

Statutory Document No. 2018/0169



Data Protection Act 2018

DATA PROTECTION (FEES) REGULATIONS 2018

Approved by Tynwald:

Coming into operation in accordance with regulation 2

The Treasury, having consulted with the Information Commissioner, makes the following Regulations under section 5(3)(b) of the Data Protection Act 2018 and paragraphs 3(3) and 4(4) of Schedule 7 to the GDPR and LED Implementing Regulations 2018.

1 Title

These Regulations are the Data Protection (Fees) Regulations 2018.

2 Commencement

If —

- (a) the GDPR and LED Implementing Regulations 2018¹ are approved by Tynwald; and
 - (b) these Regulations are also approved by Tynwald,
- these Regulations come into operation on 1 August 2018.

3 Prescribed fees

- (1) The fees specified in the third column of the Schedule are prescribed for the purposes specified in the first column of the Schedule.
This paragraph is subject to paragraphs (2) and (3).
- (2) Paragraph (3) applies to any body or association, other than those listed in paragraph (4), which is not established or conducted for profit.
A body or association to which paragraph (3) applies is hereafter referred to as a “**relevant body**”.
- (3) No fee is payable by a relevant body if the relevant body, whether in the capacity of a controller or a processor, processes personal data only for one or more of the following purposes —
 - (a) establishing or maintaining membership of or support for itself;

¹ SD 2018/0145

- (b) providing or administering activities for individuals who are either members of it or have regular contact with it; or
 - (c) if the relevant body is a charity, facilitating its proper functioning as such.
- (4) Paragraph (3) does not apply to —
- (a) the Council of Ministers;
 - (b) a Department or Statutory Board;
 - (c) Tynwald, the Council or the Keys;
 - (d) a Local Authority or joint board; or
 - (e) a body established by or acting under the direction of one or more bodies mentioned in subparagraphs (a) to (d).

The only exemption from the requirement to pay fees that applies to any of bodies listed in this paragraph (or the members of any of those bodies) is specified in paragraph (5).

- (5) No fee is payable by a controller or processor who —
- (a) is a member, or is nominated as a candidate for membership, of Tynwald or a Local Authority; and
 - (b) does not process personal data except for the purpose of —
 - (i) that membership; or
 - (ii) seeking support by the electors of the constituency, district or ward for which that controller or processor, as the case may be, is a member or a nominated candidate.

- (6) In this regulation —

“**joint board**” means a board constituted under section 7 of the *Local Government Act 1985*;

“**Local Authority**” has the same meaning as is given to that term by section 3(1) of the *Local Government Consolidation Act 1916*.

MADE

ALFRED CANNAN, MHK
Minister for the Treasury

SCHEDULE**FEES**

Regulation 3(1)

Provision of the GDPR and LED Implementing Regulations	Subject matter	Fee
Schedule 7, paragraph 3(3)	Registration under subparagraph 3(3) (including registration in respect of more than one controller under paragraph 8 or 9 of Schedule 7 to the GDPR and LED Implementing Regulations 2018.	£70
Schedule 7, paragraph 4(4)	Retention of entry in register (other than an entry to which paragraph 14 of Schedule 7 to the GDPR and LED Implementing Regulations 2018 applies)	£50

EXPLANATORY NOTE***(This note is not part of the Regulations)***

These Regulations specify the fees payable by a controller or processor upon registration under paragraph 3(3) of Schedule 7 to the GDPR and LED Implementing Regulations 2018 and for retention in the register maintained in accordance with paragraph 4 of the said Schedule 7. An exemption from registration fees is provided in respect of voluntary organisations, candidates for elective office and elected representatives.