
DRAFT STATUTORY INSTRUMENTS

2018 No.

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

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Data Protection (Charges and Information) Regulations 2018 and come into force on 25th May 2018.

(2) In these Regulations—

“business” includes any trade or profession;

“charge period” has the meaning given in regulation 2(6);

“data controller’s financial year” means—

- (a) if the data controller⁽¹⁾ has been in existence for less than 12 months, the period of its existence, or
- (b) in any other case, the most recent financial year of the data controller that ended prior to the first day of the charge period in respect of which information is being provided, or a charge is being paid, pursuant to regulation 2;

“exempt processing” has the meaning given in the Schedule;

“financial year”, in paragraph (b) of the definition of “data controller’s financial year”—

- (a) in relation to a company, is determined in accordance with section 390 of the Companies Act 2006⁽²⁾,
- (b) in relation to a limited liability partnership, is determined in accordance with section 390 of the Companies Act 2006 as applied by regulation 7 of the Limited Liability Partnerships (Accounts and Audit) (Application of Companies Act 2006) Regulations 2008⁽³⁾, and
- (c) in relation to any other case, means the period, covering 12 consecutive months, over which a data controller determines income and expenditure;

“member of staff” means any—

- (a) employee,
- (b) worker within the meaning given in section 296 of the Trade Union and Labour Relations (Consolidation) Act 1992⁽⁴⁾,
- (c) office holder, or
- (d) partner;

“number of members of staff” means the number calculated by—

- (a) ascertaining for each completed month of the data controller’s financial year the total number of persons who have been members of staff of the data controller in that month,

(1) “Data controller” for the purposes of these Regulations is defined by s.108(8) of the Digital Economy Act 2017.

(2) 2006 c. 46.

(3) S.I. 2008/1911, to which there are amendments not relevant to these Regulations.

(4) 1992 c. 52. There are amendments to this section which are not relevant to these Regulations.

- (b) adding together the monthly totals, and
 - (c) dividing by the number of months in the data controller’s financial year;
- “processing”, in relation to personal data, means an operation or set of operations which is performed on personal data;
- “public authority” means a public authority as defined by the Freedom of Information Act 2000⁽⁵⁾ or a Scottish public authority as defined by the Freedom of Information (Scotland) Act 2002⁽⁶⁾;
- “turnover”—
- (a) in relation to a company, has the meaning given in section 474 of the Companies Act 2006,
 - (b) in relation to a limited liability partnership, has the meaning given in section 474 of the Companies Act 2006 as applied by regulation 32 of the Limited Liability Partnerships (Accounts and Audit) (Application of Companies Act 2006) Regulations 2008, and
 - (c) in relation to any other case, means the amounts derived by the data controller from the provision of goods and services falling within the data controller’s ordinary activities, after deduction of—
 - (i) trade discounts,
 - (ii) value added tax, and
 - (iii) any other taxes based on the amounts so derived.

⁽⁵⁾ 2000 c. 36.
⁽⁶⁾ 2002 asp 13.