
DRAFT STATUTORY INSTRUMENTS

2018 No.

**The Data Protection (Charges and
Information) Regulations 2018**

Amount of charge payable under regulation 2

- 3.—(1) For the purposes of regulation 2(2), the charge payable by a data controller in—
- (a) tier 1 (micro organisations), is £40;
 - (b) tier 2 (small and medium organisations), is £60;
 - (c) tier 3 (large organisations), is £2,900.
- (2) For the purposes of this regulation, a data controller is, subject to paragraph (3)—
- (a) in tier 1 if—
 - (i) it has a turnover of less than or equal to £632,000 for the data controller’s financial year,
 - (ii) the number of members of staff of the data controller is less than or equal to 10,
 - (iii) it is a charity, or
 - (iv) it is a small occupational pension scheme;
 - (b) in tier 2 if it is not in tier 1 and—
 - (i) it has a turnover of less than or equal to £36 million for the data controller’s financial year, or
 - (ii) the number of members of staff of the data controller is less than or equal to 250;
 - (c) in tier 3 if it is not in tier 1 or tier 2.
- (3) Paragraphs (2)(a)(i) and (2)(b)(i) are to be disregarded in relation to a public authority.
- (4) For the purposes of regulation 3(2), the turnover and number of members of staff is determined on the first day of the charge period to which the charge relates.
- (5) The applicable charge in paragraph (1) is reduced by £5.00 for a data controller that makes payment of the charge by direct debit.
- (6) In this regulation—
- “charity”—
- (i) in relation to England and Wales, has the meaning given in section 1 of the Charities Act 2011(1),
 - (ii) in relation to Scotland, means a body entered in the Scottish Charity Register maintained under section 3 of the Charity and Trustee Investment (Scotland) Act 2005(2), and
 - (iii) in relation to Northern Ireland, has the meaning given in section 1 of the Charities Act (Northern Ireland) 2008(3);

(1) 2011 c. 25.

(2) 2005 asp 10.

(3) 2008 c. 12. Section 1 is modified for certain purposes by S.R. 2013 No. 211, art. 2.

“small occupational pension scheme” has the meaning given in regulation 4 of the Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006(4).