



UK General Data Protection Regulations (UK GDPR)

Context

The General Data Protection Regulations (EU GDPR) were rolled out across the EU on 25 May 2018. The Regulations brought consistency in data handling to EU member states and granted individuals additional rights on when and how their personal data is used.

Ahead of the UK's withdrawal from the EU, the Data Protection Act 2018 (DPA) was passed, which retained – with some minor amendments – the provisions of the EU GDPR. Alongside the Privacy and Electronic Communications Regulations 2019 (PECR), the DPA forms the UK GDPR regime which has been in force since 1 January 2021, following the UK's EU departure.

Who Does This Apply To?

The UK GDPR applies to any organisation in the UK that collects and processes personal data. It also applies to any organisation outside the UK that handle the data of UK citizens.

The UK GDPR identifies data subjects – people whose personal data is being used – and data controllers or processors – people who collect and use others' personal data.

For data subjects, the UK GDPR strengthens their rights to control the use of their data. For data controllers and processors, the Regulations place legal responsibilities upon them, including specific requirements on how consent is captured, and personal data is recorded.

What is Data Protection?

Personal data is information about particular living individuals. This might be anyone, including customers, clients, employees, business partners, members, supporters, business contacts, public officials or members of the public. Personal data is defined as anything that can identify someone as an individual – directly or indirectly. This could include a name, job title or passport number.

It does not need to be 'private' information – Information which is public knowledge or which is about someone's professional life can be personal data too.

It includes records held electronically (such as on computer, laptops, smartphones, cloud storage or cameras) as well as paper records, if you plan to put them on a computer or other electronic device or if you file them in an organised way.

It is important to be mindful that while a single piece of information may not, in itself, identify an individual, it might, when combined with other information (from inside or outside an organisation) enable an individual to be identified. Please see the following example for an easy understanding and how this affects you, as a Landlord:

If you only have someone's name, and no other information, written on a piece of paper then it does not really identify the said person as there is nothing else there to really establish who that person is. There are likely to be many people with the same name and simply put it's just a name and nothing else.

However, if you have a piece of paper with someone's name plus their telephone number or address then this is personal data and should be treated as such. This means the tenancy agreements and referencing reports you receive are personal data.

ICO – Do I Really Need to Register?

All businesses and other organisations that process personal information should pay the annual data protection fee, unless they are exempt. The fee applies no matter how big, or small, your business or organisation is, although not everyone has to pay the same amount.

Not all landlords think of themselves as a business and may be assuming that they can rely on exemptions that apply to people carrying out their own private affairs. **This is not the case and all landlords will be a business for this purpose, this applies even if you have just one rental property.** Your tenants are your clients.

In practice there is not likely to be any exemption from registering with the ICO and paying the required fee. If you purely process data manually then you are exempt from registration. This is not likely to apply because most if not all landlords will process data via their mobile telephones, tablets or PCs.

There is no exemption from the GDPR itself and landlords who hold tenant data will need to comply with this.

Does Data Protection Apply to Me?

Yes, if you have information about people for any business or other non-household purpose.

Data protection law applies to any 'processing of personal data', so will apply to most businesses and organisations, whatever their size.

What Do I Need to Do?

The self-assessment tool on the ICO website will help you work out if you need to pay. Please see the guide at the end of this sheet.

Frequently Asked Questions

I'm a landlord – do I need to pay?

If you are processing personal data for the purpose of producing tenancy agreements/contracts, performing credit checks via a credit reference agency on prospective tenants and obtaining references. This would require you to pay a data protection fee.

I'm a landlord but have a letting agent to fully manage my property – do I need to pay?

If you are using a letting agent who fully manages the letting of the property and you only receive a monthly statement and rent, this would fall under the accounts and records exemption. The accounts and records exemption is intended to cover any personal data processed in electronic format to provide invoicing and your own accounts.

However, if as a landlord you create a database of potential tenants, make any decision to which tenant can rent your property, you receive electronic copies of referencing reports or tenancy agreements and/or save these documents electronically (on computer, laptops, smartphones, cloud storage or cameras) then payment of the fee is required.

What is the fee?

The amount will still be based on the organisation's number of employees and turnover. Turnover is your gross income including the gross amount of the rents that you receive. This is based on your last financial year.

Assuming that you have no more than 10 employees (if you have any at all) and as long as your turnover does not exceed £632,000 per annum, the fee payable is £40.

What will the fees be used for?

The fees charged will be used to fund the ICO's data protection work.

What is the penalty for non-compliance?

If you do not pay the ICO fee you could face a monetary penalty of up to £4,000.

Guide on Registering with the ICO

Following is a step-by-step guide on how to complete the self-assessment. Go to the following page on the ICO's website, <https://ico.org.uk/for-organisations/data-protection-fee/self-assessment/>

You will arrive to the start page. Click on 'Start Now' and answer the following questions.

