



THE DATA PROTECTION ACT 1998 NOTIFICATION OF BARRISTERS' CHAMBERS

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ICO GUIDANCE NOTE

THE DATA PROTECTION ACT 1998 NOTIFICATION OF BARRISTERS' CHAMBERS

1. BACKGROUND

- 1.1 This Guidance note provides advice on when and how barristers' chambers are required to notify the Information Commissioner (the "Commissioner") of their processing of personal data for the purposes of the Data Protection Act 1998 (the "Act"). Individual barristers may need to notify in their own right in respect of their own processing of personal data and such notification requirements are discussed briefly at the end of this note. This Guidance is primarily concerned with notification in respect of the personal data processed in connection with the administration of barristers' chambers. Such data may include the employment records of staff employed by chambers and barristers' fee accounting records.
- 1.2 Since the Commissioner (then, the Data Protection Registrar) first considered the registration requirements of barristers' chambers under the Data Protection Act 1984 and received representations from The Senate of the Inns of Court and the Bar in 1986, there have been significant changes in the way in which the administration of barristers chambers is typically organised. Most notably, sets of chambers are no longer each administered by a single senior clerk. Today many of the management functions of the senior clerk are passed to chambers administrators or managers or indeed management committees. Where notification is required under the Act, the name in which the notification should be made will depend upon the administration arrangements in place within each individual set of chambers. This advice aims to give general notification guidance for some of the most common administrative arrangements currently in use. It may not cover every administrative scheme that chambers may choose to operate and specialised arrangements may need to be discussed directly with the Information Commissioner's Office (ICO).

2. INTRODUCTION

- 2.1 The Data Protection Act 1998 regulates the processing of information ("data"¹), be it held in a computerised or manual form², relating to living individuals ("personal data"³). "Processing" includes the obtaining, holding,

¹ See section 1(1) DPA

² See the Commissioner's guidance 'The Data Protection Act 1998 - An Introduction' chapter 2 for further information on manual data.

³ **Personal data** means data which relate to a living individual who can be identified from that data (or from those data and other information which is in the possession of, or likely to come

use or disclosure of information⁴. The Act provides that, subject to certain exemptions, personal data must not be processed unless an entry in respect of the data controller is included in the register maintained by the Information Commissioner⁵. A data controller is a person who, either alone or jointly, or in common with other persons determines the purposes for which and the manner in which any personal data are, or are to be, processed⁶.

2.2 For the purposes of this guidance perhaps the two most significant points to be drawn from the above-mentioned definitions are:

- (i) the fact that a data controller will always be a “person”, whether natural or legal. There is no provision in the Act (save in respect of formal partnerships and schools) which allows for notification by a group of individuals; and
- (ii) when considering the definition of data controller, it is important to note that the Act is concerned with those who “determine the purposes for which and the manner in which personal data are processed”.

2.3 In addition to the notification requirements, the other main thrust of the Act is compliance with the eight data protection principles concerning the handling of personal data. These principles are set out in Schedule 1 of the Act and it is the duty of every data controller, whether or not he is required to notify his processing, to comply with the principles in relation to all personal data with respect to which he is the data controller⁷. More detailed guidance on the principles can be found in ‘The Data Protection Act 1998 - An Introduction’ which is available from ODPC.

3. **BARRISTERS’ CHAMBERS - WHAT PERSONAL DATA MAY BE PROCESSED?**

3.1 Before considering in whose name chambers should notify their processing of personal data it is necessary first to consider what personal data are being processed by chambers.

3.2 **Employment records**

3.2.1 Sets of chambers comprise a number of self-employed barristers who together share the costs of accommodation and administration for their individual practices. Many chambers will employ secretarial staff and

into the possession of, the data controller) including any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual. Section 1(1) DPA.

⁴ See section 1(1) DPA

⁵ See section 17 DPA

⁶ See section 1(1) DPA

⁷ See section 4(4) DPA

receptionists and all will pay clerks fees, either by way of percentage commission on individual barristers' fees or, as now more common, by way of salary with an element of commission.

