



TRUSTEES OF THE V & P PROPERTY PENSION
FUND 2
OFFICE 12
VENTURE WALES BUILDING
PENTREBACH
MERTHYR TYDFIL
CF48 4DR

How to contact us

Payments and Penalties helpline:
0303 123 1113
Email:
paymentsandpenalties@ico.org.uk

STRICTLY PRIVATE & CONFIDENTIAL

21 November 2024

Dear Sir / Madam

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

Organisation Name: Trustees of the V & P Property Pension Fund 2

Order Reference Number: 008cf475050e

Registration Number: ZA577351

Expiry Date: 10 December 2023

Your registration fee is now overdue

Please find enclosed a Notice of Intent to issue your organisation with a Monetary Penalty Notice of £400.00.

Despite our previous communication, you have failed to pay your data protection fee, as required by the Data Protection (Charges and Information) Regulations 2018.

A Monetary Penalty Notice will be served on your organisation unless you take one of the following steps:

- Pay the data protection fee of £40.00 before 19 December 2024; or
- Respond to this letter by 19 December 2024 to explain why your organisation does not need to pay the fee.

Amount required

Under the Regulations you must pay an annual fee of £40, £60 or £2900

depending on your size or turnover. **VAT is nil in all cases.**

Based on your last assessment you are now required to pay £40.00. However, you should use our tier assessment (see ico.org.uk/fee-self-assessment) to confirm how much you need to pay, and contact us immediately if your current assessment is wrong.

How to pay

To pay your fee go to our website: ico.org.uk/renew.

You can pay by:

- direct debit;
- credit or debit card;
- cheque; or
- BACS

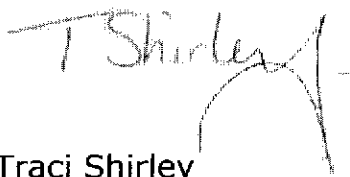
Your payment will be back dated to 10 December 2023, which was when your previous fee expired.

We look forward to hearing from you on or before 19 December 2024

If you want to speak to us, please contact us on 0303 123 1113.

If we send you a penalty notice, we may publish your name on our website.^[1]

Yours faithfully



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

Enc: Notice of Intent to issue a Monetary Penalty Notice

^[1] You can find out more about how we publish information about our regulatory work in our Communicating our Regulatory and Enforcement Activity Policy.

**THE DATA PROTECTION ACT 2018 AND THE DATA PROTECTION
(CHARGES AND INFORMATION) REGULATIONS 2018
NOTICE OF INTENT**

To: TRUSTEES OF THE V & P PROPERTY
PENSION FUND 2



Of: Office 12
Venture Wales Building
Pentrebach
Merthyr Tydfil
CF48 4DR

1. The Information Commissioner (the "**Commissioner**") is minded to issue Trustees of the V & P Property Pension Fund 2 with a penalty notice under section 155 of the Data Protection Act 2018 ("**DPA**"). The proposed penalty will be 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 of Intent explains what the Commissioner is minded to do, including the Commissioner's reasons for issuing the proposed penalty and the amount of the penalty. You now have an opportunity to pay the charge or to make representations if you consider that no monetary penalty should be imposed.

Legal Framework

3. Under section 137 of the DPA, the Secretary of State may issue regulations which set out charges data controllers must pay to the Commissioner. They also require data controllers to provide the Commissioner with specified information.
4. The Regulations came into force on 25 May 2018. Regulation 2 requires a data controller to pay an annual charge to the Commissioner (unless their data processing is exempt). It also requires the data controller to supply the Commissioner with specified information so that he can determine the relevant charge, based on turnover and staff numbers.
5. Section 155 (1) of the DPA provides that the Commissioner may serve a Penalty Notice on a person who has failed to comply with the provisions of the UK GDPR or DPA referred to in section 149(2) to (5) DPA.

6. A breach of the Regulations is a matter falling under section 149(5) DPA.
7. The Commissioner may only impose fixed penalties for a failure to comply with a requirement to pay charges to the Commissioner (see section 158 DPA). The Commissioner's guidance on fixed penalties is currently set out in the Regulatory Action Policy. [1]
8. Schedule 16 DPA makes provision as to the procedure for serving Penalty Notices, which includes the service of a Notice of Intent inviting written representations.

The Provisional Findings of Infringement

9. The Commissioner provisionally finds that:
 - a. Trustees of the V & P Property Pension Fund 2 is a data controller liable to pay a charge to the Commissioner under the Regulations.
 - b. The charge due from Trustees of the V & P Property Pension Fund 2 became due on 10 December 2023. The Commissioner calculates this date to be the beginning of the relevant charge period in accordance with regulation 2(6)(a).
 - c. In contravention of Regulation 2(2), no charge was paid to the Commissioner within 21 days.
 - d. In contravention of Regulation 2(3), no information was provided to the Commissioner within 21 days.
10. On the basis of the information available, the Commissioner is provisionally satisfied that Trustees of the V & P Property Pension Fund 2 is a tier 1 organisation under the provisions of the Regulations. The information upon which the Commissioner has reached that view is as follows:
 - a. The previous registration for the company where it is identified as now being a tier 1 organisation under the provisions of the Regulations 2018.

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.

The Amount of the Penalty

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

Conclusion



12. The Commissioner intends to make a final decision as to whether to serve a penalty notice for such amount on or after **19 December 2024**.
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.

Dated the 21 November 2024

Signed

A handwritten signature in black ink, appearing to read 'Traci Shirley', written over a dotted line.

Traci Shirley
Group Manager – Data Protection Fees
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF