

Notification handbook

A complete guide to notification



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Introduction

This handbook contains the Information Commissioner's guidance on notification under the Data Protection Act 1998. Notification is a statutory requirement and every organisation must notify the Information Commissioner's Office (ICO), unless they are exempt.

Notification is the process by which a data controller informs the Information Commissioner of certain details about their processing of personal information. These details are used by the Information Commissioner to make an entry describing the processing in a register that is available to the public for inspection (on the ICO website at www.ico.gov.uk).

The principal purpose of having notification and the public register is transparency and openness. It is a basic principle of data protection that the public should know (or should be able to find out) who is carrying out the processing of personal information as well as other details about the processing (such as for what reason it is being carried out).

Notification, therefore, serves the interests of individuals in assisting them to understand how personal information is being processed by data controllers.

It is not, however, intended and (nor is it practicable) that the register should contain very detailed information about a data controller's processing. The aim is to keep the content at a general level, with sufficient detail to give an overall picture of the processing. More detail is only necessary to satisfy specific statutory requirements or where there is particular sensitivity.

We have designed the notification scheme in accordance with these objectives and have tried to cut down the detail and the process to the minimum, while still fulfilling the statutory requirements. We ask data controllers to bear this in mind when providing information for notification, and not to go into unnecessary detail or make unnecessary changes.

Section 1

Commonly asked questions and answers

1.1 What is notification?

The Information Commissioner's Office maintains a public register of data controllers. Each register entry includes the name and address of the data controller and a general description of the processing of personal information by a data controller. Individuals can consult the register to find out what processing of personal information is being carried out by a particular data controller.

Notification is the process by which a data controller's details are added to the register.

1.2 Why do I need to notify?

The Data Protection Act 1998 (DPA) requires every data controller who is processing personal information in an automated form to notify, unless they are exempt. Failure to notify is a criminal offence.

1.3 How can I find out if I am exempt?

We have produced a self-assessment guide to notification exemptions. It can be found in Section 6.1 of this handbook and is also available as a separate publication.

1.4 Do I have to notify my manual records that come within the scope of the Act?

No, but you can choose to notify them voluntarily. Further information about manual records can be found in our publication '**Data protection legal guidance**'.

1.5 How do I notify?

There are three easy ways to notify:

- On the **internet** (www.ico.gov.uk). You can complete the notification form online, print it out and send it to us with the notification fee or your direct debit instruction.
- By **completing the 'Request for a notification form'** (see Section 6.4). This should be faxed or posted to us marked for the attention of the Notification Department (Notification requests). Alternatively, the information can be emailed to us. A draft notification form will then be sent to you for further action.
- By **telephone**. You can telephone the notification helpline and a draft notification form will be sent to you based on the information that you will be asked to provide on the telephone.

Our contact details can be found on the back cover of this handbook.

1.6 Why have I been sent a draft description of my processing of personal information?

This only happens when someone has asked for a notification form. Data controllers have to describe their processing of personal information. To help them, we have put together draft processing descriptions for different types of businesses. The descriptions include the purposes, associated data subjects, classes and recipients most likely to be appropriate to a particular business.

1.7 What do I do if the draft processing description is incorrect or incomplete?

The final page of the Part 1 form explains how to amend the draft details, this information is also included in Section 3 of this handbook.

1.8 What is the fee for notification?

The fee is £35 (VAT nil). Any change to this fee will be advised to you when you start the process of notification. You can pay by direct debit, cheque or BACS. **We do not send invoices.** For more information about fees, see Section 3.2.6.

1.9 Do I have to renew my notification?

Yes. The notification period is one year, and the renewal fee is £35. We will tell you of any change to this fee when you start the process of renewal.

We will write to you before the expiry date of your register entry. Payment by direct debit is an easy way to ensure that your registration is renewed on time each year. If you are required to notify but fail to renew your registration, you are committing a criminal offence.

1.10 What do I do if there is a change to some part of my register entry during the one-year notification period?

You must write to tell us about any changes as soon as possible and in any event within 28 days. Failure to keep a register entry up to date is a criminal offence.

1.11 Can I have more than one register entry?

No. A data controller may only notify once. However, provision can be made for trading names to be included in the register (see Section 3.2.2).

1.12 How can I find out the meaning of some of the terms used in this handbook?

Section 5 contains a glossary of terms.

Section 2

The notification life cycle

All data controllers must notify unless they are exempt (see Section 4).

2.1 How to make an application to notify

There are currently three ways to make an application to notify.

On the internet

You can complete the notification form online, print it out and send it to us with the notification fee or your direct debit instruction.

Request for a notification form

You can complete the 'Request for a notification form' (see Section 6.4).

This should be faxed or posted to us, marked for the attention of the Notification Department (Notification requests). Alternatively, the information can be emailed to us. The notification form will then be sent to you for further action.

By telephone

You can telephone the notification helpline. You will be asked to provide your name, address and contact details, and to specify the nature of your business.

If you request an application form via the telephone helpline or via the 'Request for notification form' option, a partially completed notification form will be sent to you based on the nature of your business. When you receive your form you will need to check the details on the Part 1 form, complete the relevant sections of the Part 2 form and then return both forms to us with the notification fee (£35) or your completed direct debit instruction.

Our contact details can be found on the back cover of this handbook.

2.2 What happens next?

Your form will be given a preliminary check to ensure that all the relevant information has been provided. We will write to let you know that we have received your form, we will contact you if there is a problem.

Your one-year notification period begins on the day we receive a correctly completed form and fee. If you send your form by registered post or recorded delivery, your notification period begins on the day after the day of posting.

When your notification is added to the register, we will write to you again and send you a copy of your register entry.

You will be provided with a security number which must be quoted each time you contact us about your register entry. You should keep this number safe.

2.3 Keeping your register entry up to date

Once you have notified, you must keep your register entry up to date.

When any part of your entry becomes inaccurate or incomplete, you must inform us. This action must be taken as soon as practicable and in any event within 28 days of the date on which your entry became inaccurate or incomplete. Failure to do so is a criminal offence.

