



NOTIFICATION HANDBOOK

A COMPLETE GUIDE TO
NOTIFICATION

Introduction

This handbook contains the Information Commissioner's guidance on notification under the Data Protection Act 1998. Notification is a statutory requirement and replaces the previous requirement for registration under the Data Protection Act 1984.

Notification is the process by which a data controller informs the Commissioner of certain details about the processing of personal data carried out by that data controller. Those details are used by the Commissioner to make an entry describing the processing in a register which is available to the public for inspection.

The principal purpose of having notification and the public register is transparency or 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 processing of personal data and other information about the processing, such as, for what purposes the processing is carried out. The Data Protection Act 1998 places obligations on data controllers in order to satisfy this principle.

Notification, therefore, serves the interests of data controllers in providing a mechanism for them to publicise details of their processing activities and also serves the interests of individuals in assisting them to understand how personal data are being processed by data controllers.

It is not, however, intended, 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 consistent with 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.

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1.1 What is notification?

The Information Commissioner 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 data by a data controller. Individuals can consult the register to find out what processing of personal data 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 requires every data controller who is processing personal data 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 notification exemptions self assessment guide. It can be found in Section 7 of this handbook. It is also available as a separate publication.

1.4 Do I have to notify my manual records which 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 *The Data Protection Act 1998. An Introduction*.

1.5 How do I notify?

There are three easy ways to notify:

1. By **internet** – you can complete the notification form on-line, print it and send the form to us.
2. By **completing the Request For Notification Form** sheet (see 7.4). This should be faxed or posted to us f.a.o. Notification Department – (Notification Requests). Alternatively the information can be e-mailed to us. The notification forms will then be sent to you for further action.
3. By **telephone** – you can telephone the Notification help line and a draft notification form will be sent to you based on the information you will be asked to provide on the telephone.

All of 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 data?

Data controllers have to describe their processing of personal data. To help, we have put together draft processing descriptions for different types of businesses. The description includes 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 £35.00 (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. We will, however, acknowledge receipt of payment. For more information about fees see 3.2.7.

1.9 Do I have to renew my notification?

Yes. The notification period is one year. The renewal fee is £35. Any change to this fee will be advised to you when you start the process of renewal. We will write to you before the expiry date of your register entry.

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 and 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 What are the changes to the registration process brought about by the 1998 Act?

Notification replaces the registration scheme which was established by the 1984 Act. Section 5 in this handbook summarises the main differences.

1.12 Can I use or add any of the 1984 Act description codes (see Glossary section 6) to my 1998 notification?

No. Any codes used should be those specified in this Notification Handbook.

1.13 What do I do if my notification has expired?

You cannot renew an entry which has expired. In these circumstances the data controller must make a new application for notification (see section 2.1).

1.14 Can I have more than one register entry?

No. A data controller may only notify once.

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

Section 6 contains a glossary of terms.

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.

By internet

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

Request To Notify Form

You can complete the Request for Notification Form sheet (section 7.4). This should be faxed or posted to us f.a.o Notification Department – (Notification Requests).

By telephone

You can telephone the notification help line. You will be asked to provide your name, address, 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. If there is a problem we will contact you.

Your one-year notification period begins the day we receive a correctly completed form. If you send your form by registered post or recorded delivery your notification period begins the day after the day on which it is posted.

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. This number must be quoted each time you have contact with us about your register entry.

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 a period of 28 days from 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 quoting your security number. It is not possible to request a change by telephone. Two types of changes 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 7. They are also available on the Internet. We will write to you when the

change has been actioned and send you a copy of your amended entry. Changes can be made free of charge.

See also 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. Prior to the expiry date we will write to you and explain the procedure for continuing your register entry.

The fee for renewing an entry is £35. Any change to this fee will be advised to you when you start the process of renewal. 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 previously you have 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. It is not possible to renew an entry which has expired. In these circumstances the data controller must make a new application for notification (see 2.1).

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 together with information about your new expiry date.

2.5 Removing your register entry

If, at any time during the notification period, notification ceases to become necessary you should write to us providing full details and your security number and we will remove your entry from the register. We will 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 for the future.

