**Do I need to register with the ICO?**

**What is the ICO?**

The Information Commissioner’s Office (ICO) is the UK’s data protection regulator who individuals can complain to if they feel their data protection rights have been breached. The ICO has the power to impose fines on organisations who fail to comply with data protection legislation.

**Why should I register and what is the data protection fee?**

It is the law to pay the fee where required to do so, but it also improves your reputation as a business. Being listed as a fee payer on the ICO’s website sends a strong message to other companies seeking to do business with you and your guests that you take your data protection obligations seriously.

Any business that is processing personal information is required by law to pay a data protection fee to the ICO unless they are exempt. The cost of the data protection fee payable depends on the size of your business and turnover. Most PASC Members are likely to fall into the micro-organisation category (Tier 1) which means the annual fee is £40.

You need to renew your data protection fee every year or let the ICO know that you no longer need to be registered. If you fail to do so, the ICO can issue a fine of up to £4,000 in addition to the data protection fee that you are required to pay so it is important you do not miss the renewal deadline. The ICO will usually remind you that your fee is due, so it is important to keep your contact details up to date.

**Do I need to register?**

If you process personal data using computers or any system that can process information automatically, including CCTV systems, you need to register. On this basis, it is highly likely that if you are a PASC member, you should register with the ICO.

Operating a website with online booking capability, engaging with guests and potential guests via social media and collecting and holding guest data with a third party (e.g., Mail Chimp) for the purposes of marketing to them are all examples of activities which would require a commercial business to register with the ICO.

There are some exemptions which may apply but these are limited in scope and we would therefore recommend PASC members simply pay the fee as the safest course of action.

**FAQ’s**

1. **I keep my guests home addresses to send them Christmas cards, do we need to register with the ICO?**

Sending Christmas cards are effectively a form of marketing, and therefore we would recommend registering with the ICO.

1. **Most of my bookings come via my agent, who give me the lead bookers name and phone number in case, do we need to register with the ICO?**

Yes – you have received and are storing an individual’s personal data and therefore we would recommend registering with the ICO.

1. **We don’t keep any guest records on the computer, we just note their name and contact details in our booking diary. Do we need to register with the ICO?**

Whilst you may not be using a computerised database to store guest records it is likely in most cases that you will have had some form of correspondence with guests via email and therefore we would recommend registering with the ICO.

1. **We use the guests email addresses to ask them to leave an online review or send our regular customers repeat booking offers. Do we need to register with the ICO?**

Email addresses are considered to be personal data, as they are associated with a particular individual. For this reason, we would recommend registering with the ICO. You will also need to ensure you follow data protection legislation in sending these emails.

1. **Our booking system ensures that all the data that we retain has the explicit permission of our guests to hold. They have proactively given their permission. Do we need to register with the ICO?**

The requirement to register is not impacted by consent - we would recommend registering with the ICO.

1. **We keep data in a GDPR compliant way, do we need to register with the ICO?**

Regardless of how data is kept if you are processing it we would recommend you register with the ICO.

1. **Are there any exemptions for small businesses for registering with the ICO?**

All businesses that process personal data are required to register unless exempt, irrespective of size. The data protection fee you are required to pay is based on the size of your business.

1. **Does the fee have to be paid every year?**

Yes – organisations are required to pay a fee to the ICO every year.

1. **Does the ICO have additional FAQ’s?**

Yes they can be found here: [https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/data-protection-fee/data-protection-fee-faqs/](https://protect-eu.mimecast.com/s/LsmACNx8QS0YXzvi4tT_2?domain=ico.org.uk/)

1. **It says on the exemptions page that I do not need to register if my CCTV is on domestic premises. Is my holiday let a domestic or commercial premises?**

If you operate a CCTV system you will need to register, even if you are otherwise exempt. Whilst there is a household exemption which applies if you use CCTV for domestic purposes, i.e., to monitor your own home. However, the use of CCTV in self-catering accommodation would not be considered use for domestic purposes as you are not processing ‘in the course of a purely personal or household activity’.

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**For more information contact:** dataprotection@stephens-scown.co.uk or 01392 210700.

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