



HM Revenue  
& Customs

# Transfer pricing documentation

## Consultation

Publication date: 23 March 2021

Closing date for comments: 1 June 2021

# Summary

## Subject of this consultation

The consultation seeks views on options for updating transfer pricing documentation requirements.

## Scope of this consultation

Contributions are sought on possible options and design ideas which could benefit UK business and HMRC.

## Who should read this?

All UK businesses within the scope of transfer pricing legislation, their advisers and representative bodies.

## Duration

The consultation will run for 10 weeks from 23 March 2021 to 1 June 2021.

## Lead official

Martin O'Rourke, Business Assets and International, HMRC

## How to respond or enquire about this consultation

Any responses or queries about this consultation should be sent by email to:

[transferpricingdocumentationconsultations@hmrc.gov.uk](mailto:transferpricingdocumentationconsultations@hmrc.gov.uk)

## Additional ways to be involved

Officials will hold meetings with interested stakeholders who wish to discuss the proposals. The consultation concerns specialist subject matter and officials will approach stakeholders that are likely to have an interest through established channels.

## After the consultation

The government will analyse the responses to the consultation and publish its response after the consultation closes. The response will address the government's findings regarding potential benefits and costs arising from any potential changes to transfer pricing documentation requirements. If the government concludes that there is merit in pursuing this course, then officials will work up a more detailed proposal with a view to announcing and implementing changes at a future fiscal event.

## Getting to this stage

The UK's current transfer pricing documentation requirements are governed by non-specific legislative record keeping requirements for UK businesses to keep records needed to deliver correct and complete returns.

HMRC has developed an efficient risk-based approach to co-operative compliance which looks to provide certainty, clarity, proportionality and speed of resolution, underpinned by high levels of professionalism and commercial understanding. Access to relevant information and data about businesses plays an important role in engaging effectively with businesses in areas of significant tax risk like transfer pricing. This consultation seeks to explore the possibility of updating transfer pricing documentation requirements to better align with the co-operative compliance model.

## Previous engagement

The government has not previously consulted on these possible options and design ideas.

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# 1. Introduction

## Why is HMRC considering updating transfer pricing documentation requirements?

1. Transfer pricing is a means of pricing transactions between connected parties, based on the internationally recognised arm's length principle which seeks to determine what the price would have been if the transactions had been carried out under comparable conditions by independent parties.
2. In recent years there have been significant developments in the field of international tax. It has been more than five years since the Organisation for Economic Cooperation and Development (OECD) presented a package of measures in response to the G20/OECD Base Erosion and Profit Shifting (BEPS) Action Plan including a requirement to develop rules regarding transfer pricing documentation. The final report on Action 13 of the Action Plan "Guidance on Transfer Pricing Documentation and Country-by-Country Reporting" (the Action 13 Final Report) introduced a minimum standard for transfer pricing documentation which led to the creation of the Country by Country (CbC) reporting regime.
3. As it is five years since the government adopted the minimum standard, now is an appropriate juncture to consider whether the current level of implementation continues to best serve the requirements of HMRC and UK businesses.
4. This document considers the case for updating and strengthening current transfer pricing documentation requirements to provide greater certainty for UK businesses, provide HMRC with better quality data to enable more efficient and targeted compliance interventions and align the UK's practice more closely with the transfer pricing documentation requirements of comparable tax administrations and the Action 13 Final Report.

## What are the proposed changes to update transfer pricing documentation requirements?

5. The government is considering the introduction of a requirement for affected UK businesses to keep, and produce promptly upon request, specific documentation to articulate and support the transfer pricing positions taken in their tax returns as described in the OECD standardised approach. In addition, HMRC is considering whether to require certain in scope businesses to include with their annual tax return details about material cross border transactions with associated enterprises.

## How will updating transfer pricing documentation requirements impact your business?

6. UK businesses are already required to keep and retain sufficient records to demonstrate that their tax returns are complete and accurate, including in respect of any figures affected by the transfer pricing rules. However, HMRC does not generally prescribe specific records that UK businesses must prepare or the format of those records. The proposed changes mean that HMRC would require UK businesses to keep certain

information relating to transfer pricing matters in standardised formats. Many UK businesses will already be keeping sufficient records to present the necessary information to HMRC, so to that extent there should be a limited impact as a result of the new requirements. UK businesses will be required to extract information from their existing records and to present this to HMRC promptly in a consistent manner.