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 help line to start the process of notifying.

2.7 Refunds

There is no statutory basis for refunding a notification fee (either in whole or part) once it has been paid. The Commissioner may make a refund in exceptional cases. Details of the refund policy are available on request from the Notification Manager.

2.8 Publication of the register

The Data Protection Register is published on the internet and can be found at:
<http://www.dpr.gov.uk>

It is possible to check whether a data controller has notified and to print a copy of a register entry report.

Section 3 *Completing the notification form*

Introduction

The notification form is in two parts.

The Part 1 Form (sections 3.1.1 – 3.1.12)

Part 1 consists of sections for:

- The name and address of the data controller
- Company registration number (optional)
- Contact details
- A general description of the processing of personal data being carried out by the data controller.

This processing description includes:

- the **purposes** for which personal data are being or are to be processed eg debt collection or research
- a description of the **data subjects** about whom data are or are to be held eg employees or patients
- a description of the **data classes**, eg employment details, financial details
- a list of the **recipients** of data, eg Inland Revenue, banks
- information about whether data are transferred outside the European Economic Area (EEA).

The Part 2 Form (sections 3.2.1 – 3.2.8)

Part 2 consists of sections for:

1. Security statement
2. Trading names
3. Statement of exempt processing
4. Voluntary notification
5. If you were registered under the 1984 Act and Schools (Headteachers and Governing Bodies in England, Wales and Northern Ireland) who were registered under the 1984 Act.
6. Representative name and address
7. Fees
8. The Declaration.

Parts 1 and 2 of the notification form contain a number of references to the guidance in the following sections of this handbook.

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 Ltd - 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.

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. 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 provide it.

3.1.4 Contact details

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

3.1.5 A description of the processing of personal data

Each notification must include a general description of the processing of personal data being carried out. On the register this description is structured by reference to purposes (ie reasons) why data are being processed.

If you have received a notification form from us your Part 1 will be pre-completed with drafted purposes constructed by us and likely to be appropriate to your nature of business. There is an example given below.

You must check these details to ensure that they are an accurate description of your processing.

You may need to change the draft details in one of two ways.

1. You may need to **add a purpose** which has not been included with your draft details (see section 3.1.6).
2. 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 Advisors, consultants and other professional experts
Data classes are:	Personal details Family, lifestyle and social circumstances Employment details Financial details 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 Ombudsmen and regulatory authorities.
Transfers:	None outside the EEA

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

In Section 7 you will find a detachable Purpose Form. 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 on the internet. A purpose form must be fully completed for **each** new purpose you wish to add. You may only use each purpose title once. The Commissioner may allow a purpose title to be used more than once in exceptional circumstances where she considers it will aid transparency to the data subject.

- Select **one purpose title** from the list on pages 12 to 14. 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 on page 15. Enter the code(s) or text on the form.
- Select one or more **data classes** from the list on page 16. Enter the code(s) or text on the form.
- Select one or more **recipients** from the list on page 17. Enter the code(s) or text on the form.
- Choose one option relating to **transfers** described on page 18.
- Return the purpose form(s) attached to your Part 1.

Please note: it is not possible to use any purpose titles used in the 1984 registration system in your 1998 notification (see Glossary / section 6).

3.1.7 Amending the draft details on Part 1 of your form

Having received a selection of draft purposes, you may need to make amendments. However, please note that the 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

- 1 To delete** - Cross through the text which requires deletion. To delete a whole purpose strike through with a diagonal line.
- 2 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 on the purposes you wish to amend.
- 3 To add a new purpose
with its associated
subjects, classes, recipients
and transfers** - Use the new purpose form in Section 7 and return with the Part 1.

Example

Staff administration

Data subjects are:	Staff including volunteers, agents, temporary and casual workers S105, S106
Data classes are:	Personal details Employment details Education and training details Trade union 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

We provide below a list of standard purposes and purpose descriptions for use on register entries. Wherever possible these purposes must be used. If none of these apply you may use your own words to describe your purpose. However it is not possible to use purpose titles from the 1984 registration system (see Glossary / section 6) in your notification.

