



Data protection fee

Do all organisations have to pay the data protection fee?

Yes, unless an exemption applies, organisations are required to pay an annual data protection fee to us under the DPA 2018.

The data protection fee model is divided into three tiers:

- Tier 1 – micro-organisations. They've a maximum turnover of £632,000, or no more than 10 members of staff. Their fee is £40.
- Tier 2 – SMEs. They've a maximum turnover of £36 million, or no more than 250 members of staff. Their fee is £60.
- Tier 3 – large organisations, and those not meeting the criteria of Tiers 1 or 2. Their fee is £2,900.

Some organisations such as charities and small occupational pension schemes only pay £40 regardless of their size and turnover. Public authorities should categorise themselves according to staff numbers only – they don't need to take turnover into account.

Our position - all organisations must pay the tier 3 fee unless they can show they're eligible to pay tier 1 or 2, or are exempt.

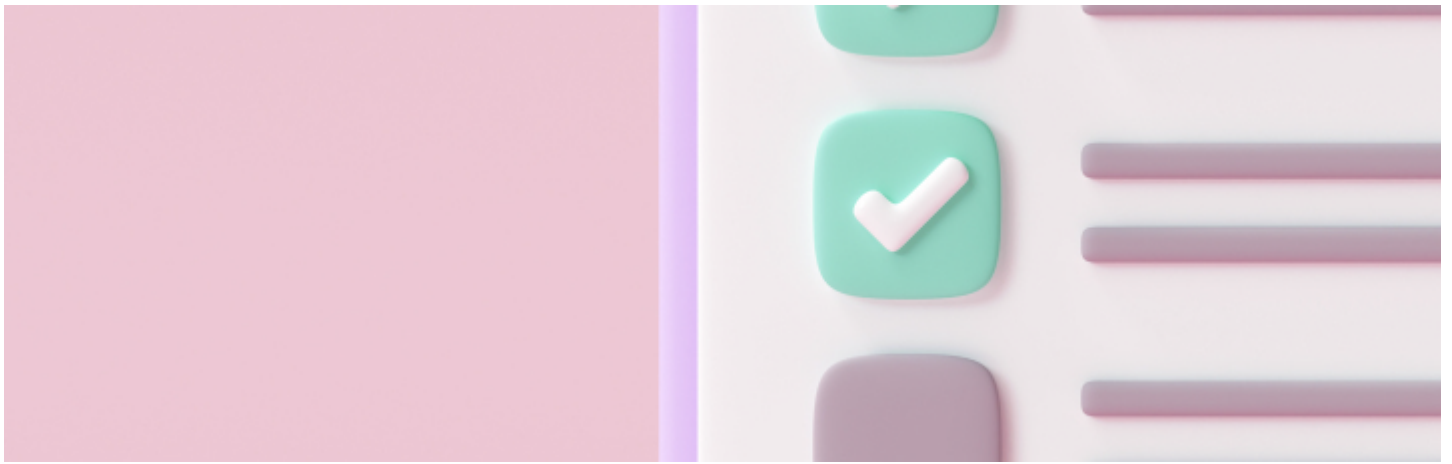
You can find more information in our [Data Protection fee: A guide for data controllers](#).

You can also use our interactive tool to help you apply the rules: [Click thinking. Who needs to pay a DP fee?](#)

See also:

What are the exemptions from paying the fee?

Related keywords: *Registration*



Data protection fee and trusts

Who needs to register with us when there's a trust?

A 'trust' is the name for a legal relationship where someone (a trustee) holds property not for their own benefit, but for the benefit of other people (the beneficiaries), or for another specific purpose (eg a charitable purpose). There's often more than one trustee.

The trust isn't a legal entity, so technically it's the trustees who need to register and pay the fee. But we don't want each trustee to have to register and pay the fee separately for the same trust.

So, trusts should register with us as 'the trustees of [name] trust'. This means there will be a single registration for each trust, and a single data protection fee.

If there's a trust corporation – where a legal entity is created to be the trustee, rather than named individuals – it's a little different. The trust corporation should register in its own name, and pay its data protection fee. The name of the trust should then be entered into the 'trading names' box of the online registration form. This is to ensure transparency, so that people can still identify the organisation from the trust's name.

If a trust corporation runs more than one trust, it doesn't need to register again or pay another fee. It should just enter the name of each trust separately into the 'trading names' box of the online form. If there are more than five trusts, the corporation will need to contact the registration team for help.

See also:

[Who's the controller when there's a trust?](#)

[Do all organisations have to pay the data protection fee?](#)

Related keywords: *registration*



DP Fees for non-UK organisations

Do organisations outside of the UK have to pay the data protection fee?

