**Please note that as a public authority the ICO is subject to FOI requests. Information submitted to the ICO may be subject to disclosure under the Freedom of Information Act 2000. In order to help the ICO deal with any such access requests, we request that applicants label any commercially sensitive or confidential aspects of this application.**

**UK GDPR Article 41: Monitoring body accreditation**

**Application for ICO approval**

**Please do this by highlighting commercially sensitive or confidential sections of your application in yellow.**

Before completing this application you MUST read our [in brief](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/codes-of-conduct/) and [detailed guidance](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/codes-of-conduct-detailed-guidance/how-do-we-gain-monitoring-body-accreditation/) pages on the ICO website and the ICO [Accreditation Requirements](https://ico.org.uk/media/for-organisations/documents/4024815/uk-accreditation-requirements-for-code-of-conduct-202303.pdf) for code of conduct monitoring bodies and ensure that you have met all the necessary requirements before submitting your application for approval.

Please fully complete each part of this form including all necessary information and attaching any documentation referred to. Failure to fully complete this application or provide all required information could result in your application being rejected.

Please submit your completed application to [codesofconduct@ico.org.uk](mailto:codesofconduct@ico.org.uk).

***By submitting this form, you are certifying that the information you have provided is true and accurate and that you have the relevant authority to make this application.***

|  |
| --- |
| **Date of submission:** |
|  |

|  |  |
| --- | --- |
| **INTRODUCTION:** | |
| Organisation name: |  |
| Registered office or principal place of business and website address: |  |
| Company registration number (if applicable): |  |
| Main contact name and job role: |  |
| Main contact email address and telephone number: |  |
| ICO registration number (if applicable): |  |
| Is this a new or amended application? |  |
| Full title of the code of conduct this application relates to: |  |
| Please state the legal status of the organisation and provide documentary evidence of the status: | ☐ Private limited company  ☐ Private partnership  ☐ Public body  ☐ Part of an academic institution  ☐ Part of a learned/technical institution  ☐ Public limited company  ☐ Sole trader  ☐ Other: Please provide further detail |
| Is your organisation part of a group or Corporation? | ☐ YES  ☐ NO  If yes please provide:  Name:  Address:  Please state your organisation’s relationship with group or Corporation: |
| **Code owner details**: | Organisation name: |
| Registered office or principal place of business: |
| Main contact name and job role: |
| Main contact email/telephone number: |
| Has the code of conduct been submitted for ICO approval? | Yes  No |
| It is important that documentary evidence is provided to demonstrate how you meet each criteria. Please confirm that you have fully completed the document index at the end of this application.  (*Please note that failure to fully complete the document index will result in the application being rejected*). | Yes  No |
| Please confirm that you have read our [in brief](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/codes-of-conduct/) and [detailed guidance](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/codes-of-conduct-detailed-guidance/how-do-we-gain-monitoring-body-accreditation/) pages on the ICO website and the ICO [Accreditation Requirements](https://ico.org.uk/media/for-organisations/documents/4024815/uk-accreditation-requirements-for-code-of-conduct-202303.pdf) for code of conduct monitoring bodies.  *(Please note that failure to fully consider our guidance or provide sufficient evidence may result in a delay in your application being assessed or your application being rejected).* | Yes  No |
| Has your organisation been subject to any complaint/investigation/regulatory action by the ICO? | Yes  No |
| Has your organisation been subject to any complaint/investigation/regulatory action or compliance issue with any other organisation (for example UKAS) that may affect your application? | Yes  No |
| If you answered yes to either of the above two questions about complaints or other actions, please provide full details including dates, a summary of the complaint or action taken and resolution.  *(Please note that failure to provide sufficient details may result in a delay in your application being assessed).* |  |

