



# Data Protection Act 2018

## 2018 CHAPTER 12

### PART 5

#### THE INFORMATION COMMISSIONER

##### *Charges*

#### **137 Charges payable to the Commissioner by controllers**

- (1) The Secretary of State may by regulations require controllers to pay charges of an amount specified in the regulations to the Commissioner.
- (2) Regulations under subsection (1) may require a controller to pay a charge regardless of whether the Commissioner has provided, or proposes to provide, a service to the controller.
- (3) Regulations under subsection (1) may—
  - (a) make provision about the time or times at which, or period or periods within which, a charge must be paid;
  - (b) make provision for cases in which a discounted charge is payable;
  - (c) make provision for cases in which no charge is payable;
  - (d) make provision for cases in which a charge which has been paid is to be refunded.
- (4) In making regulations under subsection (1), the Secretary of State must have regard to the desirability of securing that the charges payable to the Commissioner under such regulations are sufficient to offset—
  - (a) expenses incurred by the Commissioner in discharging the Commissioner's functions—
    - (i) under the data protection legislation,
    - (ii) under the Data Protection Act 1998,
    - (iii) under or by virtue of sections 108 and 109 of the Digital Economy Act 2017, and

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*Status: This is the original version (as it was originally enacted).*

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- (iv) under or by virtue of the Privacy and Electronic Communications (EC Directive) Regulations 2003 ([S.I. 2003/2426](#)),
  - (b) any expenses of the Secretary of State in respect of the Commissioner so far as attributable to those functions,
  - (c) to the extent that the Secretary of State considers appropriate, any deficit previously incurred (whether before or after the passing of this Act) in respect of the expenses mentioned in paragraph (a), and
  - (d) to the extent that the Secretary of State considers appropriate, expenses incurred by the Secretary of State in respect of the inclusion of any officers or staff of the Commissioner in any scheme under section 1 of the Superannuation Act 1972 or section 1 of the Public Service Pensions Act 2013.
- (5) The Secretary of State may from time to time require the Commissioner to provide information about the expenses referred to in subsection (4)(a).
- (6) The Secretary of State may by regulations make provision—
- (a) requiring a controller to provide information to the Commissioner, or
  - (b) enabling the Commissioner to require a controller to provide information to the Commissioner,
- for either or both of the purposes mentioned in subsection (7).
- (7) Those purposes are—
- (a) determining whether a charge is payable by the controller under regulations under subsection (1);
  - (b) determining the amount of a charge payable by the controller.
- (8) The provision that may be made under subsection (6)(a) includes provision requiring a controller to notify the Commissioner of a change in the controller's circumstances of a kind specified in the regulations.