### **What are the benefits of updating transfer pricing documentation requirements?**

7. In the last 5 years (2015/16 to 2019/20) HMRC has brought in over £6 billion in additional tax from transfer pricing compliance activities. This demonstrates that transfer pricing continues to be a major source of tax uncertainty for large UK businesses and a significant area of tax risk for HMRC.
8. The Action 13 Final Report recognised the importance of having the right information at the right time to identify and resolve transfer pricing risks. This led to the introduction of guidance on a standardised approach to transfer pricing documentation. The standardised approach consists of (i) a master file containing standardised information relevant for all multinational enterprise (MNE) group members; (ii) a local file referring specifically to material transactions of the local taxpayer; and (iii) a CbC report for the largest MNE groups containing aggregate data on the global allocation of income, profit, taxes paid and economic activity among the tax jurisdictions in which it operates.
9. The UK implemented the CbC minimum standard but did not introduce specific requirements regarding master file and local file because the UK already had broad record keeping requirements. Experience has shown that the absence of specific transfer pricing documentation requirements, and supporting guidance, has created a degree of uncertainty for UK businesses regarding the appropriate transfer pricing documentation they need to keep, leading to inconsistency of approach.
10. Comparable tax jurisdictions already require their businesses to file an annual return summarising their cross border transfer pricing transactions with associated businesses. Introducing a similar requirement for UK businesses would align the UK with the practices of comparable jurisdictions and could lead to fewer and more targeted compliance interventions.
11. Accessing high quality data in a standardised format would enable HMRC to use more data driven autonomous risk assessment and profiling. This means that HMRC will be able to target resources more efficiently and to reduce the time taken to establish the facts in compliance interventions. Similarly, UK businesses should benefit from the increased visibility of this data when preparing tax returns and this may encourage and incentivise businesses that adopt higher risk transfer pricing positions to change their behaviour.
12. The government recognises that it is important to weigh the benefits of introducing changes to transfer pricing documentation requirements against the potential impact that new requirements would have on businesses. To the extent that proposed changes formalise what business already do, or are required to do in other countries, this should minimise impacts for UK businesses. A key aim of the consultation is to enable the government to listen to UK businesses about how design options could achieve the right

balance.

13. Furthermore, if this consultation leads to changes, the government is mindful of making best use of existing legislation and powers available to HMRC and ensuring that adequate safeguards are in place.

### **Next steps**

14. Following this consultation HMRC will reflect on the responses to determine if there are sufficient grounds to consider updating transfer pricing documentation requirements.

## 2. Master File and Local File

### Background

15. In 2013, the OECD launched the action plan on BEPS to review a range of international tax issues in order to counter BEPS. In October 2015, the OECD published the Action 13 Final Report introducing a three-tiered approach to transfer pricing documentation to encourage a global standardised approach that multinational businesses would be expected to follow. The key elements of the Action 13 Final Report were later incorporated into Chapter 5 of the OECD's Transfer Pricing Guidelines (2017) (TPG).
16. The standardised approach was designed to ensure that multinational businesses gave appropriate consideration to transfer pricing documentation with regards to transactions between associated enterprises when setting prices and compiling tax returns. In addition, the standardised approach was expected to provide tax administrations with information to carry out informed risk assessment and tax enquiries.

### UK Implementation of Action 13 Final Report

17. The UK was one of the first countries to commit to the OECD minimum standard on CbC reporting. Detailed implementation was given effect through 'The Taxes (Base Erosion and Profit Shifting) (Country-by-Country Reporting) Regulations 2016', which introduced a filing requirement for specific entities, generally the Ultimate Parent Entity, of an affected group within scope of the reporting regime (consolidated group turnover of Euro 750 million or more) to file a CbC report.
18. The OECD recommended that the master file and local file elements of the standardised approach should be implemented through domestic legislation or administrative procedures. In the UK transfer pricing was covered through the existing legislative frameworks for record keeping as set out below.
19. The existing rules regarding the duty to keep and preserve records are set out in paragraph 21(1) of schedule 18 to the Finance Act 1998 which states that:

A company which may be required to deliver a company tax return for any period must:

  - (a) keep such records as may be needed to enable it to deliver a correct and complete return for the period, and
  - (b) preserve those records in accordance with this paragraph
20. Similar rules for unincorporated businesses are contained in section 12B Taxes Management Act 1970.

