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Data Protection – Fee Collection

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Of interest to: all firms that control or process personal information

We are aware that the Information Commissioner's Office (ICO), the UK's data protection regulator, is undertaking an exercise in which it is writing to firms that do not currently appear on its Register of fee payers.

In a discussion with the ICO we were advised that in sending out these letters the regulator did not have access to any special information in respect of those firms contacted and instead simply made use of publicly available information available at Companies House. Although the maximum fine for not paying the data protection fee can be up to £4,350, it seems that the purpose of the ICO letter is to remind firms of the need to pay the annual fee if such firms hold personal information rather than seeking to impose any penalties.

It is likely that the need to pay the ICO fee will be applicable to all of Optima's client base but having said that the ICO encourages all firms to make use of its self-assessment tool (see 'Useful Links').

The ICO fee has three tiers - £40, £60 or £2,900 with the majority of firms needing to pay only £40 or £60 (the fees are not subject to VAT).

In view of this ICO exercise it is recommended that all clients determine their ICO fee liability and ensure that the relevant fee has been paid.

Useful Links

[Data Protection Public Register](#)

[ICO Self-Assessment](#)

[Fee Tiers](#)

[Data Protection Fee Payment](#)

[ICO Fines](#)

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