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 on 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 data for the standard business purposes only you may not need to notify. For more information about the notification exemptions refer to section 7.1

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 provision of financial services and advice.

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.

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 data to third parties in return for goods / services / benefit.

3.1.9 Data subjects

We provide the following list of standard descriptions of data subjects. A data subject is an individual about whom personal data are 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

We provide the following list of standard descriptions of data classes. Data classes are the types of personal data which are being or which are to be processed.

C200 - Personal details

Included in this category are classes of data which identify the data subject and their personal characteristics. Examples are names, addresses, contact details, age, sex, date of birth, physical descriptions, identifiers issued by public bodies, eg NI number.

C201 - Family, lifestyle and social circumstances

Included in this category are any matters 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, membership of charitable or voluntary organisations.

C202 - Education and training details

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

C203 - Employment details

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

C204 - Financial details

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

C205 - Goods or services provided

Included in this category are classes of data relating to goods and services which 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 categories of data have been designated as sensitive personal data. If you process the following types of data they must be specified 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

We provide the following 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 in any particular case, for example if required 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, 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, 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 data

Data controllers must indicate whether personal data are transferred outside the European Economic Area (EEA)*.

The choices are:

None outside the EEA

Worldwide

Name 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 word is transmission from one place, person, etc to another. This will include posting information on a website which 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, Denmark, France, Finland, Germany, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, The Netherlands, Norway, Portugal, Spain, Sweden and the U.K.

Part 2

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 data and against accidental loss or destruction of or damage to personal data. The description does not appear in the public register.

Answering the questions provided satisfies the requirement to provide that 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 management commitment to information security within the organisation and provides 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 by people 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 both 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 which identifies the business functions and assets (including personal data) which 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 information 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 it on your notification. This will assist individuals who wish to view specific entries but may 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 which you do not have to include in your notification, processing which is exempt from notification.

You have two choices:

1. You can notify all of your processing of all personal data.
2. You can restrict your notification to the processing which you are under an obligation to notify. In this case you must include on your notification the statement of exempt processing.

The statement of exempt processing is worded as follows:

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

Its purpose 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 on your notification, you need to answer two questions.

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

You are not required to notify:

- any processing of structured manual records (see Glossary, section 6) or, subject to certain conditions which are described in the Notification Exemptions - A Self Assessment Guide in Section 7
- processing for the purpose of staff administration
- processing for the purpose of advertising, marketing and public relations (in connection with your own business activity)
- processing for the purpose of accounts and records
- processing by a body not established for profit for the purpose of membership administration and other activities.

Secondly, have you chosen to include that processing in your notification voluntarily or not? **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. Further help is given in the Notification Exemption - A self assessment guide in Section 7.

If you are exempt from notification you can choose to notify voluntarily. There is a section on the notification form (Part 2) which asks you to indicate whether you have chosen to notify voluntarily.

3.2.5 If you were registered under the 1984 Act

Notification has replaced the registration scheme established by the 1984 Data Protection Act.

You may have been registered under the 1984 Act with one or more register entries. If so this section of the notification form applies to you.

If you had a single entry you need to notify when your 1984 entry expires unless you are exempt. When you notify we need to know your previous registration number to ensure that no reminders to notify are sent to you.

Under the 1998 Act a data controller may only have one register entry. If you are a data controller who had more than one register entry as a data user under the 1984 Act you have a number of choices about when to notify:

- You can **choose** to notify at any time before your last entry expires. When you notify, all your remaining 1984 entries will be removed from the register. This is why we ask you to provide a list of all your previous registration numbers in this section.
- You can **wait** until your last entry is due to expire and then notify. After 1 March 2000 you cannot renew any entries which expire before your last entry. These entries will lapse on their expiry date and you will receive confirmation of their expired status.
- If you decide to wait until your last entry expires you must make arrangements to amend or amalgamate your remaining entry or entries to ensure that all the processing of personal data which you are carrying out is covered. Details of any changes should be sent to us in writing.

Schools in England, Wales And Northern Ireland (Headteachers and Governing Bodies) who were registered under the 1984 Act

A single notification may be made in the name of the school.

Most schools currently have two register entries in the name of the Headteacher and the Governing Body. These entries may expire at different times.