Yes – if they fall within the territorial scope of the UK GDPR.

All controllers who handle personal information within the scope of the UK GDPR are required to register and pay the fee.

We'd consider whether to pursue non-payment of fees by an overseas controller on a case by case basis.

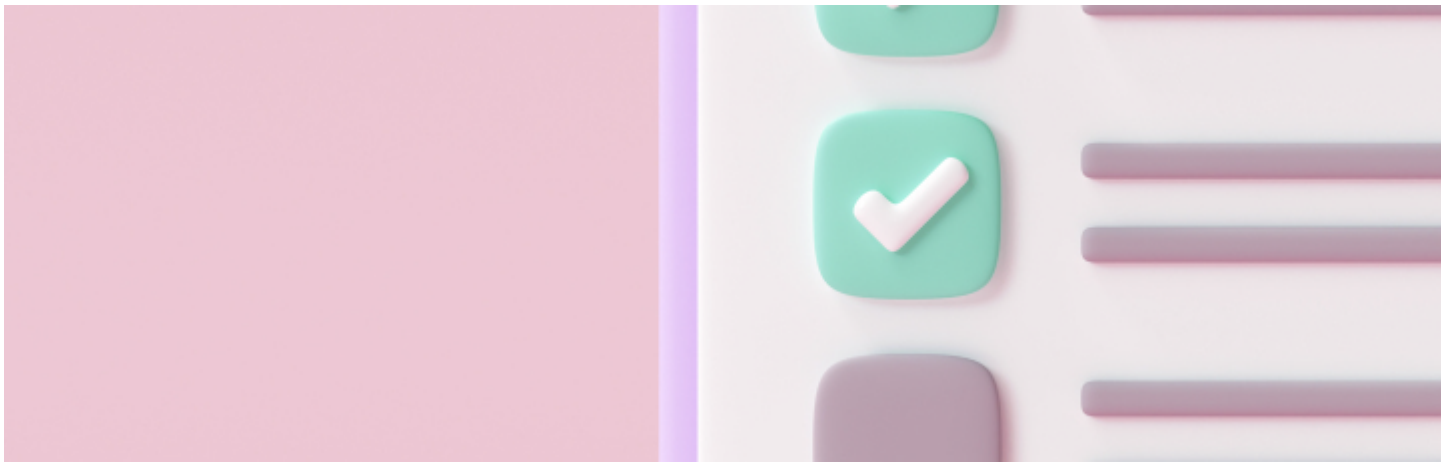
For more information about the data protection fee model, see: [Do all organisations have to pay the data protection fee?](#)

See also:

[What are the exemptions from paying the fee?](#)

[What's the territorial scope of the UK GDPR?](#)

Related keywords: *Registration, fine*



Data protection fee exemptions

What are the exemptions from paying the fee?

Organisations are exempt from paying the fee when they're processing purely for one or more of the following purposes:

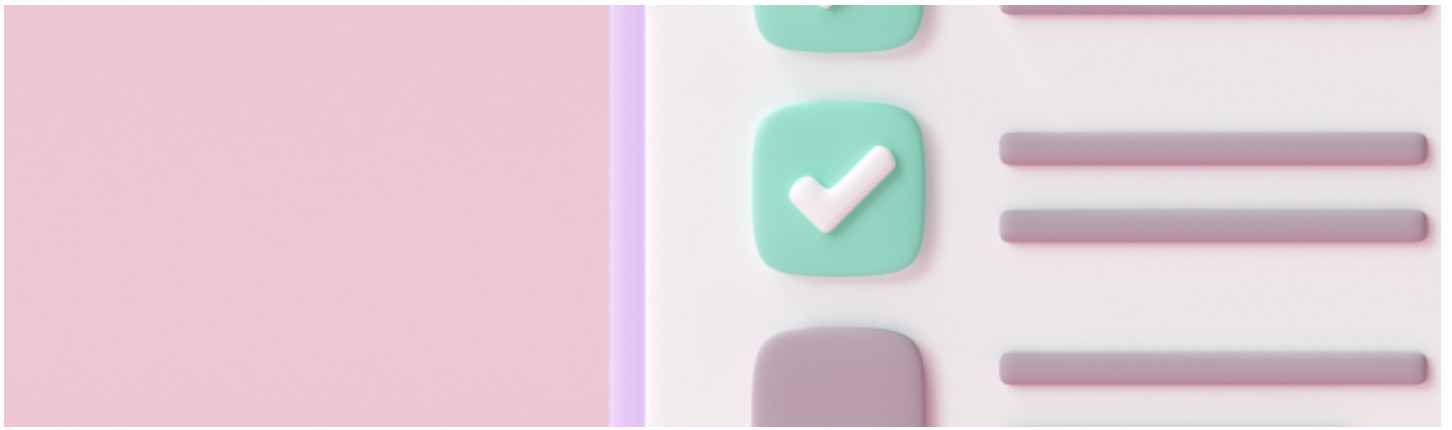
- Staff administration for their own organisation
- Advertising, marketing, and public relations of their own good and services
- Accounts and records for their own organisation
- Not-for-profit purposes.
- Personal, family or household affairs.
- Maintaining a public register.
- Judicial functions.
- Processing personal information without an automated system such as a computer.
- Being a member of the House of Lords, an elected representative, or a prospective representative.