Changes must be notified to us in writing (including fax or email), quoting your security number. It is not possible to request a change by telephone. Two types of change forms are available: one is for adding an additional purpose to your notification and the other is for making any other amendment to your notification. Copies are included in this handbook in Section 6.2 and are also available online.

We will write to you when your change has been actioned and will send you a copy of your amended entry. Changes can be made free of charge at any time.

See Section 2.6, which explains the position if there is a change in the legal entity of the data controller.

2.4 Renewing your register entry

The notification period is one year from the day we receive your correctly completed notification form. Your entry will then expire unless it is renewed. We will write to you before the expiry date and explain the procedure for continuing your register entry.

The fee for renewing an entry is £35 and any change to this fee will be advised to you when you start the process of renewal. Payment by direct debit is an easy way to ensure that your registration is renewed on time each year, if you pay by direct debit you will not need to take any action to renew your entry in subsequent years. A direct debit form will be enclosed with the renewal reminder letter if you have previously paid the fee by some other method.

It is very important that we receive payment of the renewal fee prior to the expiry of the entry.

At renewal time you will be asked whether there have been any changes to the data controller name and address details or the contact details.

A letter will be sent to you to confirm that your entry has been renewed, providing the new expiry date.

2.5 Removing your register entry

If notification ceases to become necessary at any time during the notification period, you should write to us with full details and your security number, and we will remove your entry from the register. We will then write to you to confirm that the entry has been removed. If you have paid by direct debit, you will need to cancel your direct debit instruction yourself.

2.6 Changes of legal entity

A register entry is not transferable from one data controller to another: if there is a change in the legal entity of the data controller, a new entry must be made in the register. Examples of changes in legal entity are when a sole trader becomes a partnership or a partnership becomes a limited company. In these cases you should telephone the notification helpline, or go online to start the process of notifying.

If your previous entry is no longer required you must write in to request removal of your register entry.

2.7 Publication of the register

The data protection register is published on the internet (www.ico.gov.uk). It is possible to check whether a data controller has notified and to print a copy of a register entry.

Section 3

Completing the notification form

Introduction

The notification form is in two parts.

The Part 1 form

Part 1 of the notification form consists of sections for:

- the name and address of the data controller;
- the company registration number (optional)
- contact details; and
- a general description of the processing of personal information being carried out by the data controller, including:
 - the **purposes** for which personal information is being or is to be processed, eg debt collection or research;
 - a description of the **data subjects** about whom data is or is to be held, eg employees or patients;
 - a description of the **data classes**, eg employment details and financial details;
 - a list of the **recipients** of data, eg Central Government and Financial Organisations; and
 - information about whether data is transferred outside the European Economic Area (EEA).

The Part 2 form

Part 2 of the notification form consists of sections for:

- security statement;
- trading names;
- statement of exempt processing;
- voluntary notification;
- representative name and address;
- fees; and
- the declaration.

3.1 The Part 1 form

3.1.1 Data controller name

The name you provide must be the correct legal title of the individual or organisation. Examples are given below.

Sole traders: provide the full name of the individual, eg Anna Katherine Smith.

Partnerships: provide the trading name of the firm, eg Buttersfield & Co. (you do not have to provide the names of the partners).

Limited or public limited companies: provide the full name of the company, eg ABC Limited (not your trading name).

Groups of companies: groups of companies cannot submit a single notification. Individual companies who are data controllers must notify separately.

Schools: provide the name of the school, eg Hazeldown School.

In Scotland, only schools in the independent sector need to register; all other schools are covered within the relevant local authority notification.

Others, eg voluntary bodies: provide the name by which you are known to the public. These details should be altered (if necessary) on the Part 1 form itself.

3.1.2 Data controller address

If you are a limited company you must provide your registered office address, and in all other cases you must provide the address of your principal place of business. If there is no place of business (eg for a small local voluntary body), you should provide the address of the official who has completed the form.

These details should be altered (if necessary) on the Part 1 form itself.

3.1.3 Company registration number

If you are a limited or a public limited company, we encourage you to provide your company registration number as a unique identifier for the company. However, you are not obliged to do so.

3.1.4 Contact details

You may provide a name, address, telephone number, fax number and email address. These details will be used by us for all correspondence in connection with your notification but will not appear on the public register. These details should be altered (if necessary) on the Part 1 form itself.

3.1.5 General description of the processing of personal information

Each notification must include a general description of the processing of personal information being carried out. On the register this description is structured by reference to the purposes for which data is being processed.

If you have received a notification form from us, Part 1 will be pre-completed, draft purposes will have been constructed by us and will be likely to be appropriate to the nature of your business. **You must check these details** to ensure that they are an accurate description of your processing. You may need to change them in one of two ways.

- You may need to **add an additional purpose** (see Section 3.1.6).
- You may need to **make an amendment** to some part of the draft details on the Part 1 form (see Section 3.1.7).

Purpose example

Provision of financial services and advice

Data subjects are:

- customers and clients;
- complainants, correspondents and enquirers; and
- advisers, consultants and other professional experts.

Data classes are:

- personal details;
- family, lifestyle and social circumstances;
- employment details;
- financial details; and
- goods or services provided.

Recipients are:

- data subjects themselves;
- relatives, guardians or other persons associated with the data subject;
- business associates and other professional advisers;
- financial organisations and advisers; and
- ombudsmen and regulatory authorities.

Transfers:

- none outside the EEA.

3.1.6 Adding a new purpose to Part 1 of your notification form

You will find a detachable purpose form in Section 6.3. If you wish to add more than one purpose you will need to photocopy the form, alternatively, the template for the purpose form can be found online. A purpose form must be fully completed for each new purpose you wish to add. You may only use each purpose title once, but the Information Commissioner's Office may allow a purpose title to be used more than once in exceptional circumstances, where we believe that it will aid transparency.

- Select **one purpose title** from the list in Section 3.1.8. If none of the standard descriptions apply, you may use your own words to describe your purpose.
- Select one or more **data subjects** from the list in Section 3.1.9. Enter the code(s) or text on the form.
- Select one or more **data classes** from the list in Section 3.1.10. Enter the code(s) or text on the form.
- Select one or more **recipients** from the list in Section 3.1.11. Enter the code(s) or text on the form.
- Choose one of the options relating to **transfers** described in Section 3.1.12.
- Return the purpose form(s), attached to your Part 1 form.