|  |  |
| --- | --- |
| **TABLE OF REQUIREMENTS : NOTES FOR COMPLETION**  Please complete the following Table of Requirements ensuring you provide the information requested in each column as evidence to support your application.  **Further guidance for completion can be found in the accompanying** [**Guidance Notes**](https://edrm/sites/REG2021/Codes/_layouts/15/DocIdRedir.aspx?ID=REGUL-2049750463-117). | |
| **Requirements**  (Column 1) | This sets out a summary of each requirement and links to the document [ICO Accreditation Requirements](https://ico.org.uk/media/for-organisations/documents/4024815/uk-accreditation-requirements-for-code-of-conduct-202303.pdf) for UK GDPR Code of Conduct Monitoring Bodies where the full requirements can be viewed. |
| **Supporting documents as evidence**  (Column 2) | This column asks you to specify the document(s) you are including as evidence against each requirement. Examples of how each requirement might be evidenced is included in the accompanying [Guidance Notes](https://ico.org.uk/media/for-organisations/documents/4027405/monitoring-body-accreditation-requirements-guidance-notes.docx). However please note that examples are provided as a guide rather than an exhaustive list of what we expect to see.  The evidence you submit will depend on the nature, size, structure and status of your organisation (eg internal/external monitoring body). In some cases, one document may address a number of different requirements. Where this is the case, please make this clear and cross-reference to the relevant sections.  To enable us to review your application as quickly as possible, please provide relevant documents only and ensure the following information is included:   * Document Reference number (as set out in the index at the end of this form). * Document name or title. * Relevant page number(s) and/or paragraph number(s) indicating where the relevant information can be found.   **Please do not provide any documents as evidence which contain personal data.** |
| **Explanation**  (Column 3) | The final column asks you to fully explain how your organisation meets the relevant requirement and describe how the document(s) you are providing demonstrate this. You must be able to demonstrate how you meet each criteria to prevent your application being rejected. |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **TABLE OF REQUIREMENTS** | | | | | |
| **Column 1** | **Column 2** | | **Column 3** | |
| **Requirements as set out in ‘**[**ICO Accreditation Requirements for UK GDPR Code of Conduct Monitoring Bodies**](https://ico.org.uk/media/for-organisations/documents/4024815/uk-accreditation-requirements-for-code-of-conduct-202303.pdf)**’** | **Supporting documents included as evidence**  **Please state:**   * Document reference number (from Index) * Document name/title * Page number/ Paragraph number | | **Please fully explain how your organisation meets these requirements and describe how the documents you have provided support this** | |
| **Independence**  **1.1 Legal and decision making procedures:** | | | | |
| **1.1.1**  **The monitoring body shall be appropriately independent from the code owner / members / profession / industry or sector to which the code applies.** |  | |  | |
| **1.1.2**  **The monitoring body shall demonstrate that it will act independently in its choice and application of its actions and sanctions.** |  | |  | |
| **1.1.3**  **Evidence that personnel can act independently and without undue pressure or influence in relation to:**   1. **supervision of resources and finances of the monitoring body;** 2. **decisions on and performance of compliance monitoring; and** 3. **safeguarding of impartiality.** |  | |  | |
| **1.1.4**  **The monitoring body will not provide any services to code members that would adversely affect its independence.** |  | |  | |
| **Independence**  **1.2 Financial:** |  |  |  |  |
| **Requirement:** | **Please state:**   * Document reference number (from Index) * Document name/title * Page number/ Paragraph number | | **Please fully explain how your organisation meets these requirements and describe how the documents you have provided support this** | |
| **1.2.1**  **The monitoring body has the financial stability and resources for the operation of its monitoring activities.** |  | |  | |
| **1.2.2**  **The monitoring body shall manage its budget and resources independently and effectively monitor compliance without any form of influence from the code owner or code members.** |  | |  | |
| **1.2.3**  **The monitoring body shall demonstrate to the ICO the means by which it obtains financial support for its monitoring body role and explain how this does not compromise its independence.** |  | |  | |
| **Independence**  **1.3 Organisational:** | | | | | |
| **Requirement:** | **Please state:**   * Document reference number (from Index) * Document name/title * Page number/ Paragraph number | | **Please fully explain how your organisation meets these requirements and describe how the documents you have provided support this** | |
