
DATA PROTECTION SHOULD YOU BE REGISTERED? Failure to Register is a Criminal Offence

On 1 April 2010 the ICO (Information Commissioner's Office) was given the right to impose fines up to £500,000 for breaches for the **Data Protection Act 1998** (DPA). Whilst the ICO took some time to start flexing its powers, in recent years it's certainly ramped up its enforcement activities.

Not registered

Until now ICO has focused its attention largely on the unlawful processing of personal data. However, a new case suggest that it might now be looking closely at other areas where it can bring enforcement action. **Section 17 DPA** requires every "data controller" who is processing personal information to register with the ICO unless they are exempt. A data controller can be a company, partnership, sole trader or other organisation.

Criminal Offence

If you are a company that uses CCTV for crime prevention you will be required to register. A business that fails to register will be guilty of criminal offence; in the case of companies, sanctions can also be imposed on the directors personally. Regardless of the reason for the failure to notify, the responsibility is firmly with the directors.

How to register

- 1. The first thing to do is check to see whether your business is caught by the s.17 requirements (most will be but there are exceptions). You can do this by working through the ICO's self-assessment tool. This will guide you through and explain if you are required to be registered or exempt.*
- 2. Should you need to amend or change your entry on the register, e.g. because of a status change or you now process different types of personal data, a request can be made online or by phone.*
- 3. There is an annual fee of £35 to be on the register. Don't overlook registration; there are no excuses and failure to do so is a criminal offence.*

For further information visit:

<https://ico.org.uk/for-organisations/register/self-assessment>

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