3.1.7 Amending the draft details on Part 1 of your form

You may need to make amendments to the draft purposes on your form. However, please note that the Information Commissioner has determined that the level of detail provided in these draft purposes is sufficient for the purpose of notification, bearing in mind the overriding objectives referred to in the introduction to this handbook.

How to change the draft details

To delete details	Cross through the text that requires deletion. To delete a whole purpose, strike through it with a diagonal line.
To add: a subject, class, recipient or transfer to a draft purpose	Using the codes listed on pages 15 to 18 write or type your additions into the purposes that you wish to amend.
To add a new purpose with its associated subjects, classes, recipients and transfers	Use the new purpose form in Section 6.3 and return it with the Part 1 and Part 2 form.

Example

Staff administration

Data subjects are:

- staff including volunteers, agents, and temporary and casual workers.

S105, S106

Data classes are:

- personal details;
- employment details; and
- education and training details.
- trade union staff association membership.

C205, C210

Recipients are:

- Data subjects themselves
- Current, past or prospective employers of the data subjects
- Financial organisations and advisers

R404, R407

Transfers:

- none outside the EEA.

The codes eg C205 are for use during the notification process, but will not appear on the public register.

3.1.8 Purposes

Below is a list of standard purposes and purpose descriptions for use on register entries: wherever possible, these must be used. If none apply, you may use your own words to describe your purpose.

Standard business purposes

Staff administration

Appointments or removals, pay, discipline, superannuation, work management or other personnel matters in relation to the staff of the data controller.

Advertising, marketing and public relations

Advertising or marketing the data controller's own business, activity, goods or services, and promoting public relations in connection with that business or activity, or those goods or services.

Accounts and records

Keeping accounts relating to any business or other activity carried out by the data controller or deciding whether to accept any person as a customer or supplier or keeping records of purchases, sales or other transactions for the purpose of ensuring that the requisite payments and deliveries are made or services provided by him or to

him in respect of those transactions, or for the purpose of making financial or management forecasts to assist him in the conduct of any such business or activity.

If you are processing personal information for the standard business purposes only, you may not need to notify. For more information about the notification exemptions refer to 6.1.

Other purposes

Accounting and auditing

The provision of accounting and related services; the provision of an audit where such an audit is required by statute.

Administration of justice

Internal administration and management of courts of law or tribunals and discharge of court business.

Administration of membership records

The administration of membership records.

Advertising, marketing and public relations for others

Public relations work, advertising and marketing, including host mailings for other organisations and list broking.

Assessment and collection of taxes and other revenue

Assessment and collection of taxes, duties, levies and other revenue. You will be asked to indicate the type of tax or other revenue concerned.

Benefits, grants and loans administration

The administration of welfare and other benefits. You will be asked to indicate the type(s) of benefit you are administering.

Canvassing political support amongst the electorate

The seeking and maintenance of support amongst the electorate by the data controller.

Constituency casework

The carrying out of casework on behalf of individual constituents by elected representatives.

Consultancy and advisory services

Giving advice or rendering professional services. The provision of services of an advisory, consultancy or intermediary nature. You will be asked to indicate the nature of the services which you provide.

Credit referencing

The provision of information relating to the financial status of individuals or organisations on behalf of other organisations. This purpose is for use by credit reference agencies, not for organisations who merely contact or use credit reference agencies.

Crime prevention and prosecution of offenders

Crime prevention and detection and the apprehension and prosecution of offenders. This includes the use of most CCTV systems which are used for this purpose.

Debt administration and factoring

The tracing of consumer and commercial debtors and the collection on behalf of creditors. The purchasing of consumer or trade debts, including rentals and instalment credit payments, from business.

Education

The provision of education or training as a primary function or as a business activity.

Fundraising

Fundraising in support of the objectives of the data controller.

Health administration and services

The provision and administration of patient care.

Information and databank administration

Maintenance of information or databanks as a reference tool or general resource. This includes catalogues, lists, directories and bibliographic databases.

Insurance administration

The administration of life, health, pensions, property, motor and other insurance business. This applies only to insurance companies doing risk assessments, payment of claims and underwriting.

Insurance consultants and intermediaries should use the provision of financial services and advice purpose.

Journalism and media

Processing by the data controller of any journalistic, literary or artistic material made or intended to be made available to the public or any section of the public.

Legal services

The provision of legal services, including advising and acting on behalf of clients.

Licensing and registration

The administration of licensing or maintenance of official registers.

Pastoral care

The administration of pastoral care by a vicar or other minister of religion.

Pensions administration

The administration of funded pensions or superannuation schemes. Data controllers using this purpose will usually be the trustees of pension funds.

Policing

The prevention and detection of crime; apprehension and prosecution of offenders; protection of life and property; maintenance of law and order; also rendering assistance to the public in accordance with force policies and procedures.

Private investigation

The provision on a commercial basis of investigatory services according to instruction given by clients.

Processing for not-for-profit organisations

Establishing or maintaining membership of or support for a body or association which is not established or conducted for profit, or providing or administering activities for individuals who are either members of the body or association or have regular contact with it.

An organisation that is a body or association not established or conducted for profit may be exempt from notification provided that the processing meets specific criteria. If you are a not-for-profit organisation, please call the notification helpline for guidance on whether the exemptions cover your organisation's processing.

Property management

The management and administration of land, property and residential property and the estate management of other organisations.

Provision of financial services and advice

The provision of services as an intermediary in respect of **any** financial transactions including mortgage and insurance broking.

Realising the objectives of a charitable organisation or voluntary body

The provision of goods and services in order to realise the objectives of the charity or voluntary body.

Research

Research in any field, including market, health, lifestyle, scientific or technical research. You will be asked to indicate the nature of the research undertaken.

Trading/sharing in personal information

The sale, hire, exchange or disclosure of personal information to third parties in return for goods/services/benefit.

3.1.9 Data subjects

The following is a list of standard descriptions of data subjects. A data subject is an individual about whom personal information is held.