| **1.3.1**  **Internal monitoring body shall provide information concerning its relationship to its larger entity (for example, the code owner) and shall evidence its impartiality.** |  | |  | |
| **1.3.2**  **The monitoring body shall demonstrate organisational independence.** |  | |  | |
| **1.3.3**  **The monitoring body shall have the adequate resources and personnel to effectively perform its tasks, that it is able to act independently from, and is protected from, interference or sanctions from code owners and code members as a result of this duty.** |  | |  | |
| **1.3.4**  **Where a monitoring body uses sub-contractors, it shall ensure that sufficient guarantees are in place in terms of the knowledge, reliability and**  **resources of the sub-contractor and obligations applicable to the monitoring body are applicable in the same way to the sub-contractor.**  **The use of**  **sub-contractors does not remove the responsibility of the monitoring body** **who will remain ultimately responsible for compliance with its obligations as a monitoring body.** |  | |  | |
| **Independence**  **1.4 Accountability:** | | | | | |
| **Requirement:** | **Please state:**   * Document reference number (from Index) * Document name/title * Page number/ Paragraph number | | **Please fully explain how your organisation meets these requirements and describe how the documents you have provided support this** | |
| **1.4.1**  **The monitoring body shall provide evidence to demonstrate that it is accountable for its decisions and actions, for example, by setting out a**  **framework for its roles and reporting procedures and its decision-making process to ensure independence.** |  | |  | |
| **1.4.2**  **Any decisions made by the monitoring body related to its functions shall not be subject to approval by any other organisation, including the code owner.** |  | |  | |
| **2. Conflict of Interest:** | | | | | |
| **Requirement:** | **Please state:**   * Document reference number (from Index) * Document name/title * Page number/ Paragraph number | | **Please fully explain how your organisation meets these requirements and describe how the documents you have provided support this** | |
| **2.1 (part 1)**  **The monitoring body shall have a process to identify, analyse, evaluate, treat, monitor and document on an ongoing basis risks to impartiality arising from its activities.** |  | |  | |
| **2.1 (part 2)**  **Monitoring body personnel shall comply with these requirements and report any situation likely to create a conflict of interest.** |  | |  | |
| **2.2**  **The monitoring body shall choose or direct and manage its personnel.** |  | |  | |
| **2.3**  **The monitoring body shall remain free from external influence and ensure that it does not seek or take instructions from any person, organisation or association, concerning its monitoring functions, that would result in a conflict of interests.** |  | |  | |
| **2.4**  **The monitoring body shall be protected from sanctions or interference by the code owner / other relevant bodies / members**  **of the code.** |  | |  | |
| **3. Expertise:** | | | | | |
| **Requirement:** | **Please state:**   * Document reference number (from Index) * Document name/title * Page number/ Paragraph number | | **Please fully explain how your organisation meets these requirements and describe how the documents you have provided support this** | |
| **3.1**  **The monitoring body shall demonstrate that it has an in-depth understanding, knowledge and experience in relation to the specific data processing activities outlined in the code.** |  | |  | |
| **3.2**  **Personnel conducting monitoring functions or making decisions have appropriate sectoral and data protection expertise and operational experience, training and qualifications.** |  | |  | |
| **3.3**  **The monitoring body shall demonstrate that it meets relevant expertise requirements if and where defined in the code of conduct.** |  | |  | |
| **4. Established Procedures and Structures:** | | | | | |
| **Requirement:** | **Please state:**   * Document reference number (from Index) * Document name/title * Page number/ Paragraph number | | **Please fully explain how your organisation meets these requirements and describe how the documents you have provided support this** | |
| **4.1**  **The monitoring body shall demonstrate that it has a procedure to check both the**  **a) eligibility of controllers and processors to apply for code membership and**  **b) their ability to comply with code requirements.** |  | |  | |
| **4.2**  **The monitoring body shall demonstrate that it has a procedure to check that potential code members are not the subject of any ICO investigation or regulatory action that might prevent code membership being issued.** |  | |  | |
| **4.3**  **The monitoring body has a procedure to provide periodic compliance monitoring taking into account such things as:**   1. **the complexity and risks involved;** 2. **number of code members;** 3. **geographical scope;** 4. **complaints received by the monitoring body; and** 5. **any current or recent ICO investigation / regulatory action.** |  | |  | |