3.2.2 The employment of staff in a modern office invariably leads to the processing of personal data in the form of employee records. As mentioned above, wherever personal data is processed (and processing under the 1998 Act includes the mere holding of information), subject to certain limited exemptions, an obligation to notify such processing arises. The Data Protection (Notification and Notification Fees) Regulations 2000 (SI No. 188) (the 'Notification Regulations') provide an exemption from notification in respect of 'staff administration' which is discussed in more detail at point 6.3 below.

3.3 **Barristers' fee accounting and collection systems and diaries**

3.3.1 In addition, most barristers' fee accounting systems will contain substantial amounts of information falling within the definition of personal data. Chambers will also operate diary systems noting individual barristers' work commitments including court hearings and case conferences. Such events are often diarised by reference to the name of one of the parties in the court case or by the name of the instructing solicitor and will therefore involve the processing of personal data.

3.3.2 Again, a limited exemption from the notification requirements for certain accounting and diary/record keeping information is to be found in the Notification Regulations and is discussed at point 6.5.

3.4 **Word-processed personal data**

3.4.1 Many sets of chambers will retain a pool of secretarial support to provide typing services using computerised word-processing facilities. Opinions, pleadings, letters and other documents will often include data relating to identifiable individuals which would, prima facie, appear to be personal data covered by the provisions of the Act. However, whilst the data comprising such documents is likely to be personal data (as, unlike the current Act, the Act contains no word-processing or text-preparation exemption) it is unlikely that Senior Clerk/Head of Chambers/Management Committee will be the data controller in respect of such information. The individual barristers who provide dictation tapes or manuscripts for typing will determine the purposes for which and the manner in which such information is processed. Consequently, such processing should be covered by the barristers' own individual register entries as discussed at the end of this note. The staff who carry out the processing will be acting merely as employees or data processors processing on behalf of the individual barristers.

3.5 **Marketing information**

3.5.1 Lastly, chambers may retain mailing lists of solicitors and other names and addresses in order to advise them of new areas of expertise or guidance notes being offered by chambers or to invite them to chambers marketing events or merely in order to send them Christmas cards. Information held for such marketing purposes is considered under the 'Advertising, marketing and public relations' exemption in the Notification Regulations and is discussed at 6.4 below.

4. **HOW IS CHAMBERS ADMINISTERED?**

4.1 As stated above, the Act requires all data controllers processing personal data, unless their processing is covered by an exemption, to notify such processing to the Commissioner. It is therefore necessary to consider who, within a set of chambers, is the data controller determining the purposes for which and the manner in which the personal data used in connection with the internal administration of chambers are processed.

4.2 Determining who is the data controller will involve consideration of the nature of the administrative arrangements within chambers.

4.3 A number of chambers continue to use the traditional method of administering their barristers' individual practices by giving the Senior Clerk the lead role. In such circumstances the Senior Clerk is self-employed and receives a percentage of the barristers' fees by way of commission under separate contractual arrangements with each member of chambers. He may employ junior clerks and other support staff to assist him in providing the services required for the smooth running of chambers. The Senior Clerk will supervise the clerks' duties, the operation of the fee accounting and collection system and the administration of chambers in general.

4.4 In recent years there has been a marked departure from this traditional method of administering the operation of a set of chambers. Increasingly, rather than having separate contracts with each member of chambers, the Senior Clerk will be employed by all the individual members of chambers to perform the dual functions of clerk to each individual barrister and to act as manager or administrator for chambers as a whole. All clerks, including the Senior Clerk, will receive a salary (which will usually include a greater or lesser element of commission dependent on seniority) paid from the chambers' account. All other non-fee-earning staff employed by chambers will receive a salary but no commission. The chambers account will receive contributions (calculated as a percentage of earnings) towards chambers expenses (including staff salaries) from the individual members of chambers.