### Review of current practice

21. HMRC has experience of working with other tax authorities in collaborative cross border activities. In such cases the master file and local file are more readily available. This information adds value by improving understanding of transactions between associated enterprises which reduces the burden on MNEs to provide that level of understanding.



22. HMRC has consulted other tax authorities which impose specific transfer pricing documentation requirements on businesses and has received positive feedback about how availability and access to the master file and local file improves tax compliance interventions and risk assessment.
23. HMRC's current approach to transfer pricing documentation requirements is not aligned with that of other tax authorities. Most of the other jurisdictions HMRC has consulted require MNEs to submit the master file and local file annually and/or require the submission of some additional form of international dealings schedule (IDS) which provides better information on transactions between associated enterprises.
24. When a transfer pricing enquiry starts, a business may spend considerable time providing HMRC with a clear understanding of the relevant facts for their transfer pricing position. Early access to standardised documentation should lead to more effective, focused and timely enquiries. In addition, a standardised approach could provide greater certainty for businesses and enable a more proactive approach to record keeping. Maintaining standardised transfer pricing documentation would provide a platform for discussions between tax advisers and their clients during the preparation of tax returns.

### Scope of potential options

25. The government is seeking views on the introduction of a mandatory requirement for MNEs within CbC reporting groups to provide HMRC with a copy of the master file upon request and to keep (and produce on request) a local file.
26. The government's expectation is that the majority of groups within the CbC reporting regime will routinely be creating a master file. Consequently, providing HMRC with a copy should not impose a significant additional burden.
27. The government recognises that proportionality is a significant factor when introducing changes to transfer pricing documentation requirements for groups not within the CbC reporting regime which may not routinely be preparing master files. Other tax administrations generally exclude these groups from the requirement and the government considers that it would be appropriate to take the same approach in the UK.

**Question 1: Do you agree that most MNE groups within the CbC reporting regime will already routinely be preparing master files to comply with the OECD's standardised approach and to comply with transfer pricing documentation requirements in other countries?**

**Question 2: In the event that a MNE reports that the group does not maintain a master file or that the master file is not within the power or possession of the MNE, what steps could be taken to ensure equality of treatment?**

**Question 3: Do you agree that any new master file requirement should apply only to MNEs within CbC reporting groups?**

28. The government is also considering a requirement for MNEs to produce a local file upon request. Assuming that UK MNEs already keep sufficient records to demonstrate compliance with the OECD's standardised approach, this should not require many UK

businesses to maintain any additional underlying records, but it would require them to produce summaries of the information in a prescribed manner.

**Question 4: The government would welcome observations on the extent to which local file requirements align with transfer pricing documentation which MNEs already routinely maintain.**

29. The government would also like to explore the benefits of requiring the local file to be supported by some form of evidence log setting out key facts, potentially as an appendix to local file documentation. At present, we are not exploring the requirement to include an evidence log for the master file.
30. The local file includes details of transactions and demonstrates how an appropriate transfer pricing methodology has been selected and applied. HMRC's experience and feedback from tax advisers has identified that a common difficulty in transfer pricing enquiries relates to distinguishing underlying facts and evidence from technical opinions. Greater clarity regarding the underlying facts and evidence would enable HMRC and customers to focus on substantive technical issues rather than spending significant time on fact finding.
31. HMRC currently uses the evidence log approach in the Profit Diversion Compliance Facility (PDCF) and feedback from business and tax advisers indicates that this provides a positive benefit for UK businesses and HMRC. The PDCF guidance provides an example at 'Annex B: example of evidence log' whereby the key evidence, upon which technical opinions are based, is disclosed separately to enable readers of a transfer pricing report to distinguish facts from technical analysis and opinion.
32. Greater transparency on evidence underpinning the facts could support more focused compliance interventions and enable faster resolution of enquiries by reducing long periods of fact finding. There could be an opportunity to provide further practical guidance on local file documentation and the use of evidence logs, or similar, to identify key facts and evidence.

**Question 5: The government invites comments on the possibility of issuing further practical guidance about local file documentation, including the possible requirement to maintain an evidence log or similar appendix.**

33. In keeping with the desire for proportionality in respect of the master file, the government's current thinking is that any requirement for a local file should be restricted to UK MNEs within a CbC reporting group.

**Question 6: Do you think that requiring MNEs within the scope of the CbC reporting regime to maintain local file is proportionate?**

34. The master file and local file would need to be produced upon request. The government would wish to allow a reasonable amount of time for businesses to comply with a request to produce the master file and local file. In the event that the government introduced these changes to transfer pricing documentation requirements, it is expected that MNEs will use the master file and local file to support their tax returns. Therefore, it seems reasonable that 30 days after a request would be sufficient to provide these documents to HMRC.