| **4.4**  **The monitoring body has audit or review procedures that specify:**   1. **the requirements to be assessed;** 2. **the type of assessment to be used; and** 3. **a procedure to document the findings.** |  | |  | |
| **4.5**  **The monitoring body has a procedure for the investigation, identification and management of code infringements and additional controls to ensure appropriate action is taken to remedy such infringements as set out in the code.** |  | |  | |
| **4.6 (part 1)**  **The monitoring body is responsible for the management of all information obtained or created during the monitoring process.** |  | |  | |
| **4.6 (part 2)**  **Monitoring body personnel will keep all information obtained or created confidential unless they are required to disclose or are exempt by law.** |  | |  | |
| **5. Transparent Complaints Handling**  **5.1 Complaints about code members:** | | | | | |
| **Requirement:** | **Please state:**   * Document reference number (from Index) * Document name/title * Page number/ Paragraph number | | **Please fully explain how your organisation meets these requirements and describe how the documents you have provided support this** | |
| **5.1.1**  **The monitoring body has a publicly available, accessible and easily understood complaints handling and decision-making process.** |  | |  | |
| **5.1.2**  **The monitoring body will acknowledge receipt of the complaint and provide the complainant with a progress report or the final decision of the investigation within a reasonable time, such as three months.** |  | |  | |
| **5.1.3**  **In the case of code infringements, the monitoring body has suitable appropriate actions which are defined in the code of conduct to ensure compliance with the code and avoid future occurrence.** |  | |  | |
| **5.1.4**  **The monitoring body shall provide evidence of its process for notifying the ICO immediately about the measures taken and justification of any code member suspension or exclusions.** |  | |  | |
| **5.1.5**  **The monitoring body shall maintain a record of all complaints and actions which the ICO can access at any time.** | . | |  | |
| **5.1.6**  **Monitoring body decisions shall be made publicly available in line with its complaints handling procedure.** |  | |  | |
| **5.1.7**  **The monitoring body shall assist in the investigation and resolution of any complaints about code members to the ICO.** |  | |  | |
| **5. Transparent Complaints Handling**  **5.2 Complaints against the monitoring body:** | | | | | |
| **Requirement:** | **Please state:**   * Document reference number (from Index) * Document name/title * Page number/ Paragraph number | | **Please fully explain how your organisation meets these requirements and describe how the documents you have provided support this** | |
| **5.2.1**  **The monitoring body has a publicly available, accessible and easily understood complaints handling and decision-making process in relation to complaints made against them.** |  | |  | |
| **5.2.2**  **The monitoring body has a documented process to receive, evaluate and make decisions on complaints made about its monitoring activities.** |  | |  | |
| **5.2.3**  **The monitoring body will assist in the investigation and resolution of any complaints about the monitoring body to the ICO.** |  | |  | |
| **5. Transparent Complaints Handling**  **5.3 Appeal and complaints about decisions made by the monitoring body:** | | | | | |
| **Requirement:** | **Please state:**   * Document reference number (from Index) * Document name/title * Page number/ Paragraph number | | **Please fully explain how your organisation meets these requirements and describe how the documents you have provided support this** | |
| **5.3.1**  **The monitoring body has a publicly available, accessible and easily understood complaints handling and decision-making process in relation to complaints made about its decisions.** |  | |  | |
| **5.3.2**  **The monitoring body has a documented appeals process which shall be made publicly available, accessible, easily understood and transparent.** |  | |  | |
| **5.3.3**  **The handling process for appeals shall include:**  **a) a description of the process for receiving, validating, investigating and deciding what actions are to be taken;**  **b) tracking and recording appeals; and**  **c) ensuring that any appropriate action is taken in a timely manner.** |  | |  | |
| **5.3.4**  **Monitoring body will acknowledge receipt of the appeal and provide progress reports and the outcome to the relevant party within a reasonable time, such as three months.** |  | |  | |
| **6. Communicating with the ICO:** | | | | | |
| **Requirement:** | **Please state:**   * Document reference number (from Index) * Document name/title * Page number/ Paragraph number | | **Please fully explain how your organisation meets these requirements and describe how the documents you have provided support this** | |