S100: Staff including volunteers, agents, temporary and casual workers

S101: Customers and clients

S102: Suppliers

S103: Members or supporters

S104: Complainants, correspondents and enquirers

S105: Relatives, guardians and associates of the data subject

S106: Advisers, consultants and other professional experts

S107: Patients

S108: Students and pupils

S109: Offenders and suspected offenders

All of the above categories include current, past or prospective data subjects.

3.1.10 Data classes

The following is a list of standard descriptions of data classes. Data classes are the types of personal information that is being or is to be processed.

C200: Personal details

Included in this category is any information that identifies the data subject and their personal characteristics. Examples are name, address, contact details, age, sex, date of birth, physical description, and any identifier issued by a public body, eg National Insurance number.

C201: Family, lifestyle and social circumstances

Included in this category is any information relating to the family of the data subject and the data subject's lifestyle and social circumstances. Examples are details about current marriage and partnerships and marital history, details of family and other household members, habits, housing, travel details, leisure activities and membership of charitable or voluntary organisations.

C202: Education and training details

Included in this category is any information which relates to the education and any professional training of the data subject. Examples are academic records, qualifications, skills, training records, professional expertise, and student and pupil records.

C203: Employment details

Included in this category is any information relating to the employment of the data subject. Examples are employment and career history, recruitment and termination details, attendance records, health and safety records, performance appraisals, training records and security records.

C204: Financial details

Included in this category is any information relating to the financial affairs of the data subject. Examples are income, salary, assets and investments, payments, creditworthiness, loans, benefits, grants, insurance details and pension information.

C205: Goods or services provided

Included in this category is any information relating to goods and services that have been provided. Examples are details of the goods or services supplied, licences issued, agreements and contracts.

The examples given are not an exhaustive list of what may be included in each category.

The following classes of data have been designated as sensitive personal information. If you process the following types of data you must specify this in your notification.

C206: Racial or ethnic origin

C207: Political opinions

C208: Religious or other beliefs of a similar nature

C209: Trade union membership

C210: Physical or mental health or condition

C211: Sexual life

C212: Offences (including alleged offences)

C213: Criminal proceedings, outcomes and sentences

3.1.11 Recipients

The following is a list of standard descriptions of recipients. Recipients are individuals or organisations to whom the data controller intends or may wish to disclose data. It does not include any person to whom the data controller may be required by law to disclose data in any particular case, for example if required to do so by the police under a warrant.

R400: Data subjects themselves

R401: Relatives, guardians or other persons associated with the data subject

R402: Current, past or prospective employers of the data subject

R403: Healthcare, social and welfare advisers or practitioners

R404: Education and training establishments, and examining bodies

R405: Business associates and other professional advisers

R406: Employees and agents of the data controller

R407: Other companies in the same group as the data controller

R408: Suppliers and providers of goods or services

R409: Persons making an enquiry or complaint

R410: Financial organisations and advisers

R411: Credit reference agencies

R412: Debt collection and tracing agencies

R413: Survey and research organisations

R414: Traders in personal data

R415: Trade, employer associations, and professional bodies

R416: Police forces

R417: Private investigators

R418: Local government

R419: Central government

R420: Voluntary and charitable organisations

R421: Political organisations

R422: Religious organisations

R423: Ombudsmen and regulatory authorities

R424: The media

R425: Data processors

3.1.12 Transfers of personal information

Data controllers must indicate whether or not personal information is transferred outside the European Economic Area (EEA).*

The choices are:

- None outside the EEA
- Worldwide
- Named individual countries outside the EEA. (If there are more than 10 countries, indicate 'Worldwide'.)

A transfer is not defined in the Act. However, the ordinary meaning of the term is transmission from one place, person, etc to another. This may include posting information on a website that can be accessed from overseas. In these circumstances it would be appropriate to indicate 'Worldwide'.

*At the time of publication the countries in the EEA are: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK.

3.2 The Part 2 form

3.2.1 Security statement

Data controllers must give a general description of the measures to be taken for the purpose of protecting against unauthorised or unlawful processing of personal information and against accidental loss or destruction of or damage to personal information. The description will not appear in the public register.

Answering the questions provided satisfies the requirement to provide this description. The questions are at a very general level but cover some of the key requirements of effective information security management. A brief explanation of some of the terms is given in the following paragraphs.

A statement of information security policy sets out the management commitment to information security within the organisation and provides a clear direction on responsibilities and procedures.

Controlling physical security is concerned with restricting access to sites, buildings, computer rooms, offices, desks, storage areas, equipment and other facilities where unauthorised access could compromise security.

Controls on access to information include procedures for authorising and authenticating users, as well as software controls for restricting access, and techniques for protecting data (such as encryption).

(In these last two cases, 'controlling' includes monitoring and logging access so as to assist in detecting and investigating security breaches or attempted breaches when they occur).

A business continuity plan is a contingency plan that identifies the business functions and assets (including personal information) that would need to be maintained in the event of a disaster, and sets out the procedures for protecting them and restoring them if necessary.

Training your staff on security systems and procedures. Are your staff trained to be aware of information security issues? This may be covered during induction or by formal seminars.

Detecting and investigating breaches of security when they occur. Do you have controls in place which alert you to a breach in security? Do you investigate breaches of security? BS7799 is the British Standard on Information Security Management. It is a business-led approach to best security practice which provides a framework to implement and maintain effective security within an organisation. BS7799 is intended for guidance and is not a statutory requirement.

3.2.2 Trading names

If you have a trading name or are known by any other names, it is helpful to include these on your notification. This will help people who wish to view specific entries but who do not know your formal legal title. However, names of separate legal entities (eg limited companies) who are also data controllers should not be listed here: separate legal entities must notify individually if they are data controllers. In the case of partnerships there is no requirement to provide the names of individual partners.

3.2.3 Statement of exempt processing

You are required to notify most types of processing. However, there are some specific types of processing that do not have to be included in your notification.

You have two choices:

- You can notify all of your processing of all personal information.
- You can restrict your notification to the processing that you are obliged to notify. In this case you must include the statement of exempt processing in your notification.

The statement of exempt processing is worded as follows:

This data controller also processes personal data which are exempt from notification.

