

Registering with the Data Protection Commissioner

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Every data controller is bound by the [data protection responsibilities](#) set out in the Data Protection Acts, 1988 and 2003.

In addition, **certain categories** of data controller are required to register with the Data Protection Commissioner.

Moreover, all **data processors** (who act in a business capacity) must register.

It is an offence not to be registered, if you should be.

LINK» [more about "data controllers" and "data processors"](#)
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What is "registration" all about?

For *data controllers*, registration is a simple process of setting out what kinds of personal information you keep on computer, for what purposes you keep it, to whom the information is disclosed, and related details; and then submitting a form to the Data Protection Commissioner so that these practices can be made available for the public to see. It is a matter for you, as the data controller, to specify your own data handling practices. Once these practices have been registered with the Data Protection Commissioner, data controllers must abide by these practices.

For *data processors*, registration is even simpler. You must notify the Data Protection Commissioner of your name, your address, and identify any countries outside of the State where you transfer personal data for processing.

Registration is made using a special form, and must be renewed annually. There is a small fee involved. Further information is given below.

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Who Must Register?

Some organisations or individuals must register because of the kind of activity they carry on, others because of the kind of personal data they keep. Those who have to register are:-

data controllers who are

- public sector bodies
- financial institutions
- insurance companies

data controllers whose business consists wholly or mainly in direct marketing, providing credit references or collecting debts.

data controllers who keep personal data relating to

- racial origin,
- political opinions,
- religious or other beliefs,
- physical or mental health (other than such information reasonably kept and used only for ordinary personnel administration purposes)
- sexual life or
- criminal convictions.

Update: 11/01/2001

data controllers who are internet access providers, i.e. who are wholly or partly in the business of providing individuals with a connection to the internet, and who keep personal data about such individuals

data controllers who are telecommunications service providers, i.e. who hold a licence under section 111 of the Postal and Telecommunications Services Act, 1983, and who keep personal data about individuals to whom services are provided under that licence.

LINK» [click to see the full News Release about this update](#)

data processors whose business consists wholly or partly in processing personal data on behalf of data controllers.

Anyone who has any doubt about whether they need to be registered should contact the Commissioner's Office directly for further information.

LINK» [click here for details about contacting the office](#)

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What is the fee involved?

The fee for registration, which must be paid annually as the registration is renewed, depends upon how many employees the data controller has, as set out in the table below. The fee is the same for data processors. Payment should be made using a cheque, postal order, money order, payable order, or bank draft (please avoid paying with cash if possible). Cheques etc. should be made payable to "The Data Protection Commissioner". Unfortunately, we are not yet in a position to accept electronic funds transfer or to accept payment by direct debit.

number of employees	registration fee, €
1 to 5	25.37
6 to 25	63.49
26 or more	317.43

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How do I renew my Registration?

As mentioned above, the registration period is for one year. As the end of the period approaches, the Commissioner's office will contact you inviting you to renew your registration, and supplying you with the paperwork you need. Remember to include the appropriate fee with your application.

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What if my registration details need to be amended during the year?

The annual process of renewing your registration gives you an opportunity to update your registration details. However, if the details contained in your register entry become out of date during the year, you will need to apply to the Commissioner for the details to be amended. This is important because if you are engaging in data handling practices that are not in conformity with the details in your public register entry, you may be committing an offence.

LINK» [more about offences and penalties under the Data Protection Act](#)

To apply for an amendment to your public register details, download the *amendment form* from our [forms section](#), complete it and return it to the Data Protection Commissioner, along

with the amendment fee of €63.49. The amendment does not affect your one-year registration period, and renewal of your registration will fall due at the same time as previously.

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What forms do I need?

- To register, you need to complete a *registration form* and send it to the Data Protection Commissioner, along with the appropriate fee. Data controllers and data processors use different registration forms.
- To amend your registration details during the course of the year, you will need to complete an *amendment form* and send it to the Data Protection Commissioner, along with the amendment fee of €63.49.
- To renew your registration annually, simply complete the forms that will be issued to you in good time by the Data Protection Commissioner.

The registration forms and amendment forms are available for downloading in our [forms section](#). Alternatively, [contact our office](#) and we will post the forms out to you.

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Can my application for registration be refused?

Yes, although this would be quite unusual. The effects of a refusal to accept a registration application could be quite significant for a data controller. If a data controller or data processor is required to be registered, then, under section 19 of the Act, it is an offence for the data controller or processor to keep personal data unless it is properly registered. A refusal by the Data Protection Commissioner to accept an application for registration is subject to a right of appeal to the Circuit Court.

LINK» [more about offences under the Data Protection Act](#)
[more about Appeals to the Court](#)

Under section 17 of the Data Protection Act, the Commissioner is required to accept an application for registration, unless he is of the opinion that the details put forward by the applicant are insufficient; that other information requested by the Commissioner has not been forthcoming; or that the applicant is likely to contravene any of the provisions of the Act. Wherever the Commissioner's office has queries about the details put forward by an applicant, it is our practice to contact the applicant and give an opportunity for the matter to be resolved.

If sensitive types of data are held by the data controller, then the Commissioner must not accept the application unless he or she is satisfied that appropriate safeguards for the

protection of the privacy of the individuals concerned will be provided. These safeguards would normally involve restricted access to computer equipment, and password-protection of sensitive files. Again, it is our practice to give applicants every opportunity to meet our requirements before we refuse an application for registration.

[LINK» more about the responsibility to keep data secure](#)

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Can I process personal data while my application for registration is pending?

Yes. As stated above, if you are required to be registered, then, under section 19 of the Data Protection Act, it is an offence to keep personal data unless you are in fact registered. However, an exception is made in the case of persons whose application for registration is pending. Such persons may keep personal data and use it in ways consistent with the details set out in their application, while the application is being considered by the Commissioner.

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Do I have to have separate registrations for different purposes?

If you keep personal data for two or more unrelated purposes, then you must apply for a separate registration for each of those purposes. For two more related purposes, a single registration is required.

Access requests relating to personal data, which are covered by separate register entries, are treated separately; and you may charge an individual a separate fee for each such access request.

If you wish to make an application for separate registration, use the *separate registration form* (available for downloading at our [forms section](#)), and remember to complete section 11 of the form, which shows the total number of separate registrations for your organisation.

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Guidance Notes for completion of registration form

Guidance notes are currently in preparation, to assist data controllers in particular sectors in completing the registration form. These guidance notes include sample answers for illustrative purposes. Guidance notes currently available are:

[Solicitors](#)

[Pharmacists](#)

[Doctors](#)

[Schools](#)

The [Sectoral Issues section](#) of the website has more details about applying data protection rules to different business sectors, including FAQs and guidance notes.