| **6.1**  **The monitoring body has a framework to allow for reporting of any suspensions or exclusions of code members to the ICO.**  **This reporting process should require as a minimum:**   1. **informing the ICO promptly and in writing of any suspension or exclusion providing valid reasons for the decision;** 2. **providing information outlining details of the infringement and actions taken; and** 3. **evidence that action has been taken in line with documented processes.** |  | |  | |
| **6.2**  **The monitoring body has a documented procedure for lifting the suspension or exclusion of a code member and notifying that code member and the ICO of the outcome of the review or investigation.** |  | |  | |
| **6.3/6.4**  **The monitoring body shall report any substantial changes to the ICO immediately and without undue delay.**  **Substantial changes may include:**   1. **legal, financial, commercial, ownership or organisational status and key personnel;** 2. **resources and changes to UK legal entity; and** 3. **any changes to the basis for accreditation.** |  | |  | |
| **7. Code Review Mechanisms:** | | | | | |
| **Requirement:** | **Please state:**   * Document reference number (from Index) * Document name/title * Page number/ Paragraph number | | **Please fully explain how your organisation meets these requirements and describe how the documents you have provided support this** | |
| **7.1**  **The monitoring body will contribute to any review of the code and shall ensure that it has documented plans and procedures to review the operation of the code to ensure that it remains relevant to members and continues to meet the application of the UK GDPR.** |  | |  | |
| **7.2**  **The monitoring body shall also provide the ICO, the code owner and any other establishment / institution with an annual report on the operation of the code.**  **The report shall include:**   1. **information on new code members;** 2. **details of suspensions / exclusions to code members;** 3. **confirmation that a review of the code has taken place and the outcome of that review;** 4. **that there are no substantial changes; and** 5. **general information concerning breaches by code members, complaints and monitoring functions.** |  | |  | |
| **7.3**  **The monitoring body shall apply code updates and implement amendments / extensions to the code as instructed by the code owner.** |  | |  | |
| **7.4**  **The monitoring body shall ensure that information concerning its**  **monitoring functions is recorded and made available to the ICO as required.** |  | |  | |
| **8. Legal Status:** | | | | | |
| **Requirement:** | **Please state:**   * Document reference number (from Index) * Document name/title * Page number/ Paragraph number | | **Please fully explain how your organisation meets these requirements and describe how the documents you have provided support this.** | |
| **8.1**  **The monitoring body shall evidence that it has the appropriate standing to meet the requirements of being fully accountable in its role with sufficient financial and other resources and is able to take appropriate action in line with Article 41 UK GDPR** **and that it has access to adequate resource requirements to fulfil its monitoring responsibilities.** |  | |  | |
| **8.2**  **Monitoring body shall be a legal entity, or a defined part of a legal entity such that it is legally responsible for breaches of its monitoring activities.** |  | |  | |
| **8.3**  **The monitoring body shall be established in the UK.** |  | |  | |

**Monitoring Body Application - Document Index**

*Before completing this index you MUST read the ICO* [*Accreditation Requirements*](https://ico.org.uk/media/for-organisations/documents/4024815/uk-accreditation-requirements-for-code-of-conduct-202303.pdf) *for code of conduct monitoring bodies to ensure that you have provided sufficient evidence to demonstrate how you meet ALL the necessary requirements before submitting your application for approval.*

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Document Reference Number:** | **Document Title:** | **Relevant Document:**   * Section * Page/Para number | **ICO Requirement(s):**  List which ICO  Requirement  Number(s)  the document  evidences | **Document Type:**  (Training/finance/legal/  status/complaints  handling etc) | **Document Status:**  (Draft or Final) | **Checked:**  (ICO use) |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |

**By submitting this form, you are certifying that the information you have provided is true and accurate and that you have the relevant authority to make this application.**

*Please check you have enclosed all the required documentation. ICO cannot proceed with your application until all necessary evidence has been provided.*

Please then submit your completed application to [codesofconduct@ico.org.uk](mailto:codesofconduct@ico.org.uk).

**Signed:**

**Print Name:**

**Position:**

**Dated:**