

# Data Protection (Charges and Information) (Amendment) Regulations 2019

## House of Commons

4 February 2019



### Key messages

- **Exemptions for elected representatives:** We welcome the decision to provide an exemption for elected representatives.<sup>i</sup> It is good news that councillors have been exempted from paying a charge to the Information Commissioners Office (ICO) as they should not incur a cost associated with their duties representing their constituents.
- **Increased costs:** We do however remain concerned by the increase in the charges councils are having to pay to the ICO as data controllers. This comes at a time when local government is under significant financial pressure and councils are receiving no additional government funding to help implement GDPR.

### Further information

#### Exemptions

Councillors are elected by their constituents in order to represent their local community and their work is a vital public service undertaken on a voluntary basis. It is therefore good news that this Regulation provides an exemption for elected representatives in the processing of personal data. Councillors should not incur a cost associated with their duties representing their constituents.

#### Charging

Under the new charging model, councils with 250 or more employees are defined as large data controllers and are subject to the highest fees under the Data Protection (Charges and Information) Regulations 2018.<sup>ii</sup> In practice most councils who would have been paying £500 to register with the ICO, will now pay £2900. This is an increase of 480 per cent. An inflationary increase would have seen the fees rise from £500 to £623.61.

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<sup>i</sup> The Data Protection (Charges and Information) (Amendment) Regulations 2019 can be accessed: <http://www.legislation.gov.uk/ukdsi/2019/9780111177211>

<sup>ii</sup> The explanatory memorandum to The Data Protection (Charges and Information) Regulations 2018 outlines the charging regime: [https://www.legislation.gov.uk/ukdsi/2018/9780111165782/note.legislation.gov.uk/ukdsi/2018/9780111165782/pdfs/ukdsiem\\_9780111165782\\_en.pdf](https://www.legislation.gov.uk/ukdsi/2018/9780111165782/note.legislation.gov.uk/ukdsi/2018/9780111165782/pdfs/ukdsiem_9780111165782_en.pdf)