The purpose of the statement is to alert those consulting the register to the fact that the entry is not a complete description of all the processing being carried out by a data controller. To determine whether or not you need to include the statement of exempt processing in your notification, you need to answer two questions.

Firstly, do you do any processing that you are not required to notify? **YES/NO**

You are not required to notify:

- any processing of structured manual records;
- processing for the purposes of staff administration;
- processing for the purposes of advertising, marketing and public relations (in connection with your own business activity);
- processing for the purposes of accounts and records; or
- processing by a body not established for profit for the purposes of membership administration and other activities.

Secondly, if you do undertake any processsing that you are not required to notify, have you chosen to include that processing in your notification voluntarily? **YES/NO**

If the answer to the first question is yes, and the answer to the second question is no, then you must include the statement of exempt processing.

3.2.4 Voluntary notification

Data controllers are required to notify unless they are exempt from notification. Section 4 of this handbook provides a summary of the exemptions and further help is given in Section 6.1.

If you are exempt from notification you can choose to notify voluntarily.

3.2.5 Representative details

If you are a data controller who is not established in the UK or in any other EEA state, but you are using equipment in the UK for processing personal information other than merely for the purposes of transit through the UK, you must complete the Representative details section. You must provide the name and address of a representative in the UK. This information will appear on the public register.

You may also complete this section if you would like to include on the register the name and address details that data subjects should use if they wish to contact you about a data protection matter. If you do not provide this information, individuals will be expected to communicate with you using the data controller name and address provided in Part 1.

3.2.6 Fees

There is a fee for notification of £35 (VAT nil), and any change to this fee will be advised to you when you start the process of notification. We do not send invoices but we will acknowledge receipt of payment. The period of notification is one year.

There are three ways to pay.

By direct debit

A direct debit form will be sent to you in your notification pack. We will acknowledge receipt of your direct debit instruction and advise you of the date on which the fee will be collected from your bank account.

By cheque or postal order

Cheques should be made payable to 'The Information Commissioner' and crossed 'A/C Payee only'. Please write your registration number on the back of your cheque.

BACS

In order that we can identify your BACS payment, please quote your registration number on your BACS documentation to ensure that your registration number appears on our bank statement. If possible, remittance advice should be sent to us with the forms, quoting your registration number and the date of your payment.

Please note that you have not made a valid notification until we have received your forms and your BACS payment.

3.2.7 Declaration

The declaration should be signed and dated in all cases.

3.3 Using the internet to notify

It is possible to complete the notification form online. However, it must be printed out and sent to us by post with the notification fee or direct debit instruction. It is currently not possible to send the form to us electronically. You will be deemed notified from the day on which we receive your correctly completed forms and fee. Here is some information about what to expect when using the internet to complete your notification form.

- To complete a notification form online, go to www.ico.gov.uk. You will find our publications relating to notification here, as well as instructions on how to complete the form.
- Completing the notification form online is a step-by-step process. You are asked to answer certain questions and provide information before continuing to the next question. Once the form is complete you can print it off and send it to us.
- The first questions are about the data controller who is notifying, for example their name, address and contact details.
- The next stage of the online process involves choosing an appropriate, nature of business template. Each notification must include a general description of the processing of personal information being carried out and on the register this description is structured by reference to purposes. A selection of templates is available to describe the processing that is likely to be being carried out by a range of different businesses. After selecting the template that is appropriate to your business you will need to check that it accurately describes the processing that is being carried out. You may amend the template or add additional purposes to it. If you cannot find a relevant template, either call the notification helpline or select the template that is closest to your needs and amend it as necessary.
- The next stage of the online process involves providing additional information, for example, the security statement, trading names and statement of exempt processing.

Some of this information is mandatory, so failure to return this part of the form renders your notification invalid and it will be returned to you.

- The final stage is to print the form, sign the declaration and return it to us with the notification fee or completed direct debit instruction. If, after printing the form you find that you have forgotten to include something, you can write in ink directly onto the form and we will include the details in your notification.

Section 4

Notification exemptions

The Act provides an exemption from notification for some data controllers. Exemptions are possible for the following.

- Data controllers who only process personal information for:
 - staff administration (including payroll);
 - advertising, marketing and public relations (in connection with your own business activity); and
 - accounts and records.
- Some not-for-profit organisations.
- Processing personal information for personal, family or household affairs (including recreational purposes).
- Data controllers who only process personal information for the maintenance of a public register.
- Data controllers who do not process personal information on computer.

Individuals who are processing personal information for personal, family or household affairs are exempt from notification and most of the other provisions of the Data Protection Act 1998.

However, other data controllers who are exempt from notification must still comply with the other provisions of the Act.

More detailed guidance about the notification exemptions can be found in *Notification exemptions: A self-assessment guide*. This publication has been reproduced in this handbook and can be found in Section 6.1.

Any data controller who believes that they may be exempt must refer to this guidance and not rely on the brief summary given above.

Section 5

Glossary

Data classes	The types of personal information that is being or is to be processed, eg financial details.
Data controller	A person who (either alone, or jointly, or in common with other individuals) determines how and why any personal information is to be processed.
Data subject	An individual about whom personal information is held.
Expired entry	A register entry that has passed its expiry date without renewal.
On computer	The term 'computer' includes any type of computer – however described: mainframe, desktop, laptop, palmtop, etc. It also includes other types of equipment which, although not normally described as computers, nevertheless have some ability to process automatically: automatic retrieval systems for microfilm and microfiche, audio and visual systems (including some CCTV systems), electronic flexitime systems and telephone logging equipment.
Personal data/ Personal information	Information about a living individual who can be identified from that information and other information which is in, or likely to come into, the data controller's possession.
Preliminary assessment	Special provisions requiring the Information Commissioner's Office to assess the data controller's ability to comply with the Data Protection Act. The provisions only apply to specified types of processing, at the time of publication none have been specified.
Processing	Obtaining, recording or holding data or carrying out any operation or set of operations on that data. Organising, storing, adapting and amending the data, retrieval, consultation and use of data; and disclosing and erasure or destruction of data. It is difficult to envisage any activity involving data that does not amount to processing.
Purpose	The purpose or purposes for which the data is being or is to be processed. An example is staff administration.