You can find more information in our [Data Protection fee: A guide for data controllers](#).

See also:

[Do all organisations have to pay the data protection fee?](#)

Related keywords: *Registration*



Data protection fee and fines

What happens if an organisation doesn't pay the required data protection fee?

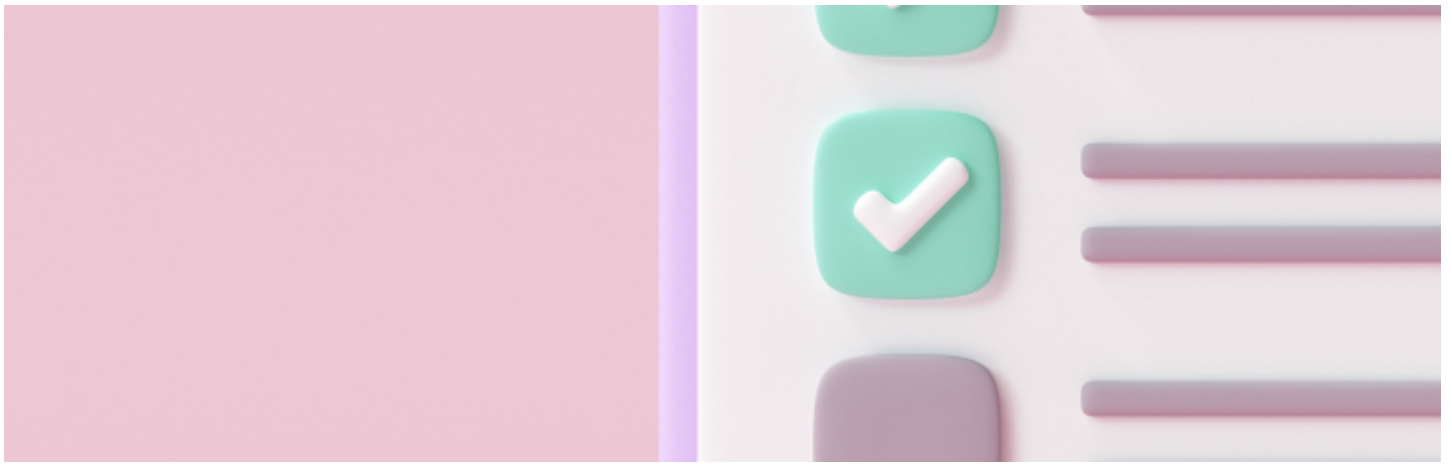
They're breaking the law and we're responsible for issuing fines for non-payment or paying the incorrect fee. The maximum penalty is a £4,350 fine (150% of the top tier fee.)

We don't keep any of the money received from fines; we pass it directly to the Government.

Organisations can appeal any fines they receive to the [First Tier Tribunal \(Information Rights\)](#).

See [Data protection fee](#) for more information about how much tier is required to pay.

Related keywords: *data protection fee, registration, funding*



Data protection fee refunds

If an organisation stops trading, can they receive a refund?

No, the ICO can't pro-rata or refund fees.

This is because the legislation doesn't require the length of time the organisation processes personal data to be considered.

Related keywords: *data protection fee, registration*

ICO Knowledge Services

Interactive tools (click thinking)

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Introductory text

Title: Who has to pay the DP fee?

This is a click-through guide for ICO colleagues.

It can help you decide whether an organisation needs to pay a data protection fee or not.

It's for people with some basic knowledge of data protection concepts.

The Data Protection (Charges and Information) Regulations 2018
- <https://www.legislation.gov.uk/ukdsi/2018/9780111165782>

There are eight questions in total (or fewer, depending on your answers). You will see advice on how the legislation is likely to apply, based on the answers you gave – or whether you need more information.

It should take around five minutes to complete.