When we receive a completed notification form in the name of the school we will remove both the 1984 entries in the name of the Headteacher and Governing Body. This is why we have requested both the previous registration numbers in this section.

3.2.6 Representative details

If you are a data controller who is not established in the UK nor in any other EEA state, but you are using equipment in the UK for processing personal data other than merely for the purpose of transit through the UK, you must complete this section. You must provide the name and address of a representative in the UK. This information will appear on the public register.

In any other circumstances, 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.

3.2.7 Fees

There is a fee for notification of £35 (VAT nil). 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.

You can 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 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 your registration number appears on our bank statement. If possible a remittance advice should be sent to us with the forms quoting your registration number and the date of your payment.

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

3.2.8 Declaration

The Declaration must be signed and dated in all cases. Any forms with unsigned Declarations will be returned and so will delay your entry on the register.

3.3.1 Completing the notification form on the internet

It is possible to complete the notification form using the Internet. However, after completing the form on-line it must be printed and sent to us by post with the notification fee or direct debit instruction. Currently it is not possible to send the form to us electronically. You will be deemed notified on the day we receive your correctly completed forms and fee. Below is some information about what to expect when using the Internet to complete your notification form.

- To complete a notification form using the Internet, go to www.dpr.gov.uk. You will find our publications relating to notification and instructions on how to complete the form.
- Completing the notification form on-line is a step-by-step process. You are asked to answer certain questions and provide information before continuing onto the next question. At the end of the form you can print it off and send it to us.
- The first questions on the form 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 data being carried out. On the register this description is structured by reference to purposes. You will find a selection of templates which describe the processing which is likely to be being carried out by a range of different businesses. After selecting the template appropriate to your business you need to check that it accurately describes the processing which 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 help line or select the nearest template suitable to your needs and amend it accordingly
- The following stage of the on line process involves providing additional information for example, the security statement 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, then you can write in ink directly onto the form and we will include it in your notification.

Section 4 ***Notification exemptions***

The Act provides an exemption from notification for some data controllers. The following is a brief summary of the exemptions.

Exemptions are possible for:

- data controllers who only process personal data for :
 - staff administration (including payroll)
 - advertising, marketing and public relations (of their own business)
 - accounts and records
- some *not for profit* Organisations
- processing personal data for personal, family or household affairs (including recreational purposes)
- data controllers who only process personal data for the maintenance of a public register
- data controllers who do not process personal data on computer

Individuals who are processing personal data 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 our publication –*Notification Exemptions - A self assessment guide*. This publication has been reproduced in the appendices to this handbook and can be found in Section 7.

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

Section 5 ***Changes introduced by notification***

Notification replaces the registration system established by the 1984 Data Protection Act. Below is a summary of the main differences.

- Broadly speaking data users become data controllers.
- Register entries will still contain a description of the processing of personal data. However, this description is in very **general terms**. The detailed coding system used in the 1984 registration system no longer exists **and should not be used**.
- You do not need to describe **sources** of personal data in your entry.
- Registration of disclosures is replaced by notification of recipients.
- You need to describe transfers of personal data **outside the EEA** only.
- You have to provide a statement about your security measures.
- You do not have to provide an address for the receipt of subject access requests.
- The 1998 Act provides some exemptions from notification but you can choose to notify voluntarily.
- The notification period is one year.
- A data controller can only have one register entry.
- Headteachers and Governing Bodies of schools may notify in the name of the school.

Section 6

Glossary

Data classes	Types of data being or to be processed, eg financial details.
Data controller	Data controller means 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, processed.
Data subject	An individual who is the subject of personal data.
Expired entry	A register entry which has passed its expiry date without renewal.
On computer	The term 'computer' includes any type of computer however described eg 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 (including CCTV), electronic flexitime systems and telephone logging equipment.
Personal data	Personal data means data which relate to a living individual who can be identified from those data or from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller.
Preliminary assessment	Special provisions requiring the Commissioner 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	Processing means obtaining, recording or holding the data or carrying out any operation or set of operations on the data. It includes organising, adapting and amending the data, retrieval, consultation and use of the data, disclosing and erasure or destruction of the data. It is difficult to envisage any activity involving data which does not amount to processing.
Purposes	The purpose or purposes for which the data are being or are to be processed. An example is staff administration.
Recipient	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 in any particular case, eg if required by the police under a warrant.
Registration codes used in the 1984 Act	The registration system under the 1984 Act used a very detailed coding system to describe purposes, data subjects, data classes sources and disclosures
Registration system	
Registration Number	The number allocated to your register entry which appears on the public register
Renewal	Register entries must be renewed annually.

