



## Data Protection Fees Payable to the Information Commissioner

- Purpose:** To advise barristers in relation to the ICO's Data Protection Fee regime under the GDPR
- Overview:** The Data Protection Fee – How to arrange to pay the notification fee – Which tier will you be in?
- Scope of application:** All practising barristers and chambers
- Issued by:** The Information Technology Panel
- Issued on:** May 2018
- Last reviewed:** January 2022
- Status and effect:** **Please see the notice at end of this document. This is not "guidance" for the purposes of the BSB Handbook I6.4.**

### Introduction

1. By reason of the Data Protection (Charges and Information) Regulations 2018, Barristers and chambers entities are very likely to have to pay fees to the Information Commissioner's Office (ICO).
2. There are a few exceptions. If you wish to confirm whether you are exempt or not, and for more information, consult the ICO's website at <https://ico.org.uk/for-organisations/data-protection-fee/>
3. The fee is payable every 12 months. There are three tiers of fee ranging from £40 to £2,900. Which tier you are in depends on the amount that you earn and the number of people that you employ. No VAT is payable. There is a discount for payment by direct debit.
4. If you do not pay, there will be a fine. This can be up to £4,350.00.

5. To register for payment and to pay, you should visit <https://ico.org.uk/fororganisations/data-protection-fee/>. You will need to provide the following information:
- Your name and address (or the name and address of chambers)
  - The number of members of staff that you employ (but see below, under Tier 1)
  - The turnover for your financial year.
  - Any other trading names
  - The name of the person who is completing the registration process
  - A contact name
  - The name of your Data Protection Officer in Chambers (if relevant)

### **Which Tier will you be in?**

#### Micro organisations – Tier 1

6. Many individual members of the Bar will fall into Tier 1. This tier applies if you have a turnover of £632,000 or less. It also applies if, regardless of turnover, you have fewer than 10 members of staff. The number of members of staff is assessed as the average number over the year, with each part time member of staff counting as one member of staff.
7. Whether chambers' staff are for these purposes employed by any particular barrister (such as the head of chambers), by a service company, or otherwise, depends on the way in chambers is set up. If for example all staff in chambers are employed by the head of chambers, all of the other members of chambers will be in Tier 1. The head of chambers will also be in tier 1 if, but only if, he or she has a turnover of £632,000 or less.
8. For this tier the fee is £40. If you pay by direct debit, you will pay £35.

#### Small and Medium Organisations – Tier 2

9. You will be in Tier 2 if you are not in Tier 1 but have a turnover of less than (or equal to) £36 million or you employ 250 people or fewer. In other words, you

will be in Tier 2 if you have a turnover between £632,000 and £36million, *and* you have more than 10 members of staff.

10. The fee for this level will be £60. If you pay by direct debit, you will pay £55.

### Large Organisations – Tier 3

11. If you are not in tier 1 or 2, you will be in tier 3.
12. The fee for this will be £2,900. If you pay by direct debit, you will pay £2895.
13. You will be assumed to be in Tier 3 if you do not claim to be in Tiers 1 or 2.

### **Important Notice**

This document has been prepared by the Bar Council to assist barristers on matters of data protection and information security. **It is not “guidance” for the purposes of the BSB Handbook I6.4, and neither the BSB nor bodies regulating information security nor the Legal Ombudsman is bound by any views or advice expressed in it.** It does not comprise – and cannot be relied on as giving – legal advice. It has been prepared in good faith, but neither the Bar Council nor any of the individuals responsible for or involved in its preparation accept any responsibility or liability for anything done in reliance on it. For fuller information as to the status and effect of this document, please see [here](#).