<https://www.legislation.gov.uk/ukdsi/2018/9780111165782>

This tool was last updated on 22/10/2024.

Questions

Q1: Does the organisation use CCTV?

This includes body worn cameras, dashcams and video doorbells.

Note: Elected representative functions are exempt even if they have CCTV. Single choice.

- ☐ Yes
- ☐ No
- ☐ Unsure / more information needed from the organisation

Q2: Does the organisation process personal information electronically?

The UK GDPR covers the processing of personal data in two ways:

1. personal data processed wholly or partly by automated means (**ie, information in electronic form**); and
2. personal data processed in a non-automated manner which forms part of, or is intended to form part of, a 'filing system' (that is, manual information in a filing system).

Note: they only have to pay a DP fee if they process personal data electronically - ie, option one above. Single choice.

- ☐ Yes
- ☐ No
- ☐ More information needed from the organisation

Q3: Is the organisation the Controller?

Definition - a person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data. Only controllers need to pay the data protection fee. Single choice.

- ☐ Yes
- ☐ No
- ☐ More information needed from the organisation

Q4: Does the organisation only process for one of the following purposes?

Judicial functions: Processing is exempt if it's carried out by or on behalf of a judge or by a person acting on a judge's instructions; and it's also for the purpose of exercising judicial functions.

See

- **What does 'acting in a judicial capacity' mean -**

<https://www.legislation.gov.uk/ukdsi/2018/9780111165782/schedule>

Exempt processing - 2.—(1) For the purposes of regulation 2(1), processing of personal data is exempt processing if it—(a) falls within one or more of the descriptions of processing set out in sub-paragraph (2),

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(2) (h) (ii) carried out by — (i) a judge, or (ii) a person acting on the instructions, or on behalf, of a judge, for the purposes of exercising judicial functions including the functions of appointment, discipline, administration or leadership of judges.

Elected representative functions: Since 1 April 2019, members of the House of Lords, elected representatives and prospective representatives are exempt.

See

- **The Data Protection (Charges and Information) (Amendment) Regulations 2019**
- <https://www.legislation.gov.uk/ukSI/2019/478/contents/made>

Personal, family or household affairs not connected to commercial or professional activities: (including CCTV to monitor domestic property or personal information held in connection with a hobby, even if it's capturing personal data images in a public space).

See

- **What's a purely personal activity**
- https://indigooffice.sharepoint.com/sites/TGrp_KnowledgeCentre/SitePages/Personal-activity.aspx
- **Is there an exemption for personal or household activities**
- https://indigooffice.sharepoint.com/sites/TGrp_KnowledgeCentre/SitePages/Processing%20personal%20and%20household%20activity.aspx

Maintaining a public register: ie, they're required by law to make the information publicly available. Single choice.

- ☐ Yes
- ☐ No
- ☐ More information needed from the organisation

Q5: Are they a not-for-profit organisation that qualifies for an exemption?

A not-for-profit organisation can make a profit for its own purposes, but the profit shouldn't be used to enrich others. Any money that's raised should be used for the organisation's own activities.

The exemption applies only if -

- it's established as a not-for-profit organisation, which may be stated in their constitution/articles
- they only process information necessary to establish or maintain membership or support
- they only process information necessary to provide or administer activities for people who are members of the organisation or have regular contact with it
- they only hold information about individuals whose data they need to process for this exempt purpose
- the personal data they process is restricted to personal information that is necessary for this exempt purpose
- they only keep the information while the individual is a member or supporter or as long as necessary for member/supporter administration

The organisation wouldn't be exempt if -

- they're responsible for CCTV
- they provide additional services outside of the organisations aims/objectives that can't be covered by the other exemptions
- they use personal information to check its suppliers or creditors with a credit reference agency
- they trade in and share personal data outside of the organisations aims/objectives
- housing associations just like other types of rental and letting agents if processing documents such as rental agreements and payments and maintenance requests, aren't exempt.

Note - If required to pay the fee - a registered charity only pays the lowest fee (tier 1) of £40 if processing personal data. Single choice.

- ☐ Yes
- ☐ No
- ☐ More information needed from the organisation

Q6: Does the organisation process information for any of the following purposes?

