



Data Protection Fees Payable to the Information Commissioner

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

Introduction

1. By reason of the implementation of the GDPR on 25 May 2018, the previous “notification” scheme was replaced with a new “data protection fee” payable to the Information Commissioner’s Office (ICO). The position was not amended by GDPR becoming UK GDPR as at 1 January 2021.
2. Under the Regulations you, as a Data Controller (and your chambers), must determine the purpose for which you are processing data. You are almost certainly not exempt from paying the fees set out below. If you wish to confirm whether you are exempt or not consult the ICO’s document: “[Guide to the data protection fee](#)”.
3. You no longer have to notify anyone; you must simply register and pay the fee. The fee is payable every 12 months.
4. In the event that you do not pay, there will be a fine. This can be up to £4,350.00.

What to do if you already paid the ICO notification fee

5. If you were already paying under the notification scheme, you will be advised by the ICO at the time when the renewal is due, at which point you will need to determine which fee you need to pay. If you pay by direct debit the fee will be debited automatically.

What to do if you did not already pay the ICO notification fee

6. The fee will be dependent on the amount that you earn and the number of people that you employ.

7. *If you do not do anything, they will decide that you are in Tier 3 and liable to pay £3,763.*

8. You will need to go to the “Register” page on the ICO’s website ([register here](#)). This sets out how you can pay, including by direct debit to obtain a discount. 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 have;
- The turnover for your financial year;
- Any other trading names;
- The name of the person who is completing the registration process;
- A contact name; and
- The name of your Data Protection Officer in Chambers (if relevant).

Which Tier will you be?

Micro organisations – Tier 1

9. It is likely that every member of the Bar as individuals will fall into Tier 1: “micro-organisation”.

10. For this the fee is £52. If you pay by direct debit, you will pay £47.

11. This fee will also be payable by any chambers who employ less than 10 people or have a turnover of less than £632,000.

Small and Medium Organisations – Tier 2

12. This will apply to many chambers who are not in Tier 1 and have a staff of over 10 people but less than 250 people or a turnover of less than £36 million.

13. The fee for this level will be £78. If you pay by direct debit, you will pay £73.

Large Organisations – Tier 3

14. This applies to any chambers earning more than £36 million and employing more than 250 members of staff.

15. The fee for this will be £3,763. If you pay by direct debit, you will pay £3,758.

Definitions

16. The number of Members of staff is assessed as the average number over the year.

17. Each part-time member of staff counts as one member of staff.

18. If you would like any further information on this fee, you should consult the [ICO's data protection fee guidance](#).

Important Notice

This document and sample policy has been prepared by the Bar Council to assist barristers and chambers on matters of 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. Read [more information about the status and effect of this document](#) on the Bar Council Ethics and Practice Hub.