**Question 7: Do you agree that 30 days is an appropriate timescale for production of the master file and local file?**

35. A failure to produce the master file and local file within the required time would be taken into account by HMRC when considering whether reasonable care had been taken in the preparation of the tax return.

36. HMRC recognises that for groups within the CbC reporting regime it may be appropriate to consider minimum values to focus requirements on sufficiently material transactions, in line with the OECD's standardised approach.

**Question 8: What metrics would be appropriate to determine de minimis thresholds?**

**Question 9: If a MNE considers all its transactions to be not material, should that mean the MNE is (i) required to submit an annual declaration to that effect or (ii) obliged to provide a short form local file upon request?**

**Question 10: With regard to the proposals in this chapter the government would welcome any other observations, comments or suggestions.**

# 3. International Dealings Schedule

## Background

37. A number of tax authorities require businesses to file an annual schedule reporting data about cross border transactions through some form of IDS, in addition to any requirement for a master file and local file.
38. The schedule collects structured data in a format that can be usefully explored and analysed. Other tax authorities use structured IDS data to efficiently scale-up automated risk assessment across business populations and to make better compliance intervention decisions. For example, concentrating resource on higher risk enquiries has led to more focused investigations and speedier resolution for businesses. Where there is no requirement to file a master file and local file, an IDS provides upfront data to improve the efficiency and effectiveness of risk assessment leading to fewer and more targeted enquiries.

## IDS content

39. If the government introduced a system similar to the IDS, then it is anticipated that the information asked for within an IDS would be available through business as usual record keeping and existing business compliance systems.
40. The IDS could be used to report transactional data to HMRC in a structured format so that the data can be analysed and interrogated as part of risk assessment activity. The data would provide increased visibility of intragroup transactions to enable more focused and efficient HMRC compliance activity. For example, the data could give HMRC a clearer and upfront understanding of types and levels of intragroup arrangements rather than needing to contact the customer directly to gather such data.
41. Introducing an IDS could be potentially transformative for HMRC data-led compliance and risk assessment for transfer pricing. In practice, that would mean using quality data to deliver risk assessment that more accurately identifies transfer pricing risks and enables HMRC to reduce questions to customers because the data would provide more clarity upfront. More accurate risk assessments could benefit customers by reducing the number of enquiries opened to begin with. Additionally, where enquiries are opened, the data could enable a greater focus on the significant transfer pricing risks at the outset and lead to a reduction in the time to resolve enquiries.
42. Potential ideas for the types of data and information that could be reported via an IDS might include:
- The nature and amount of specific types of transactions
  - Details of financial dealings
  - Compensation, receipts or payments of a non-financial nature
  - Information on restructuring activity
  - Information on the transfer pricing methodologies applied
  - Information on the level and type of supporting documentation for the transfer pricing methodology selected and applied
  - Counterparty details for transactions including identity and country location

- Information on activities
- Corporate group information (to enable entity level data to be combined and attributed to a particular MNE group)

**Question 11: The government welcomes comments about the extent to which your accounting/reporting system(s) can, or cannot, provide relevant to transfer pricing data and information.**

**Question 12: The government welcomes comments on ideas for appropriate types of data and information which could be requested through an IDS filing requirement.**

**Question 13: Please provide details of any impacts on administrative burdens which you could anticipate resulting from the introduction of an IDS requirement.**

### **International approaches**

43. Tax authorities in other territories have implemented an IDS or other such enhanced reporting requirements for transfer pricing. We have looked at examples of transfer pricing reporting requirements in other tax authorities to understand the nature and scope of these requirements. Links to several examples of IDS-style forms, in the public domain, are set out in Appendix B.

**Question 14: Businesses and advisers may have awareness or direct experience of reporting requirements for other tax authorities. The government welcomes comments or observations based on your experiences in other jurisdictions. If so, what processes work well to extract and report the relevant data?**

### **IDS scope and reporting thresholds**

44. In terms of scope, the government is exploring the idea that all UK businesses in scope of UK transfer pricing legislation would be required to file an IDS providing details about cross border, intragroup transactions where the counterparty is in another territory. Small and medium sized businesses are generally exempt from the requirement to apply transfer pricing and therefore would not be in scope of the IDS.