- Accommodation and food, eg, restaurants, hotels, hostels
- Accountancy and auditing, eg, they're an accountant
- Administration of justice - including police and probation boards
- Administration of membership record
- Advertising, marketing and public relations for others
- Aesthetic/beauty/cosmetic treatment companies
- Charities - including housing associations
- Childcare, ie, a childminder
- Consultancy and advisory services
- Councils
- Credit referencing
- Crime prevention and prosecution of offenders (including CCTV systems)
- Debt administration
- Emergency services - including ambulance and fire service
- Event company
- Financial services and advice
- Health administration and provision of patient care - including medico legal, pharmacists, optometrists and dentists
- Insolvency practices
- Insurance administration

- Journalism, media and TV / radio stations
- Legal services
- Loyalty cards
- Mortgage/ insurance broking
- Pastoral care
- Pensions administration
- Personal information processed by or obtained from a credit reference agency
- Private investigation
- Property management - including the selling and/ or letting of property
- Publishing company/agent
- Record label
- Recruitment for others – including recruitment agencies
- Research
- Social - including networking sites or dating agencies
- Software development - including web hosting and design or IT support
- Tour operator/Travel agent
- Trading and sharing in personal information
- Training and coaching

Note: this isn't an exhaustive list. Single choice.

- ☐ Yes
- ☐ No
- ☐ More information needed from the organisation

Q7: Does the organisation process information for education purposes?

This includes schools, universities, colleges and multi academy trusts. Single choice.

- ☐ Yes
- ☐ No

Q8: Does the organisation only process information that falls under the Core Business Exemptions?

Staff administration (including payroll)

They only hold the personal information of the people they need for their own companies staff administration.

Accounts or records, ie, invoices and payments

They only hold the personal information of the people they need for their own company accounts and records – eg, information about past, existing or present customers or suppliers.

The information's restricted to what is necessary for their accounts and records – eg, name, address and payment details. However, this doesn't include information processed by or obtained from credit reference agencies.

Advertising, marketing and public relations (in connection with their own business activity)

They only hold the personal information of the people they need to for their own advertising, marketing and public relations – eg, information about past, existing or present customers or suppliers.

The information is restricted to what is necessary for their advertising, marketing and public relations – eg, names, addresses and other identifiers.

They only advertise and market their own goods and services. Single choice.

- ☐ Yes
- ☐ No
- ☐ More information needed from the organisation

Outcomes

Outcome 1: Based on your answers, it seems likely that the organisation doesn't need to pay a fee.

However, if they'd like to appear on our public register so they can refer customers to it - they can pay the fee that's appropriate for their organisation.

Click 'submit' to end. We don't collect your name, but if you submit your response, it will help us to see how this resource is being used and consider updates and improvements.

Thank you!

Outcome 2: Based on your answers, it seems likely that the organisation needs to pay a fee.

The DP fee is a statutory requirement and has to be paid by law if no exemptions apply to them.

If they're required to pay the fee and don't, we have the power to give them a fixed rate penalty. This will also be published on our website.

How much they need to pay will depend on size and / or turnover.

See

- **Do all organisations have to pay the data protection fee?** Information not in scope

An application can be completed on our website or transfer the call to registrations if help is needed.

<https://ico.org.uk/for-organisations/data-protection-fee/register/>

Registration helpline: internal number 6408

Click 'submit' to end. We don't collect your name, but if you submit your response, it will help us to see how this resource is being used and consider updates and improvements.

Thank you!

Outcome 3: Education

- Educational establishments, such as schools, colleges, and universities, are often data controllers in their own right, and would be required to pay the fee.
- Some private schools and universities are registered charities.
- Some charities provide educational services.
- A registered charity would only pay the lowest fee tier of £40.
- A college which is part of a university would need to determine if they are a separate legal entity and are required to pay a separate fee.
- If a school/college/tutor or other learning establishment is responsible student records, including any bursary or scholarship processes, they would be required to pay the fee.
- Under the Multi Academy Trust (MAT) arrangements, the MAT is responsible for the activities of all the schools in the MAT; even though some functions may have been delegated to local Heads of School or Local Governing Bodies. Providing the schools and academies within the MAT do not have any legal status separate from that of the MAT, the MAT is the legal entity responsible/data controller for the processing of personal data by the schools/academies.
- If the schools or academies within the MAT are not separate legal entities, we also recommend that the schools or academies within the MAT are shown as trading names on the MAT entry. It is important that parents and children see who is responsible for processing of personal data.
- Scotland - all state schools come under the control of the local authority - so the controller is the local authority not the school.

Outcome 4: More information needed from the organisation

More information needed from the organisation before you can tell them if they have to pay to DP fee or not.

You need to ask the following questions

1. Does the organisation use CCTV
2. Does the organisation process personal information electronically?
3. Is the organisation the Controller?
4. What purpose does their organisation process personal data for?

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If still unsure – go to Data protection fee self assessment
(<https://www.legislation.gov.uk/ukdsi/2018/9780111165782/schedule>) on our website to take the self assessment.

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