



Department for
Business, Energy
& Industrial Strategy

BUSINESS IMPACT TARGET: SUMMARY TEMPLATE

Non-qualifying Regulatory Provisions
(NQRP) summary reporting template



Regulator: Information Commissioner’s Office (ICO)

Business Impact Target Reporting Period Covered: 9 June 2017 to 20 June 2018

Excluded Category	Summary of measure(s), including any impact data where available
<p>Measures certified as being below de minimis (measures with an EANDCB below +/- £5 million)</p>	<p>We have produced guidance documents for business to explain the requirements of the new EU General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA 2018):</p> <ul style="list-style-type: none"> • Using the privacy shield to transfer data to the US • 12 steps for preparing for the LED • Guide to the Law Enforcement Provisions • Guide to the GDPR • Detailed documentation guidance • Guide to the Data Protection Fee • Introduction to the DP Bill • Detailed legitimate interests guidance • Lawful basis interactive guidance tool • Consent • Detailed right to be informed guidance • Detailed guidance on automated decision making and profiling • Detailed guidance on DPIAs • Detailed guidance on Children • Education sector FAQs • Hospitality FAQs • Small retailers FAQs • Small financial service FAQs • Data Protection self-assessments • 8 steps for micro businesses <p>We have also produced guidance on the Network and Information Systems Regulations 2018 (NIS) and the eIDAS Regulation (eIDAS):</p> <ul style="list-style-type: none"> • Guide to Nis • Guide to eIDAS <p>While it is possible to calculate the cost to business of reading our guidance documents in terms of reading time (and we did this for the 2015-2017 submission), it is not possible to monetise the direct benefit to business of reading our guidance. As reading the guidance is voluntary, we consider that it is reasonable to expect that business will therefore read it only where it leads to net benefits; the analysis therefore assumes that the benefits are at least equal to the costs. The Regulatory Policy Committee (RPC) approved this approach in the ICO’s submission for 2015 – 2017. All of these guidance documents will therefore be exempted as their EANDCB is less than £5 million.</p>
<p>EU and International</p>	<p>We have produced guidance documents for business to explain the requirements of the GDPR, DPA 2018, NIS and eIDAS which are excluded as they fall into the de minimis exclusion category.</p>

Excluded Category	Summary of measure(s), including any impact data where available
	None of the changes of European origin place additional burdens on business beyond those required under legislation of EU origin ie no gold plating has occurred.
Economic regulation	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Price Control	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Civil Emergencies	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Fine and Penalties	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Pro-Competition	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Large Infrastructure projects	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Misuse of Drugs/National Minimum Wage	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Systematic Financial Risk	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Industry Codes	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Casework	<p>No activities listed in this section represent a change in the burden of regulation placed on business, except where these result from a separate qualifying regulatory provision that has been assessed.</p> <p>Our regulatory activities which can be classed as ‘casework’ include requests for assessment under section 42 of the Data Protection Act 1998, enforcement work, audits and a helpline and written enquiries service. In November 2017, we set up a new helpline for SME’s. From 25 May 2018, the ICO has equivalent functions under the GDPR.</p> <p>In the period 8 June 2017 to 14 June 2018, the numbers of these relating to businesses were as follows:</p> <p>Enquiries: 10685 Requests for assessment: 10413 Enforcement work: 343 Audits:</p> <ul style="list-style-type: none"> • Full Audits: 28 • Follow ups: 18 • Undertaking follow ups: 4 • Information risk reviews: 36 • Advisory visits: 64 <p>From 1 November 2017 – 31 March 2018, we received an average of 1,278 calls</p>

Excluded Category	Summary of measure(s), including any impact data where available
	each week to the SME helpline.
Education, communications and promotion	<p>During this period we have published a number of webinars, podcasts and conference recordings on data protection matters. We consider that these fall within the category of education, communications and promotion, since they are intended to raise awareness of DP issues and provide a record of our events, rather than to impose any obligation or requirement on businesses. These resources are as follows:</p> <ul style="list-style-type: none"> • Videos available on the ICO's YouTube channel: <ul style="list-style-type: none"> ○ GDPR for the boardroom ○ Data Protection for small healthcare organisations ○ The ICO's new advice line for SMEs ○ Use our new advice line for SMEs ○ Elizabeth Denham's keynote speech video ○ Getting ready for the new UK data protection law – Eight practical steps ○ Information Commissioner on the opportunities GDPR will bring for businesses and organisations ○ Information Commissioner on how the GDPR will help you to control your personal data ○ An introduction to Your Data Matters ○ ICO layered privacy notice • The ICO Podcast: <ul style="list-style-type: none"> ○ Episode 1: Answering your questions about GDPR myths ○ Episode 2: Answering questions about Data Protection Impact Assessments ○ DPPC podcast extra: What are the wider cultural challenges facing local government around information sharing and the GDPR? ○ Episode 3: Answering questions about Lawful Basis <p>We hold an annual conference for data protection practitioners (the DPPC) each Spring which is attended by a cross section of businesses, and we also organise other awareness-raising events relevant to business. The DPPC was held in April 2018.</p> <ul style="list-style-type: none"> • Personal data breach resources – from the DPPC • Lawful basis resources – from the DPPC <p>None of the material produced creates a new regulatory standard that businesses are expected to follow and attendance at educational events is voluntary.</p>
Activity related to policy development	In the reporting period, we carried out a number of consultations on GDPR guidance, as listed below:

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	<ul style="list-style-type: none"> • Data Protection Impact Assessments (DPIAs) guidance • Children and the GDPR guidance • Contracts and liabilities between controllers and processors guidance
Changes to management of regulator	<p>Following Elizabeth Denham’s appointment as Information Commissioner in July 2016, she has built a Senior Leadership Team comprising the Deputy Chief Executive, the General Legal Counsel and Deputy Commissioners for Operations and Policy.</p> <p>There has also been further reorganisation within departments, and the ICO is implementing an internal Change Programme in order to prepare for our responsibilities as the Data Protection Authority under the GDPR. These are internal arrangements and do not impose any obligations or costs on business.</p>