4.5 Some chambers prefer to split the clerking and administrative functions and choose to employ a chambers administrator or manager. Such managers generally have no involvement in clerking and their main functions concern chambers accommodation, facilities management, staffing arrangements

and the day to day running of chambers. The barristers' fee accounting systems in such sets are usually administered by the Senior Clerk or by the clerking department.

- 4.6 Since the 1990's some chambers have passed their administrative functions to limited liability companies which provide clerks, facilities management and professional support services as well as operating the fee accounting and collection systems and sometimes providing chambers accommodation.

5. **WHO IS REQUIRED TO NOTIFY AS A DATA CONTROLLER?**

- 5.1 In respect of each of the differing methods of administering a set of chambers described above, the Act may require a different person to notify as a data controller whenever non-exempt personal data are processed.

- 5.2 The register entry will include the name and address of the data controller and a general description of the processing of personal data by the data controller. Individuals can consult the register to find out what processing of personal data is being carried out by a particular data controller.

5.3 **“Traditional” Chambers - the self-employed Senior Clerk**

- 5.3.1 For the purposes of the Act, where a set of chambers holding personal data (whether relating to the fee-accounting system or chambers administration generally) is administered by a self-employed Senior Clerk, the Senior Clerk is the data controller in respect of such data. The true “traditional” system of chambers administration is now rare. Most sets of chambers, even those which appear to be run on traditional lines, will in fact treat the Senior Clerk as an employee paid a salary drawn from the chambers' account which is supplemented by an element of commission.

- 5.3.2 The Commissioner takes the view that in traditionally administered chambers, whilst contractually bound to ensure a reliable cash flow and fee collection arrangements, the Senior Clerk is free to determine what information is to be processed in connection with the administration of chambers and how such data are to be used in order to satisfy his contractual obligations to members of chambers. The Senior Clerk therefore determines the purposes for which and the manner in which administration-related personal data are processed. He is therefore the data controller and is, prima facie, obliged to notify as such under the Act.

- 5.3.3 When notifying as a data controller the Senior Clerk should notify in his own name followed by his title and should give the address of chambers as his principal place of business.

For example: John Smith (Senior Clerk)
Crown Street Chambers

5.4 The Senior Clerk as an employee

5.4.1 Where the Senior Clerk is an employee, he will not have the same responsibility for making decisions concerning the purposes for which and manner in which personal data relating to the administration of chambers are processed as a self-employed Senior Clerk in a traditional style set of chambers. Consequently, where the Senior Clerk is employed to perform clerking and management functions, his employer (rather than the Senior Clerk himself) should notify as the data controller in respect of the administrative personal data.

5.4.2 A Senior Clerk may be employed to perform clerking and management duties by one of a variety of different employers:

5.4.3 The Head of Chambers as Employer

- (1) Many Senior Clerks appear to be employed collectively by all members of chambers. In such circumstances it would seem that the members of chambers are together the Senior Clerk's employers. Barristers, however, are not permitted by the rules of their profession to practice in partnerships but are instead each self-employed. Members of a set of chambers are therefore unable collectively to employ the Senior Clerk.
- (2) As mentioned above, broadly speaking the Act does not allow for a group of unconnected persons to be notified as a data controller. Although the Act does envisage situations where determination of the purposes for which and the manner in which personal data are processed is exercised "jointly or in common" with others, the Act requires that the data controller is always a "person" (natural or legal) and never a group of persons. Consequently, where the Senior Clerk is employed by all members of chambers special notification arrangements are required.
- (3) Under paragraph 304(a) of the Code of Conduct of the Bar of England and Wales (Adopted by the Bar Council on 27 January 1990) the Head of Chambers is professionally responsible for ensuring that his chambers are administered competently and efficiently and are properly staffed. Paragraph 304(f) of the Code also imposes an obligation on the Head of Chambers to ensure that all employees and staff in his chambers carry out their duties in a correct and efficient manner.
- (4) As the Head of Chambers is professionally responsible for staffing matters within chambers, the Information Commissioner takes the view that the Head of Chambers is effectively placed in the position