Recipient	Individuals or organisations to whom the data controller intends or may wish to disclose data. The term does not include any person to whom the data controller may be required by law to disclose data – for example if required to do so by the police under a warrant.
Registration number	The number allocated to your register entry; it appears on the public register.
Renewal	The process by which register entries are renewed annually.
Security number	A number allocated to the data controller that must be used whenever they contact us about notification. It should not be disclosed to anyone who does not need to know it.
Structured manual records	Information relating to individuals that is not processed by means of equipment operating automatically in response to instructions given for that purpose. Instead, the information is structured – either by reference to individuals or by reference to criteria relating to individuals – in such a way that specific details relating to a particular individual are readily accessible.
Transfers	Not defined in the Act. However, the ordinary meaning of the word is transmission from one place, person, etc to another. This may include posting information on a website that can be accessed from overseas.

Section 6

Appendices

6.1 Notification exemptions: A self-assessment guide

6.2 Application to alter or remove an entry

6.3 Purpose form

6.4 Request for a notification form

Notification exemptions

A self-assessment guide



**What is
notification?**



**Where can
I access the
register?**



**How do
I notify?**



**How can
I find out
if I am
exempt?**



**Why do
I need
to notify?**

Introduction

Some data controllers do not need to notify. By working through questions 1–9 you will be able to determine whether notification is required. The sequence of questions is such that if there is no possibility of an exemption for you, this will be made clear very quickly.

Exemptions are possible for the following.

- Data controllers who only process personal information for:
 - staff administration (including payroll);
 - advertising, marketing and public relations (in connection with their own business activity); and
 - accounts and records.
- Some not-for-profit organisations.
- Processing personal information for personal, family or household affairs (including recreational purposes).
- Maintenance of a public register.
- Processing personal information without an automated system such as a computer.

Q1. Are you processing personal information?



Personal information

Personal information means information which relates to a living individual who can be identified from that information. It is also any other information which is in the data controller's possession, or that is likely to come into their possession.

Processing

Processing means obtaining, recording or holding the data or carrying out any operation or set of operations on that data.

Processing includes the following activities:

- organising
- amending
- consulting
- disclosing
- destroying
- adapting
- retrieving
- using
- erasing
- storing

Q2. Is any of your processing on computer?



Processing on computer

If none of your processing is carried out on computer, there is no requirement to notify. The term 'computer' includes any type of computer, for example mainframe, desktop, laptop, palmtop, etc. It also includes other types of equipment which, although not normally described as computers, nevertheless have some ability to process automatically; eg automatic retrieval systems for microfilm and microfiche, audio and visual systems, electronic flexi-time systems, telephone logging equipment and some CCTV systems.

Q3. Are you a data controller?



Data controller

Data controller means a person who (either alone, or jointly, or in common with others) decides how and why any personal information is to be processed.

You do not need to notify if you are a data processor. Data processors only process personal information in-line with instructions from data controllers.

Q4. Are you only processing personal information for personal, family or household affairs (including recreational purposes)?



Personal, family and household affairs

Individuals are exempt from notification if the only information processed is for personal, domestic and household affairs (including recreational purposes).

Examples might include a personal address list, Christmas card list or personal information held in connection with a hobby.

This exemption does not apply to individuals who hold personal information for business or professional purposes.

Q5. Are you processing personal information for any of the following purposes?

- Accountancy and auditing.
- Administration of justice.
- Advertising, marketing and public relations for others.
- Canvassing political support among the electorate.
- Constituency casework.
- Consultancy and advisory services.
- Credit referencing.
- Crime prevention and prosecution of offenders (including some CCTV systems).
- Debt administration and factoring.
- Education.
- Health administration and provision of patient care.
- Insurance administration.
- Journalism and media.
- Legal services.
- Mortgage/insurance broking.
- Pastoral care.
- Pensions administration.
- Personal information processed by or obtained from a credit reference agency.
- Private investigation.
- Property management (including the selling of property).
- Provision of childcare.
- Provision of financial services and advice.
- Research.
- Trading and sharing in personal information.



Non-exempt purposes

You will NOT be exempt so you WILL have to notify if you are processing personal information for any of the purposes listed above. This is not meant to be a complete list, but it shows the most common purposes where there is a requirement to notify.

Data controllers who are unlikely to be exempt include accountants, barristers, consultants, dentists, doctors, employment and recruitment agencies, estate agents, financial advisers, schools, solicitors and businesses using personal information obtained from a credit reference agency.

For information on how to notify please, turn to page 37.

Q6. Are you only processing personal information to maintain a public register?



Public registers

There is a specific exemption from notification for any processing whose sole purpose is the maintenance of a public register. The exemption only applies to the information that the data controller is required to publish.

Q7. Are you a not-for-profit organisation?



Not-for-profit organisations

There is a specific exemption from notification for data controllers that are a body or association not established or conducted for profit, provided that their processing does not fall outside the descriptions in Q8 and Q9.

Q.8 As a not-for-profit organisation is all of your processing covered by the following descriptions?

Your processing is only for the purposes of establishing or maintaining membership or support for a body or association not established or conducted for profit, or providing or administering activities for individuals who are either members of the body or association or have regular contact with it.

Your data subjects are restricted to the processing of those for whom personal information is necessary for this exempt purpose.

Your data classes are restricted to personal information that is necessary for this exempt purpose.

Your disclosures other than those made with the consent of the data subject are restricted to those third parties that are necessary for this exempt purpose.

The personal information is not kept after the relationship between you and the data subject ends, unless (and for so long as) it is necessary to do so for the exempt purpose.

YES to all

**No requirement
to notify**

NO to any

Move to Q9

If the answer is no, but the only additional processing you do is for one or more of the purposes described in Q9, there is no requirement to notify.

This exempt purpose may be used by some small clubs, voluntary organisations, church administrations and some charities.

Further written guidance on this exemption is available by telephoning the notification helpline.

Q9. You do not have to notify if the only* processing you carry out is for one or more of these purposes:

- Staff administration
- Advertising, marketing and public relations
- Accounts and records

Please read the following information about each of the exempt purposes to determine whether or not you are exempt.

