

Data Controller Registration – Exemption for Councillors	18 June 2019
Corporate Policy and Resources Committee	For Information

Linkage to Council Strategy (2015-19)	
Strategic Theme	Leader and Champion
Outcome	Provide civic leadership to our citizens
Lead Officer	Head Of Policy and Community Planning
Cost: (If applicable)	

1.0 Introduction

- 1.1 Under the Data Protection Act 1998 data controllers have been required to register with the Information Commissioner and pay a fee as part of this registration.
- 1.2 You will recall that the Information Commissioner’s Office have been insisting that Councillors who hold and process personal information also need to register with them and pay a data protection fee
- 1.3 However, new legislation came into force on 1st April 2019 called the *Data Protection (Charges and Information) (Amendment) Regulations 2019*.
- 1.4 This legislation now gives an exemption for the “*processing of personal data by:*
- *members of the House of Lords,*
 - *elected representatives,*
 - *prospective representatives,*

where that processing is in connection with the discharge of the functions of the member of the House of Lords/elected representative or in connection with any activity where the (main) purpose is the future election of the prospective representative.”

2.0 Implications for Councillors

- 2.1 This has an impact on you as a Councillor as you would fall within the “*elected representatives*” group.
- 2.2 For you to be exempt from having to register and pay a fee to the Information Commissioner’s Office, any personal information that you hold or process must be in connection with your role as a Councillor or any activity where the sole or principal purpose is your future election as a Councillor.
- 2.3 If you hold or process personal information for any other non-exempt purpose, for example as a business owner, or if you have CCTV at your offices for crime prevention purposes, then that processing is **not** exempt and you would have to register and pay the data protection fee in respect of it.
- 2.4 However, if you are **only** processing personal information in connection with your role as a Councillor or in connection with any activity where the sole or principal purpose is your future election as a Councillor, then you do not need to register or renew your registration with the Information Commissioner’s Office and pay the data protection fee.