of the employed Senior Clerk's employer. He acts in this capacity on behalf of all of the members of chambers. Therefore, while in practice the Senior Clerk may appear to be responsible for determining the purposes for, and the manner in which, personal data are processed in connection with the administration of chambers, where he receives a salary, such responsibility may be said to have been delegated to the Senior Clerk by the Head of Chambers. In such circumstances the Head of Chambers should notify as the data controller in respect of chambers' administrative personal data. He should notify in his own name followed by the title "Head of Chambers" and should give the address of chambers as his principal place of business.

For example: Joseph Bloggs Q.C. (Head of Chambers)
Crown Street Chambers
Crown Street
Derby

5.4.4 Chambers Manager or Administrator employed in addition to the Senior Clerk

- (1) In some cases the Head of Chambers may choose to delegate his staffing responsibilities to a chambers' administrator or manager who will deal with all staffing, facilities management and professional support matters but not the duties of barristers' clerk. The administrator or manager will usually be employed directly by the Head of Chambers and his salary will be paid from the chambers' account to which all members of chambers contribute in the form of chambers' expenses. In such circumstances, as where the duties of clerk and office manager are combined in the role of employed Senior Clerk as referred to in 5.4.3 above, the Head of Chambers should notify as data controller.

5.4.5 Management Committees

- (1) In some sets of chambers the Senior Clerk may appear to be employed by a Management Committee comprising some or most of the barristers in the set. In most sets of chambers where there is a Management Committee in practice the Committee serves only to advise and steer the collective decisions made by all the members of chambers. The Senior Clerk remains responsible to the Head of Chambers and consequently the requirement to notify will be as described in 5.4.3 above.

5.4.6 Limited Liability Companies

- (1) Very occasionally the Senior Clerk may be employed by a limited liability company which has been incorporated to provide administrative services to chambers. In such circumstances some

or all of the members of chambers hold shares in the company and the data controller, in respect of the administrative data of chambers, will be the special purpose company. The application for notification should be made in the name of the special purpose limited company and the name of the set of chambers should be included in the 'Other Names' section of the register entry.

5.5 Recommendations of the Bar Council

The Commissioner liaised closely with the Bar Council on the subject of registration in respect of chambers' administrative data under the 1984 Act. It was the recommendation of the Bar Council that, wherever possible, chambers should register in the name of the Head of Chambers. In practice the vast majority of chambers will continue to find this to be the appropriate course of action under the current Act. However, it is important to remember that notification should reflect the factual situation. In the increasingly rare instances where a Senior Clerk remains self-employed and receives commission but no salary, or in the recently developed circumstances where a special purpose company is used for chambers administration, it may not be appropriate for the Head of Chambers to notify in respect of chamber's administrative data. Such instances are, however, relatively rare and broadly speaking notifications will tend to be made in the name of Head of Chambers.

6. EXEMPTIONS FROM NOTIFICATION

6.1 As mentioned above, in certain limited circumstances personal data may be processed without the data controller being required to notify the Commissioner of the processing. However, whether or not a data controller is required to notify his processing he is still required to comply with the eight data protection principles for good data handling. Failure to comply with the principles may result in enforcement action being taken against a data controller by the Commissioner or a claim from a data subject.

6.2 As mentioned at section 3 above, the exemptions most relevant to chambers' administrative data are the 'exemptions for core business purposes' to be found in the Notification Regulations which relate to staff administration, marketing/public relations and accounts and records. These are considered in further detail below.

6.3 Staff administration exemption

6.3.1 The processing of personal data for the purposes of appointments or removals, pay, discipline, superannuation, work management or other personnel matters need not be notified to the Commissioner. The term 'staff' includes all employees, office holders, temporary and casual workers, agents and volunteers.

