



STATUTORY INSTRUMENTS.

S.I. No. 658 of 2007



DATA PROTECTION (FEES) REGULATIONS 2007

(Prn. A7/1762)

DATA PROTECTION (FEES) REGULATIONS 2007

I, BRIAN LENIHAN, Minister for Justice, Equality and Law Reform, in exercise of the powers conferred on me by sections 12A(10) (inserted by section 13 of the Data Protection Act 2003 (No. 6 of 2003)) and 17 of the Data Protection Act 1988 (No. 25 of 1988) and the Justice (Alteration of Name of Department and Title of Minister) Order 1997 (S.I. No. 298 of 1997), and, with the consent of the Minister for Finance, hereby make the following regulations:

1. (1) These Regulations may be cited as the Data Protection (Fees) Regulations 2007.

(2) These Regulations come into operation on 1 October 2007.

2. In these Regulations “Principal Act” means the Data Protection Act 1988 (No. 25 of 1988).

3. For the purposes of section 12A (inserted by section 13 of the Data Protection (Amendment) Act 2003 (No. 6 of 2003)) of the Principal Act, the prescribed fee in respect of the consideration by the Commissioner, in relation to proposed processing by a data controller, of the matters referred to in paragraphs (i) and (ii) of subsection (2) of that section is—

(a) €90, where the application or request is made by electronic means to the Commissioner in a format approved by the Commissioner, or

(b) €100, where the application or request is sent by post or fax or made in person.

4. For the purposes of section 17(2) of the Principal Act, the prescribed fee is—

(a) in respect of an application for registration made by a person who has more than 25 persons in his or her employment—

(i) €430, where the application is made by electronic means to the Commissioner in a format approved by the Commissioner, or

(ii) €480, where the application is sent by post or fax or made in person,

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 2nd October, 2007.

- (b) in respect of an application made by a person who has not fewer than 6 and not more than 25 persons in his or her employment—
 - (i) €90, where the application is made by electronic means to the Commissioner in a format approved by the Commissioner, or
 - (ii) €100, where the application is sent by post or fax or made in person,
 - (c) in respect of an application made by a person who has fewer than 6 persons in his or her employment—
 - (i) €35, where the application is made by electronic means to the Commissioner in a format approved by the Commissioner, or
 - (ii) €40, where the application is sent by post or fax or made in person.
5. For the purposes of section 17(7) of the Principal Act, the prescribed fee is—
- (a) in respect of an application for continuance of registration made by a person who has—
 - (i) more than 25 persons in his or her employment—
 - (I) €430, where the application is made by electronic means to the Commissioner in a format approved by the Commissioner, or
 - (II) €480, where the application is sent by post or fax or made in person,
 - (ii) not fewer than 6 and not more than 25 persons in his or her employment—
 - (I) €90, where the application is made by electronic means to the Commissioner in a format approved by the Commissioner, or
 - (II) €100, where the application is sent by post or fax or made in person,
 - (iii) fewer than 6 persons in his or her employment—
 - (I) €35, where the application is made by electronic means to the Commissioner in a format approved by the Commissioner, or
 - (II) €40, where the application is sent by post or fax or made in person,

(b) in respect of an application for alteration of the particulars in an entry in the register—

(i) €90, where the application is made by electronic means to the Commissioner in a format approved by the Commissioner, or

(ii) €100, where the application is sent by post or fax or made in person.

6. The Data Protection (Fees) Regulations 1996 (S.I. No. 105 of 1996) are revoked.



GIVEN under my Official Seal,
26 September 2007

BRIAN LENIHAN.
Minister for Justice, Equality and Law Reform.

The Minister for Finance hereby consents to the making of the foregoing Regulations.



GIVEN under my Official Seal,
26 September 2007

BRIAN COWEN.
Minister for Finance.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The regulations alter the fees payable by persons applying to be registered, or to have their registration continued, under the Data Protection Act 1988.

They provide for registration fees of €480 for persons who have more than 25 persons in employment; €100 for persons who have between 6 and 25 persons in employment; and €40 for all other persons. A 10% reduction will apply to on-line applications made using the website of the Office of the Data Protection Commissioner.

The regulations will come into effect on the 1st of October 2007.

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