* A not-for-profit organisation may also carry out processing covered by the description in Q8.

Exemptions for core business purposes

The purposes listed here are sometimes referred to as 'core business purposes'. Typically they would relate to a small business that processes personal information only for these purposes, to support its primary activity.

You must read the description of each purpose to ensure that you only process personal information covered by one or more of the descriptions.

Staff administration

This is processing for the purposes of appointments or removals, pay, discipline, superannuation, work management or other personnel matters concerning your staff.

The individuals you hold information about are restricted to:

- any person whose personal information needs to be processed for staff administration.

The information processed is restricted to:

- data which are necessary for staff administration.

Your disclosures (except those made with the data subject's consent) are restricted to:

- those which you must make to third parties for the purposes of staff administration.

Retention of personal information

- You must not keep personal information after the relationship between you and the data subjects ends, unless and for so long as this is necessary for staff administration or a legal requirement.

The term staff includes all past, existing or prospective members of staff who are employees, office holders, temporary and casual workers, and also agents and volunteers. The personal information held about them includes all personnel and work management matters, for example their qualifications, work experience, pay and performance.

Advertising, marketing and public relations

This is processing for the purposes of advertising or marketing your business, activity, goods or services and promoting public relations only in connection with that business or activity, or those goods or services.

The individuals you hold information about are restricted to

- any person whose personal information you need to process for your own advertising, marketing and public relations, for example past, existing or present customers or suppliers.

Your information is restricted to

- information which is necessary for your advertising, marketing and public relations, for example names, addresses and other identifiers.

Your disclosures (except those made with the data subject's consent) are restricted to

- those which you must make to third parties for purposes of your advertising, marketing and public relations.

Retention of personal information

- you must not keep personal information after the relationship between you and the customer or supplier ends, unless and for so long as this is necessary for purposes of your advertising, marketing and public relations.

This exemption applies only to data controllers who are advertising and marketing their own goods and services.

If you obtain personal information from a third party for the purpose of marketing your own goods and services, you may still rely on this exemption. You must notify if you sell or trade a list of your customers.

Accounts and records

This is processing for the purposes of:

- keeping accounts relating to any business or other activity you carry out; or
- deciding whether to accept anyone as a customer or supplier; or
- keeping records of purchases, sales or other transactions to ensure that the relevant payments, deliveries or services take place; or
- making financial or management forecasts to help you carry out your business or activity.

The individuals you hold information about are restricted to:

- anyone whose personal information needs to be processed for your accounts and records, for example past, existing or present customers or suppliers.

The information you hold is restricted to:

- personal information that is necessary for your accounts and records, for example name, address and credit card details. Personal information processed by or obtained from a credit reference agency is not exempt.

Your disclosures (other than those made with the data subject's consent) are restricted to:

- those you must make to third parties for purposes of your accounts and records, for example to external auditors.

Retention of the data

- You must not keep personal information after the relationship between you and the customer or supplier ends, unless and for so long as this is necessary for your accounts and records.

This exemption covers the administration of customer and supplier records.

It includes processing relating to deciding whether or not to do business with a particular customer or supplier but specifically excludes personal information processed by or obtained from a credit reference agency.

Data controllers who are providing accounting services for their customers are not exempt.

How to notify

There are three easy ways to notify.

- By **internet** - you can complete the notification form online, print it and send the form to us with the notification fee or your direct debit instruction.
- By **completing the Request for Notification form** (enclosed at the back of this leaflet). Please fax or post this Form (f.a.o. Notification Department – Notification Requests) or alternatively the information can be e-mailed. We will then send the notification forms for further completion.
- By **telephone** - you can telephone the Notification Helpline. You will be asked to provide your name, address and contact details and to specify the nature of your business.

If you request an application form via the Notification Helpline or via the Request For a Notification Form option, we will send you a partially completed notification form based on the nature of your business. When you receive your forms you will need to check the details on the Part 1 Form, complete the relevant sections on the Part 2 Form and then return both Parts 1 and 2 to us with the notification fee or your completed direct debit instruction.

The following section gives information about compliance and does not form part of the notification process.

Compliance with the Data Protection Act 1998

Data controllers must comply with the provisions of the 1998 Act even if they are exempt from notification.

There are eight data protection principles. In summary, they require that data shall be:

1. fairly and lawfully processed;
2. processed for limited purposes;
3. adequate, relevant and not excessive;
4. accurate;
5. not kept longer than necessary;
6. processed in accordance with the data subjects' rights;
7. secure; and
8. not transferred to countries outside the EEA without adequate protection.

Data protection checklist

This is not part of the notification process but this short checklist will help you to comply with the Data Protection Act. Being able to answer ‘yes’ to every question does not guarantee compliance, and you may need more advice in particular areas, but it should mean that you are heading in the right direction.

- YES** **NO** Do I really need this information about an individual?
- YES** **NO** Do I know what I’m going to use it for?
- YES** **NO** Do the people whose information I hold know that I’ve got it, and are they likely to understand what it will be used for?
- YES** **NO** If I’m asked to pass on personal information, would the people about whom I hold information expect me to do this?
- YES** **NO** Am I satisfied that the information is being held securely, whether it’s on paper or on computer? And what about my website? Is it secure?
- YES** **NO** Is access to personal information limited to those with a strict need to know?
- YES** **NO** Am I sure, the personal information is accurate and up to date?
- YES** **NO** Do I delete or destroy personal information as soon as I have no more need for it?
- YES** **NO** Have I trained my staff in their duties and responsibilities under the Data Protection Act, and are they putting these into practice?
- YES** **NO** Do I need to notify the Information Commissioner, and if so is my notification up to date?

To help determine how well you comply with the data protection principles, please read the **‘Data protection audit manual’, www.ico.gov.uk**

The information you need when you want it

Our free e-newsletter service will keep you up to date with current developments, while e-alerts allow you to choose your areas of interest and receive news of additions to the website. To subscribe to these free services, please visit www.ico.gov.uk.

