



DATA PROTECTION ACT – ARE YOU REGISTERED?

Do I need to register?

If you process clients' personal data in an automated form then you need to register (notify your processing) with the Information Commissioner's Office (ICO). The ICO's guidance on notification includes accountancy and auditing in its list of business purposes which are unlikely to be exempt from notification. This means if you are practising as an accountant you are unlikely to be exempt.

80% of new firms not registered

When firms start practising, they sometimes forget to register with the ICO, under the Data Protection Act 1998 (DPA), as processing (including simply storing) client's personal information. In fact, we've found that 80% of new firms delay registering.

What name do I register?

Sole practitioners should register in their own name and list their trading names on the application form.

Partnerships and LLPs should register in the trading name of the firm.

Corporate practices should register in the name of the corporate entity.

I've only got manual records, so do I need to comply with the DPA?

If you don't process any records electronically, you don't have to register with the ICO, but you still have to comply with the requirements of the DPA. **But**, we think it's highly unlikely that any accountant will run their practice relying solely on manual records. At the very least, they will use word processing packages and email to correspond with clients and others. The only exception to this might be if you only have one client, which is, of course, highly unlikely. Be safe and register.

I am a sole practitioner working from home doing some overflow work for a busy firm on a sub-contract basis. I don't have direct contact with the firm's clients. Do I still need to register?

If the firm you work for is registered with the ICO, then you don't need to register separately. But, you still need to keep data secure and confidential as part of your engagement and the firm you work for should ask you to confirm that in writing to them.

How much does it cost and how do I register?

The annual fee for the majority of firms is £35.

In October 2009, the ICO brought in a higher fee of £500 for larger firms ie, those with turnovers over £25.9m and more than 250 staff.

The easiest way to register is to complete the [online registration form](#) on the ICO's website. Alternatively, you can telephone the notification helpline on +44 (0)1625 545 740.

Will I really get fined if I don't register?

Just type the term 'accountants' into the search facility in the top right-hand corner of the Information Commissioner's website (www.ico.gov.uk) to find a number of press releases detailing the fines that the ICO has handed out to accountants who haven't registered.

For example, in October 2009, an accountancy practice was fined and incurred costs totalling nearly £1,800 for not notifying the ICO that it was a data controller and paying the £35 fee.

It's definitely not worth the risk.

Where can I find more information?

You can find guidance in helpsheet PAS1/HS17 at www.icaew.com/helpsheets and at the Information Commissioner's website, www.ico.gov.uk. You could also contact the Information Commissioner's helpline on +44 (0)1625 545 740.