

THE TRUSTEES OF THE ROBERTS PENSION  
SCHEME  
16 SCHOOL LANE  
ISLIP  
KETTERING  
NN14 3LQ



How to contact us

Payments and Penalties helpline:  
0303 123 1113  
Email:  
[paymentsandpenalties@ico.org.uk](mailto:paymentsandpenalties@ico.org.uk)

**STRICTLY PRIVATE & CONFIDENTIAL**

14 February 2023

Dear Sir / Madam

**NOTICE OF INTENTION TO ISSUE A PENALTY NOTICE UNDER THE DATA  
PROTECTION (CHARGES AND INFORMATION) REGULATIONS 2018**

Registration Number: ZA842869

Order Reference Number: 00cdc7550350

Expiry Date: 12 January 2023

I refer to the above matter, which has been the subject of previous data protection fee reminder correspondence issued by the Information Commissioner's Office (ICO). We sent this correspondence to the person your company nominated to deal with us on data protection fee issues. This is often a Data Protection Officer, a Director or a member of the finance team. Your contact details may not be up to date for the organisation, please email [paymentsandpenalties@ico.org.uk](mailto:paymentsandpenalties@ico.org.uk) if you need to update the contact details for the organisation.

Please find enclosed, by way of service, a Notice of Intent to issue a monetary penalty to **The Trustees of the Roberts Pension Scheme** under the above regulations unless either:-

- a) the requisite data protection fee of £40.00 is received by the Information Commissioner by 07 March 2023 or;
- b) representations are made to the Commissioner by 7 March 2023 by email to [paymentsandpenalties@ico.org.uk](mailto:paymentsandpenalties@ico.org.uk) or in writing explaining why The Trustees of the Roberts Pension Scheme is not required to pay a fee under the above regulations or if you wish to provide evidence that our assessment of the fee you are required to pay is incorrect.

the link: <https://ico.org.uk/rap>

If the matter ultimately proceeds to the issue of a Penalty Notice, you should be aware that its wording would not differ substantially from the Notice of Intent, although of course any representations made would be taken into account and we would correct any factual inaccuracy brought to our attention.



Any organisation issued with a Penalty Notice is subject to having their names listed on our website as per the above policy.

Action we've taken against organisations so far can be found at <https://ico.org.uk/penalty-notices>

If the matter subsequently results in a Penalty Notice being issued and payment is still not received then this will be subject to being passed to our external solicitors for collection.

If you have recently made a renewal payment or wish to contact us regarding this matter then please email [paymentsandpenalties@ico.org.uk](mailto:paymentsandpenalties@ico.org.uk) or call our helpline on 0303 123 1113 and ask to speak to a member of the Payments and Penalties team.

Yours faithfully

A handwritten signature in black ink, appearing to read 'T Shirley', with a stylized flourish at the end.

Traci Shirley  
Group Manager – Data Protection Fees  
Information Commissioner's Office

# **THE DATA PROTECTION ACT 2018**

**AND**

## **THE DATA PROTECTION (CHARGES AND INFORMATION) REGULATIONS 2018**

### **NOTICE OF INTENT**



To: THE TRUSTEES OF THE ROBERTS  
PENSION SCHEME


Of: 16 School Lane  
Islip  
Kettering  
NN14 3LQ

1. The Information Commissioner ("Commissioner") intends to issue  
The Trustees of the Roberts Pension Scheme  
with a penalty notice under section 155(1) (a) of the Data Protection  
Act 2018 ("DPA"). The penalty is being issued because of a failure  
to comply with regulations prescribing the payment of a charge to  
the Commissioner: the Data Protection (Charges and Information)  
Regulations 2018 ("the Regulations").
2. This notice explains the Commissioner's decision.

#### **Legal Framework**

3. The Trustees of the Roberts Pension Scheme  
is a data controller within the meaning of the DPA.
4. Under section 137 of the DPA, regulations may be made prescribing  
charges to be paid to the Commissioner by data controllers and  
requiring data controllers to provide the Commissioner with specified  
information.

failing as described in, inter alia, section 149(5).

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11. Section 149(5) describes a failure on the part of a controller to comply with regulations under section 137. The Regulations are regulations under section 137 DPA.
  12. In accordance with section 158, the Commissioner has published a document specifying the amount of the penalty for a failure to comply with the Regulations. This document is entitled 'Regulatory Action Policy' and is published on the Commissioner's website at <https://ico.org.uk/rap>
  13. The Commissioner has specified that for a breach of regulation 2(2) and/or regulation 2(3) the following penalties will be applied:
    - (1) A tier 1 organisation will be the subject of a £400 penalty;
    - (2) A tier 2 organisation will be the subject of a £600 penalty;
    - (3) A tier 3 organisation will be the subject of a £4,000 penalty.
  14. In accordance with section 158(3) and the Commissioner's published document, a higher penalty sum may be issued where there are aggravating factors. Aggravating factors may include failing to co-operate with the Commissioner, the provision of misleading or false information, or a previous history of non-compliance.
  15. For the avoidance of doubt, a penalty issued under section 155(1)(a) DPA is in addition to the charge set in regulation 3(1) of the regulations and payment of this penalty does not satisfy the requirement in regulation 2(2).



is a Tier 1 organisation under the provisions of the Data Protection Act (Charges and Information) Regulations 2018.

The information upon which the Commissioner has reached that view is as follows:



- (1) The previous registration for the organisation where it is identified as now being a Tier 1 organisation under the provisions of the Data Protection (Charges and Information) Regulations 2018.

### **The Amount of the Penalty**

24. In accordance with the Commissioner's statutory published guidance, the applicable fixed penalty amount is **£400.00**.

### **Conclusion**

25. The Commissioner intends to make a final decision as to whether to serve a penalty notice for such amount on or after **07 March 2023**. If you wish to make any representations as to why the Commissioner should not serve a penalty notice, or should not serve a penalty notice in the amount set out above, you must do so before that date. A sheet explaining the procedure for making representations is attached to this Notice of Intent as Annex 1.

## **ANNEX 1**

### **DATA PROTECTION ACT 2018**

#### **REPRESENTATIONS IN RESPONSE TO A NOTICE OF INTENT**



The Information Commissioner has power under section 155 of the Data Protection Act 2018 to serve a penalty notice on a data controller. Before that power is exercised, the Commissioner wishes to take account of all the relevant facts and arguments.

This Notice of Intent is to enable the person affected to put their side of the case. The Commissioner's intentions are set out in the accompanying Notice of Intent. If you wish to make representations on those matters you have an opportunity to do so. The closing date for this is in the accompanying Notice of Intent, and will not be less than 21 days from the date of the Notice.

Representations should be made in writing. You may wish to comment on the facts and views set out by the Commissioner or to make general remarks on the case and enclose documents or other material, including by reference to the Commissioner's published guidance.

All representations will be carefully considered by the Commissioner before a final decision is made.

Representations should be sent to The Payments and Penalties Team, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or by email to [paymentsandpenalties@ico.org.uk](mailto:paymentsandpenalties@ico.org.uk).