Application to alter or remove an entry

You MUST quote your security number or the form will be returned

Security number:		
Registration number:		Company registration number (optional):
Data controller name: (currently held on the register)		

Please indicate below the changes required to the relevant sections

Data controller name: If the new name is that of a different legal person, a new notification should be made		
Change of address:	There are three address sections within a notification – data controller, contact and representative. Please advise which need to be amended.	
Data controller address:	Contact address: Contact numbers (telephone and fax): Email:	Representative name and address:

Purposes:	Please advise of any amendments to the existing purposes in the space provided. If you wish to add a new purpose, please complete a Purpose Form.			
Purpose title:	Subjects:	Classes:	Recipients:	Transfers:

Continued overleaf

Please list here any other alterations not covered on this form:	
If you wish to request removal of a registration, please provide the registration number and state reasons why.	
Declaration:	<p>To the best of my knowledge and belief, the particulars given in this form and on any continuation sheets are correct and complete. I confirm that I am the data controller named overleaf or that I am authorised to act on behalf of the data controller.</p> <p>Signature _____</p> <p>Name _____</p> <p>Job title _____</p> <p>Date _____</p> <p>Telephone number _____</p> <p>Please note: Once you have notified you must keep your register entry up to date. When any part of your entry becomes inaccurate or incomplete you must inform us. This action must be taken as soon as practicable and in any event within a period of 28 days from the date on which your entry became inaccurate or incomplete. Failure to do so is a criminal offence.</p>

Please return to:

Notification Department (Changes Section), Information Commissioner's Office,
Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Email: notification@ico.gsi.gov.uk or fax to: 01625 545748

You must quote your security number or the form will be returned.

Data controller name:								
Registration number:								
Security number:								
Purpose title:	See Section 3.1.8 of the notification handbook for a full list							
Write a brief description here – only if <u>none</u> of the standard purposes apply:								
Data subject codes:	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	See Section 3.1.9 of the notification handbook for a full list
Write additional descriptions here – only if none of the standard descriptions apply:								
Data class codes:	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	See Section 3.1.10 of the notification handbook for a full list
Write additional descriptions here – only if none of the standard descriptions apply:								
Recipient codes:	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	See Section 3.1.11 of the notification handbook for a full list
Write additional descriptions here – only if none of the standard descriptions apply:								
Transfers:	<input type="checkbox"/>	None outside EEA			<input type="checkbox"/>	Worldwide		See Section 3.1.12 of the notification handbook for a full list of the countries in the EEA
If there are more than 10 countries indicate worldwide	Name individual countries below							
	<hr/>							

Continued overleaf

Declaration:

To the best of my knowledge and belief, the particulars given in this form and on any continuation sheets are correct and complete. I confirm that I am the data controller named overleaf or that I am authorised to act on behalf of the data controller.

Signature

Name

Job title

Date

Telephone number

Please note: Once you have notified you must keep your register entry up to date. When any part of your entry becomes inaccurate or incomplete you must inform us. This action must be taken as soon as practicable and in any event within a period of 28 days from the date on which your entry became inaccurate or incomplete. Failure to do so is a criminal offence.

Send this form together with your Part 1 and Part 2 if making a new notification or

If amending an existing notification send to:

Notification Department (Changes Section),
Information Commissioner's Office,
Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
or fax to 01625 545748.

Request for a notification form

If you have determined that notification is required, you can complete the form. Guidance on how to do so is given overleaf. Post the form to us, fax it (01625 545748) or email the information and a draft notification form **will be sent to you for further action**. Alternatively, you can complete the notification form online by visiting our website at www.ico.gov.uk. The form should then be printed out and sent to us with the appropriate fee.

Data controller name: Please see overleaf for guidance.	
Data controller address: If a limited company or a public limited company, this should be the registered office address. Please include your postcode.	
Company registration number: (Optional)	
Contact name and job title:	
Contact address: Please include your postcode.	
Contact telephone number:	
Contact fax number:	
Contact email address:	
Nature of business: Eg doctor, accountant, etc. Please note that it is essential to indicate the nature of your business so that the correct information can be sent to you.	
Signature	Date Telephone number
Name and job title	

Please do not send any payment with this form.

Advice about any aspect of notification can be obtained by writing to the address below or by calling the notification helpline on 01625 545740.

Please return to: Notification Department (Notification Requests), Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or email: notification@ico.gsi.gov.uk or fax: 01625 545748.

Glossary

Data controller's name

The name you provide must be the correct legal title of the individual or organisation. Examples are given below.

- **Sole traders:** provide the full name of the individual, eg Anna Katherine Smith.
- **Partnerships:** provide the trading name of the firm, eg Buttersfield & Co. (you do not have to provide the names of the partners).
- **Limited or public limited companies:** provide the full name of the company, eg ABC Limited (not your trading name).
- **Groups of companies:** groups of companies cannot submit a single notification. Individual companies who are data controllers must notify separately.
- **Schools:** provide the name of the school, eg Hazeldown School.
In Scotland, only schools in the independent sector need to register; all other schools are covered within the relevant local authority notification.
- **Others, eg voluntary bodies:** provide the name by which you are known to the public. These details should be altered (if necessary) on the Part 1 form itself.

Data controller's address

If you are a limited company you must provide your registered office address and in all other cases you must provide the address of your principal place of business. If there is no place of business (eg for a small local voluntary body), you should provide the address of the official who has completed the form.

Company registration number

If you are a limited or a public limited company, we encourage you to provide your company registration number as a unique identifier for the company. However, you are not obliged to do so.

Contact details

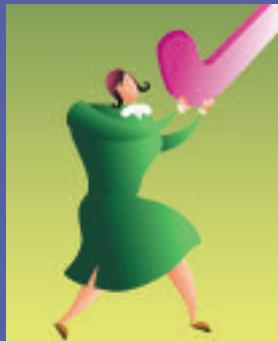
You may provide a name, address, telephone number, fax number and email address. These details will be used by us for all correspondence in connection with your notification, but will not appear on the public register.

Notes

If you would like to contact us please call 08456 306060, or 01625 545745 if you would prefer to call a national rate number.

e: mail@ico.gsi.gov.uk

w: www.ico.gov.uk



August 2007

Information Commissioner's Office
Wycliffe House, Water Lane
Wilmslow, Cheshire SK9 5AF

ICO/NH/0807/50k