6.3.2 As discussed above, depending on the particular administrative arrangements in operation in a set of chambers either the Senior Clerk, the Head of Chambers or a Limited Liability company will be ultimately responsible for the administrative functions of chambers including the employment of staff. Such party will also be the data controller in respect of chambers' administrative data. Provided the data controller's processing of staff data does not involve the disclosure of personal data to any third party (save with the consent of the data subject or where necessary for staff administration purposes) it is likely that all staff data processed by chambers will be covered by the staff administration exemption⁸.

6.4 Advertising, marketing and public relations exemption

6.4.1 The processing of personal data for the purposes of advertising or marketing the data controller's business, activity, goods or services and promoting public relations in connection with that business activity, goods or services need not be notified to the Commissioner⁹.

6.4.2 Where the Head of Chambers, possibly advised by a management committee, is responsible for the administration of chambers and is the data controller in respect of chambers' administrative data, he will be able to take advantage of the advertising exemption in order to avoid the need to notify the Commissioner of the processing of personal data for the purposes covered by the exemption.

6.4.3 However, where either a self-employed Senior Clerk or a Limited Liability Company is the data controller in respect of chambers' administrative data the advertising exemption contained in the Notification Regulations will not apply to the processing of personal data for the purposes of advertising or marketing the expertise or services offered by chambers.

6.4.4 The exemption is only available where the processing of personal data is for the advertising, marketing or promotion of good public relations of the data controller's business or services. The business or services of a self-employed Senior Clerk or Limited Liability Company is the provision of clerking and administrative services to a set of chambers, it is not the provision of expert legal advice and advocacy services. Whilst as part of his/its administrative functions the self-employed Senior Clerk or Limited Liability Company may wish to process personal data held by chambers in order to advertise or promote the services offered by chambers, in doing so the self-employed Senior Clerk or Limited Liability Company will not be processing in order to promote his/its own business but rather the legal services businesses of the members of chambers. Consequently, the exemption will not be available wherever a self-employed Senior Clerk or Limited Liability Company is the data controller in respect of chambers' administrative data.

⁸ For further information see paragraph 2 of the Schedule to the Notification Regulations

⁹ See paragraph 3 of the Schedule to the Notification Regulations

6.5 Accounts and records exemption

6.5.1 Where personal data is processed for the purposes of:

- keeping accounts relating to any business or other activity of the data controller;
- deciding whether to accept a person as a customer or supplier;
- keeping records of purchases, sales or other transactions for ensuring that the requisite payments and deliveries are made or services provided by or to the data controller in respect of those transactions; or
- making financial or management forecasts to assist the data controller in the conduct of any such business or activity, the data controller need not notify the Commissioner in respect of such processing¹⁰.

6.5.2 This exemption is likely to be relevant in relation to the processing of personal data in connection with the clerks' operation of barristers' diaries; the maintenance of chambers' accounts and the operation by the clerks of the barristers' fee accounting and collection systems. As in relation to the advertising exemption, whether the accounting exemption will be available will depend upon who is the data controller in respect of the personal data held and processed in such systems.

6.5.3 Barristers' diaries

- (1) Chambers will operate detailed diaries for each member of chambers identifying, for example, when he is due in court, when he has a case conference to attend and when particular sets of papers are due for return to instructing solicitors. Diary entries will often include personal data in the form of the name of a party in a case or the name of the instructing solicitor.
- (2) Where the Head of Chambers is notified as the data controller on behalf of all members of chambers it can be argued that such diary entries are required and the personal data contained therein are processed in order to "keep records of ... transactions for the purpose of ensuring that ... services are provided by ... the data controller in respect of those transactions" as provided in the accounts exemption. In order to provide legal services members of chambers need to operate efficient diary arrangements involving the processing of personal data. This is permitted by the accounts provision where the diary records are maintained (through delegated authority) by the Head of Chambers (the data controller) maintaining

¹⁰ See paragraph 4 of the Schedule to the Notification Regulations

the diaries and acting as data controller on behalf of his fellow members of chambers in order to ensure the provision of legal services.