- Security number** A number allocated to the data controller which must be used when you contact us about your notification. You should not disclose it to anyone who does not need to know it.
- Structured manual records** Any set of information relating to individuals to the extent that, although the information is not processed by means of equipment operating automatically in response to instructions given for that purpose, the set is structured, either by reference to individuals or by reference to criteria relating to individuals, in such away that specific information relating to a particular individual is readily accessible.
- Transfers** A transfer is not defined in the Act. However the ordinary meaning of the word is transmission from one place, person etc to another. This will include posting information on a website which can be accessed from overseas.

Section 7	<i>Appendices</i>
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- 7.1 Notification Exemptions – A self assessment guide**
- 7.2 Changes form**
- 7.3 Purpose form**
- 7.4 Request For Notification Form**

Notification Exemptions



Notification exemptions

- Some data controllers do not need to notify.
- By working through questions 1 – 9 you will be able to determine if 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:
 - (i) Data controllers who only process personal data for:
 - Staff Administration (including payroll)
 - Advertising, Marketing and Public Relations (for their own business)
 - Accounts and Records
 - (ii) Some Not For Profit Organisations
 - (iii) Processing personal data for personal, family or household affairs (including recreational purposes)
 - (iv) Maintenance of a Public Register

If you are exempt

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

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

Further information about compliance can be obtained from the sources on the back page of this booklet.

Data controllers who are exempt from notification may choose to notify voluntarily.

1. Are you processing *Personal Data*?



Q2

No
requirement
to notify

2. Is any of your processing *on computer*?



Q3

No
requirement
to notify

3. Are you a *Data Controller*?



Q4

No
requirement
to notify

Personal data

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

Processing

Processing means obtaining, recording or holding the data or carrying out any operation or set of operations on the data. It includes organising, adapting and amending the data, retrieval, consultation and use of the data, disclosing and erasure or destruction of the data. It is difficult to envisage any activity involving data which does not amount to processing.

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 however described, for example mainframe, desk top, lap top, palm top etc. It also includes other types of equipment which, although not normally described as computers, nevertheless have some ability to process automatically e.g. automatic retrieval systems for microfilm and microfiche, audio and visual systems, electronic flexi-time systems and telephone logging equipment and CCTV systems.

Data controller

Data controller means a person who (either alone or jointly or in common with other persons) determines the purpose for which and the manner in which any personal data are, or are to be, processed.

If you are a data processor (any person - other than an employee of the data controller - who processes data on behalf of the data controller) there is no requirement to notify.

4. Are you processing personal data for any of the following purposes ?

- Accountancy/Auditing
- Administration of Justice and Legal Services
- Canvassing Political Support amongst the electorate
- Constituency Casework
- Credit Referencing
- Crime Prevention and Prosecution of Offenders (including use of CCTV for these purposes)
- Debt Administration and Factoring
- Education
- Health Administration and Provision of Health Services
- Mortgage/Insurance Broking/Insurance Administration
- Pastoral Care
- Private Investigation
- Provision of Financial Services and Advice
- Research
- Trading and Sharing in Personal Information
- Pensions Administration
- Accounts and Records*
(See note relating to use of a credit reference agency)



You are required to notify



Q5

Non exempt purposes

You will NOT be exempt if you are processing personal data for any of the purposes listed in the column on the left.

This is NOT an exhaustive list but illustrates 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 agencies, financial advisers, schools and solicitors

For information on how to notify please turn to page 16 of this booklet.

* Although Accounts and Records is one of the exempt purposes, if you process personal data which has been processed by or obtained from a CREDIT REFERENCE AGENCY, the exemption is not available and you are required to notify.

5. Are you *only* processing personal data for personal, family, or household affairs (including recreational purposes)?



No
requirement
to notify

Q6

6. Are you *only* processing personal data to maintain a public register?



No
requirement
to notify

Q7

7. Are you a *not for profit* organisation?



Q8

Q9

Personal, family and domestic

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

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

It does not apply to individuals who hold personal data for business or professional purposes.

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 which the data controller is required to publish.

Not for profit organisation

There is a specific exemption from notification for a data controller which is a body or association not established or conducted for profit provided their processing does not fall outside the descriptions in Questions 8 and 9.

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

- any person the processing of whose personal data is necessary for this exempt purpose.

Your data classes are restricted to

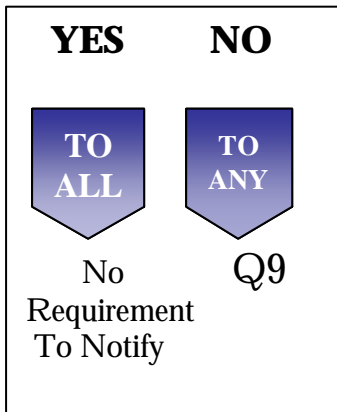
- data which are necessary for this exempt purpose.

Your disclosures other than those made with the consent of the data subjects are restricted to

- those third parties which are necessary for this exempt purpose.

Retention of the data

- The personal data are 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.



If the answer is no, but the only additional processing you do is for one or more of the purposes described in Question 9, there is no requirement to notify.

The exempt purpose for not for profit making organisations

This exempt purpose is intended for small clubs, voluntary organisations, church administration and some charities.

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

Examples are:

past, existing or prospective members or those who have regular contact with the organisation.

Examples are:

names, addresses, identifiers or eligibility for membership.

9. You do not have to notify Exemptions for core business purposes 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.

Staff administration

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

Your data subjects are restricted to

- any person the processing of whose personal data is necessary for staff administration.

Your data classes are restricted to

- data which are necessary for staff administration.

Your disclosures other than those made with the consent of the data subject are restricted to

- those third parties which are necessary for staff administration.

Retention of the data

- The personal data are not kept after the relationship between you and the data subjects ends, unless and for so long as it is necessary to do so for staff administration.

These purposes are sometimes referred to as the core business purposes.

Typically they would relate to a small business which processes personal data only for these purposes to support its primary activity.

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

* A *not for profit* organisation may also carry out processing covered by the description in Question 8.

Staff administration

The term **staff** includes all employees, office holders, temporary and casual workers, agents and volunteers.

This purpose includes all personnel and work management matters.

Examples are:

past, existing or prospective members of staff

Examples are:

qualifications, work experience, pay and performance.

For example:

Inland Revenue.

9. (continued)

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.

Your data subjects are restricted to

- any person the processing of whose personal data is necessary for **your** own advertising, marketing and public relations.

Your data classes are restricted to

- data which are necessary for your advertising, marketing and public relations.

Your disclosures other than those made with the consent of the data subject are restricted to

- those third parties which are necessary for your advertising, marketing and public relations.

Retention of the data

- The personal data are not kept after the relationship between you and the customer or supplier ends, unless and for so long as it is necessary to do so for your advertising, marketing and public relations.

Exemptions for advertising, marketing and public relations

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

If you obtain personal data from a third party for the purpose of marketing your own goods and services, you will not lose the exemption.

If you are marketing goods and services for others, you will need to notify.

Examples are:

past, existing or prospective customers or suppliers.

Examples are:

names, addresses and other identifiers.

9. (continued)

Accounts and records

This is processing for the purposes of keeping accounts relating to any business or other activity carried on by you, 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 you or to you in respect of those transactions, or for the purpose of making financial or management forecasts to assist you in the conduct of any such business or activity.

Your data subjects are restricted to

- any person the processing of whose personal data is necessary for your accounts and records.

Your data classes are restricted to

- data which are necessary for your accounts and records. This excludes personal data processed by or obtained from a credit reference agency.

