication: the provision of assurance of the claimed identity of a person or data;
- ballot: the legally recognised means by which the voter can express his or her choice of voting option;
- candidate: a voting option consisting of a person and/or a group of persons and/or a political party;
- casting of the vote: entering the vote in the ballot box;
- e-election or e-referendum: a political election or referendum in which electronic means are used in one or more stages;
- electronic ballot box: the electronic means by which the votes are stored pending being counted;
- e-voting: an e-election or e-referendum that involves the use of electronic means in at least the casting of the vote;
- remote e-voting: e-voting where the casting of the vote is done by a device not controlled by an election official;
- sealing: protecting information so that it cannot be used or interpreted without the help of other information or means available only to specific persons or authorities;
- vote: the expression of the choice of voting option;
- voter: a person who is entitled to cast a vote in a particular election or referendum;
- voting channel: the way by which the voter can cast a vote;
- voting options: the range of possibilities from which a choice can be made through the casting of the vote in an election or referendum;
- voters' register: a list of persons entitled to vote (electors).