- (3) Where the data controller is a self-employed Senior Clerk or a Limited Liability Company the processing of personal data for the operation of the barristers diaries is not carried out in order to keep records of transactions for the purpose of ensuring that services are provided by the data controller but instead to ensure that services are provided by the barristers who pay the self-employed Senior Clerk or Company for the provision of administrative services. In such circumstances the accounts and records exemption is not available.

6.5.4 Chambers' accounts

- (1) Where the Head of Chambers (on behalf of the members of chambers) is notified as the data controller in respect of personal data processed in connection with the maintenance of chambers' accounts it may be argued that the processing "is for the purposes of keeping accounts relating to the business or other activity carried on by the data controller". The accounts exemption will therefore apply and notification is not required in respect of the processing of personal data processed in connection with chambers accounts.
- (2) Where a self-employed Senior Clerk or Limited Liability company is the data controller the exemption will also be available in respect of personal data processed in connection with chambers' accounts as the business of the self-employed Senior Clerk or Limited Liability Company is the provision of clerking and administrative services to chambers. Chambers accounts are used to document the movement of funds used in connection with the operation of chambers and will include entries in respect of, for example, goods acquired for chambers and income received from barristers contributions to chambers expenses.

6.5.5 Barristers' fee accounting and collection systems

- (1) Barristers' fee accounting and collection systems are operated independently of chambers' accounts and concern the fees due from and paid by solicitors in respect of legal services provided by individual barristers.
- (2) The fee accounting and collection systems operated in respect of the professional practices of the individual barristers within a set of chambers will be the responsibility of the Senior Clerk whether he is self-employed or employed by the Head of Chambers (on behalf of all the individual members of chambers) or by a Limited Liability Company.

- (3) As discussed above, depending on the administrative structure of the chambers in question, the data controller in respect of chambers' administrative data will be either the self-employed Senior Clerk or, most commonly and where the Senior Clerk is an employee, the Head of Chambers or, relatively rarely, a Limited Liability Company.
- (4) Where the data controller is anyone other than the Head of Chambers (acting on behalf of all the members of chambers) the accounts and records exemption from notification is unlikely to apply. The exemption applies only to accounts which relate to the business or other activity of the data controller. Barristers' fee accounting and collection systems relate to each individual barristers own self-employed business. Where the data controller is the Senior Clerk or a Limited Company, as the processing for the barristers' fee accounts does not relate to the business of the data controller but rather to the professional practices of the individual barristers to whom the data controller provides administrative services, the exemption is not available.
- (5) It would appear that the exemption should be available in connection with the processing of personal data for the operation of barristers' fee accounting and collection systems where the Head of Chambers (acting on behalf of members of chambers) is notified as the data controller. However, a difficulty arises as a result of the "late payment complaints procedure" established by the Bar Council and the Law Society. The procedure provides that where a barrister has not received payment in due time from his instructing solicitor, he may complain to the Bar Council which in turn will refer the matter to the Law Society. As barristers are not permitted to sue for their fees the procedure is designed to provide barristers with some leverage to use against the solicitor who proves reluctant to pay what is due.
- (6) The procedure will usually involve the disclosure of personal data concerning the solicitor in question to both the Bar Council and the Law Society. The accounts exemption is only available where the processing in question does not involve the disclosure of personal data to third parties. Disclosures may be made where the data subject has consented or where the disclosure is necessary for the exempt purpose. It can be argued that the disclosure of solicitors' personal details to the Bar Council and Law Society is required for the operation of the barristers accounting arrangements "and for the purpose of ensuring that requisite payments are made ... to the data controller" (as specified in the accounts and records exemption). Therefore the exemption may be available in relation to the processing of personal data in connection with barristers' accounts where the Head of Chambers is the data controller in respect of such data.