For organisations / Data protection fee / Self-assessment

Registration self-assessment

Under the Data Protection (Charges and Information) Regulations 2018, individuals and organisations that process personal data need to pay a data protection fee to the Information Commissioners Office (ICO), unless they are exempt.

By going through the following questions you will be able to decide if you – as an individual or on behalf of your business or organisation – need to pay a fee to the ICO.

From 25 May 2018, people who use CCTV for domestic purposes, ie to monitor their property, even if it films beyond the boundaries of their property will be exempt from paying a fee under data protection law.

On 1 April 2019, the rules around paying the data protection fee changed. Members of the House of Lords, elected representatives and prospective representatives (including police and crime commissioners) are exempt from paying a fee, unless they process personal data for purposes other than the exercise of their functions as a Member of the House of Lords, an elected representative or as a prospective representative. For more information, read our [guidance on the data protection fee](#).

 This will take 5 minutes

Start now →


Question 1. Select 'No' unless you have CCTV at the rental property which you have access to and store the files.

Registration self-assessment

[Start again](#)

1. Do you use CCTV for the purposes of crime prevention?

This does not include domestic CCTV.

 You should select 'Yes' to this question if you operate a dashcam on or in your work vehicle. If the dashcam is also used for work purposes it will not be considered as 'domestic' so you are likely to need to register and pay a data protection fee to the ICO unless you are exempt.


Yes

No

Next →

Question 2. Select 'Yes'.

2. Are you processing personal information?

 'Processing' is a very broad term which describes anything you can do with personal information, including (but not limited to):

- collecting;
- recording;
- organising;
- storing;
- using;
- retrieving;
- altering;
- erasing; and
- disclosing.

'Personal information' means any detail about a living individual that can be used on its own, or with other data, to identify them.

Yes

No

Next →

Question 3. Select 'Yes'.

3. Do you process the information electronically?



Electronic processing' is any processing of information that uses computers, including cloud computing, desktop PCs, laptops and tablets. It also applies to any other system that can process information automatically, including:

- CCTV systems;
- digital cameras;
- smartphones;
- email;
- credit card machines;
- call logging and recording systems;
- clocking-in machines;
- flexi-time systems; and
- audio-visual capture and storage systems.

Yes

No

Next →

Question 4. Select 'Yes'.

4. Is your organisation responsible for deciding how the information is processed?



Answer 'No' if you only process information on behalf of another organisation.

If you need to determine if your organisation is a data controller or a data processor, [please read our guidance here.](#)

Our [controllers and processors checklist](#) may help you further.

Yes

No

Next →

Question 5. Select 'No'.

5. Do you only process information for one of the following purposes?

- Judicial functions;
- elected representative functions
- personal, family or household affairs not connected to commercial or professional activities (including CCTV to monitor your domestic property, even if you are capturing images outside the boundaries of your property); or
- to maintain a public register (ie you are required by law to make the information publicly available).


Yes

No

Next →

Question 6. Select 'No'.

6. Are you a not-for-profit organisation that qualifies for an exemption?

 Answer 'Yes' if your organisation was established for not-for-profit making purposes and does not make a profit. Also answer 'yes' if your organisation makes a profit for its own purposes, as long as the profit is not used to enrich others. You must:

- only process information necessary to establish or maintain membership or support
- only process information necessary to provide or administer activities for people who are members of the organisation or have regular contact with it;
- you only hold information about individuals whose data you need to process for this exempt purpose
- the personal data you process is restricted to personal information that is necessary for this exempt purpose

You must answer 'No' if you use CCTV for crime prevention.

Yes

No

Next →

Question 7. Select 'Property management – including the selling and/or letting of property'.

7. Are you processing information for any of the following purposes?

- Private investigation
- Property management - including the selling and/ or letting of property
- Recruitment
- Research
- Social - including networking sites or dating agencies
- Software development - including web hosting and design or IT support
- Trading and sharing in personal information
- Training
- None of the above

Next →

Summary Page. You will now need to pay the ICO fee.

[↺ Start again](#)

1. Do you use CCTV for the purposes of crime prevention? No	Change this answer
2. Are you processing personal information? Yes	Change this answer
3. Do you process the information electronically? Yes	Change this answer
4. Is your organisation responsible for deciding how the information is processed? Yes	Change this answer
5. Do you only process information for one of the following purposes? No	Change this answer
6. Are you a not-for-profit organisation that qualifies for an exemption? No	Change this answer
7. Are you processing information for any of the following purposes? Property management - including the selling and/ or letting of property	Change this answer

You need to pay a fee

You need to pay a fee to the Information Commissioner's Office, please click to pay now.

Pay now →

Once you receive your ICO reference number please provide it to PR Lettings & Management Ltd.

Please Note: The step-by-step information we provide is for guidance purposes only based on the typical information PR Lettings sends to its landlords and clients. Each landlord should take time to double check the answers are correct and meet their personal circumstances.