



Compliance advice

Frequently asked questions *Notification*

Q. What is notification?

A. The Commissioner maintains a public register of data controllers. Each register entry includes the name and address of the data controller and a general description of the processing of personal data by the data controller. Individuals can consult the register to find out what processing of personal data is being carried out by a particular data controller. Notification is the process by which a data controller's details are added to the register.

Q. Why do data controllers have to notify?

A. The Act requires every data controller who is processing personal data to notify unless they are exempt.

Q. How can I find out if I am exempt?

A. The conditions required to be satisfied for each notification exemption are described in our publications "Notification Handbook – A complete guide to notification" and "Notification Exemptions – A self assessment guide, which can be found @ www.dpr.gov.uk

Q. Is there any link between notification and compliance?

A. No. The principal purpose of the notification process and the public register is openness. It is an important aspect of data protection legislation that the public should be able to find out who is carrying out processing of personal data and other information about the processing, such as, for what purposes the processing is carried out. However, notification does not equate to compliance with the data protection principles.

The link between compliance and registration (or notification), which existed under the Data Protection Act 1984, is no longer a feature of data protection legislation under the 1998 Act. The Commissioner is able to enforce the data protection principles against any data controller who is not otherwise exempt from compliance, regardless of their notification status, where she is satisfied that any of the principles have been, or are being, contravened. It remains open to the Commissioner to investigate and prosecute those data controllers who are required to notify but who have not.

Information Commissioner

Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF Telephone: 01625 545 700 Facsimile: 01625 524510
e-mail: mail@dataprotection.gov.uk Website: www.dataprotection.gov.uk