7. **INDIVIDUAL BARRISTERS AS DATA CONTROLLERS**

- 7.1 With regard to both traditional and new-style chambers, individual barristers may of course also be data controllers in their own right in respect of any personal data held by them for which they take individual responsibility for determining the purposes for which and the manner in which they are processed.
- 7.2 A barrister who is a data controller in his own right will need to notify separately in his own name in addition to any notification in respect of processing concerning chambers administration.

8. **SUMMARY**

8.1 Types of administrative arrangements

The data controller in respect of the personal data processed by chambers for administration purposes, depending on the administrative set-up in each individual set of chambers, will be:

- self-employed Senior Clerk;
- the Head of Chambers; or
- the Limited Liability Company employed to provide administrative services to chambers.

8.2 **The exemptions from notification for “core business purposes”**

8.2.1 The personal data processed by chambers for administration purposes is likely to fall within the types of data covered by the exemptions from notification for core business purposes. These exemptions cover data processed for the purposes of:

- staff administration;
- advertising, marketing and public relations; and
- accounts and record keeping.

8.2.2 Whether a particular set of chambers will be able to take advantage of the exemptions from notification for core business purposes will depend entirely on the nature of the processing being carried out in each set of chambers. The identity of chambers' data controller will determine whether any of the exemptions are ruled out automatically, regardless of the nature of the processing.

8.2.3 The following summaries set out, for each of the different types of chambers' data controller respectively, whether each of the core business exemptions are available. Where an exemption is marked as available,

whether or not it may be relied upon will vary from case to case depending on the nature of the processing involved.

(1) Self Employed Senior Clerk

Exemptions available in respect of chambers' administrative data:

Staff administration	YES
Advertising, marketing and public relations	NO
Accounts and record keeping	NO

(2) Head of Chambers

Exemptions available in respect of chambers' administrative data:

Staff administration	YES
Advertising, marketing and public relations	YES
Accounts and record keeping	YES (but see 6.5.5 above)

(3) Limited Liability Company

Exemptions available in respect of chambers' administrative data:

Staff administration	YES
Advertising, marketing and public relations	NO
Accounts and record keeping	NO

9. CONCLUSION

- 9.1 Where anyone other than the Head of Chambers is the data controller in respect of chambers administrative data the data controller will be required, under section 17 of the Act to notify the Commissioner of his/its processing of personal data.
- 9.2 Where the Head of Chambers is the data controller in respect of chambers' administrative data he may not need to notify the processing of personal data where the exemptions from notification for core business purposes apply. Whether such exemptions apply will depend on the nature of the processing in each case.
- 9.3 This guidance has dealt with the requirement in section 17 of the Act for certain data controllers to notify their processing of personal data. Even where a data controller is not required to notify his processing he may find that he wishes to notify voluntarily. Section 24 of the Act imposes duties on all data controllers, whether or not they are required to notify their processing, to make certain information about their processing available to any person requesting such information. Failure to comply with the requirements of the section constitutes an offence. Notification serves the interests of data controllers in providing a mechanism for them to publicise details of their processing.

- 9.4 Data controllers who do not notify their processing must, like all data controllers, nevertheless comply with the data protection principles and must also respond to individual requests for information under section 24. It may therefore prove simpler for most data controllers even though they are not required to notify, nevertheless to notify their processing voluntarily.

This guidance is not an authoritative statement of the law which only the courts and the Data Protection Tribunal can provide. It is designed to advise, inform and to explain the approach taken by the Data Protection Commissioner.

The Commissioner has published 'The Data Protection Act 1998 - An Introduction' which explains the requirements of the Act, including notification and the data protection principles. In addition she has published the 'Notification Handbook - A complete guide to notification'. For a copy of either of these publications contact:

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

Telephone: 01625 545700
Fax: 01625 524510

Additional information is also available from the Commissioner's website at:

www.informationcommissioner.gov.uk