Your disclosures other than those made with the consent of the data subject are restricted to

- those third parties which are necessary for accounts and records.

Retention of the data

- The personal data are not kept after the relationship between you and the customer or supplier ends, unless and for so long as it is necessary to do so for your accounts and records.

Exemption for accounts and records

This exemption covers the administration of customer and supplier records.

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

It excludes data controllers who are providing accounting services for their customers.

Examples are:

past, existing or prospective customers or suppliers.

Examples are:

name, address, credit card details.

For example:

external auditors.

How To Notify

There are three easy ways to notify.

By **internet** (www.dpr.gov.uk) - you can complete the notification form on-line, print it and send the form to us with the notification fee or your direct debit instruction.

By **completing** the Request for Notification Form sheet on page 19 of this booklet. This Form should be faxed or posted (f.a.o. Notification Department – Notification Requests) or alternatively the information can be e-mailed. The notification forms will then be sent to you for completion.

By **telephone** – you can telephone the Notification help line. You will be asked to provide your name, address, 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 a Notification Form option, a partially completed notification form will be sent to you 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.

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
8. not transferred to countries outside the EEA without adequate protection.



Application To Alter or Remove A Register Entry

Security Number:

You **must** quote your Security number or the form will be returned

1. Registration number:		2. Company registration number (optional)	
3. Data controller name: (currently held on the register)			

Please indicate below the changes required to the relevant sections

4. Data controller name: (If the new name is that of a different legal person a new notification should be made)			
5. Change of address:	There are three address sections within a notification. Data controller, contact and representative. Please advise below which if any need to be amended.		
Data controller address:	Contact address:	Representative name and address:	
	Contact number: (Telephone, fax e-mail)		

6. Purposes:	Please advise of any amendments to the existing purposes in the space provided			
Purpose title:	Subjects:	Classes:	Recipients:	Transfers:

If you wish to add a new purpose please complete a Purpose Form

Continued overleaf

7. Any other alterations not covered by the above please list below:

--

8. If you wish to request a removal of a registration please provide the registration number:

--

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 _____

Tel. No. _____

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 Changes Section, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF</p>
--

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 _____

Tel. No. _____

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 with your Part 1 and Part 2 if making a new notification

or

If amending an existing notification send to:
Notification Changes Section, Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF



Request for a Notification Form

If you have determined that notification is required you can complete the form below – guidance on completion of this form is given overleaf. Send it 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 on-line by visiting our website (www.dpr.gov.uk). This form should then be printed and sent to us with the appropriate fee.

Data Controller Name: <i>(Please see overleaf for guidance)</i>	
Data Controller Address: <i>(if a Ltd or plc company this should be the registered office address)</i>	
Company Reg. Number <i>(optional):</i>	
Contact Name & Job Title:	
Contact Address:	
Contact Telephone Number:	
Contact Fax Number:	
Contact Email Address:	
Nature of Business: e.g. Doctor, Accountant. (Please note it is essential to indicate the nature of business so that the correct information can be sent to you.)	

(Please do not send any payment with this form)

Signature

Name

Job Title

Date

Tel No.

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

Please return to: Notification Department
Information Commissioner's Office, P.O.Box 66, WILMSLOW, Cheshire, SK9 5AX
e-mail address: requests@notification.demon.co.uk

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 e.g. Anna Katherine Smith
- **Partnerships**
Provide the trading name of the firm e.g. 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 e.g. ABC Ltd - 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 – e.g. Hazeldown School
- **Others, e.g. voluntary bodies**
Provide the name by which you are known to the public.

Data controller address

If you are a limited company you must provide your registered office address. In all other cases you must provide the address of your principal place of business. If there is no place of business (e.g. 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 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 provide it.

Contact details

You may provide a name, address (within the UK), telephone number, fax number and e-mail address. We will use these details for all correspondence in connection with your notification. These details will not appear on the public register.

Further information about compliance with the Data Protection Act 1998 can be obtained by/from

Notification dept. E-mail address: data@notification.demon.co.uk

Internet: www.dataprotection.gov.uk

Information line: 01625 545745

Notification helpline: 01625 545740

Notification Fax: 01625 545748

Post: Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF



April 2001