45. UK-UK transactions would be excluded. This would ensure that any requirement was focused on the areas of greatest tax risk and would align with the OECD recommendations and the approach taken in other countries.

46. In the event the government updated transfer pricing documentation requirements, it would explore materiality limits to exclude some transactions from reporting requirements and reduce potential administrative burdens. Transactions could be excluded according to materiality by size or nature. For example, some very small transactions may not need to be reported, or transactions of a very low risk nature could be excluded.

47. The government could explore how transactions might be efficiently reported. For example, where a business has many small transactions of a very similar nature then these could be aggregated and reported as a single figure in the IDS.

**Question 15: The government welcomes comments and suggestions on appropriate metrics to determine materiality limits and transactions which could be aggregated.**

48. The government could explore an option for one entity in the UK group to file a version of the IDS on behalf of other UK group entities. In such a case, a voluntary option for one group entity to file on behalf of other group entities may help to streamline administration.

**Question 16: Please comment on a possible option for one entity to file a version of the IDS on behalf of other UK group entities.**

49. The government encourages engagement with the consultation process to ensure potential new requirements are designed collaboratively and work well for businesses.

### **IDS Format and submission methods**

50. If the IDS formed part of the tax return, then the filing requirement would be aligned with the existing legislative framework. Consideration could be given as to whether a standard tax return schedule (for example, a CT600 supplementary page) would provide sufficient flexibility for data mining. Or, if a standalone schedule might be more useful.

51. If an IDS was introduced, the aim would be to make the format user friendly for businesses and agents while enabling HMRC to extract and analyse the data received in the IDS. The IDS could be structured using different sections by theme, for example, financial dealings, non-financial dealings, restructuring transactions and so on.

**Question 17: The government welcomes views on the format and structure of the IDS.**

**Question 18: With regard to the proposals in this chapter the government would welcome any other observations, comments or suggestions.**

## 4. Assessment of impacts

### Summary of impacts

The Exchequer impacts of strengthening transfer pricing documentation requirements will depend on the final and detailed policy design, which will be informed by this consultation. The final costings will be subject to scrutiny by the Office for Budget Responsibility.

Year	2020 -21	2021 -22	2022 -23	2023 -24	2024 -25	2025 -26
<b>Exchequer impact (£m)</b>						

Impacts	Comment
Economic impact	The economic impacts of strengthening transfer pricing documentation requirements will be identified following consultation and final design of the policy.
Impact on individuals, households and families	<p>The impact on individuals, households and families of updating transfer pricing documentation requirements will depend on the final and detailed policy design, which will be informed by this consultation.</p> <p>There are no impacts on individuals at present. Any future impacts on individuals will be fully examined and detailed. There is expected to be no impact on family formation, stability or breakdown.</p>
Equalities impacts	<p>The equalities impacts of updating transfer pricing documentation requirements will depend on the final and detailed policy design, which will be informed by this consultation.</p> <p>HMRC will work up the measure following consultation and we will undertake full relevant consideration of this aspect.</p>
Impact on businesses and Civil Society Organisations	The impact on businesses and civil society organisations of updating transfer pricing documentation requirements will depend on the final and detailed policy design, which will be informed by this consultation.

	There are no impacts on businesses or civil society organisations at present. Any future impacts on businesses or civil society organisations will be fully examined and detailed.
Impact on HMRC or other public sector delivery organisations	As this is a public consultation, there is no operational impact. The public consultation process will be handled by relevant departmental staff as part of business as usual activities.
Other impacts	None.



## 5. Summary of consultation questions

**Question 1:** Do you agree that most MNE groups within the CbC reporting regime will already routinely be preparing master files to comply with the OECD's standardised approach and to comply with transfer pricing documentation requirements in other countries?

**Question 2:** In the event that a MNE reports that the group does not maintain a master file or that the master file is not within the power or possession of the MNE, what steps could be taken to ensure equality of treatment?

**Question 3:** Do you agree that any new master file requirement should apply only to MNEs within CbC reporting groups?

**Question 4:** The government would welcome observations on the extent to which local file requirements align with transfer pricing documentation which MNEs already routinely maintain.

**Question 5:** The government invites comments on the possibility of issuing further practical guidance about local file documentation, including the possible requirement to maintain an evidence log or similar appendix.

**Question 6:** Do you think that requiring MNEs within the scope of the CbC reporting regime to maintain local file is proportionate?

**Question 7:** Do you agree that 30 days is an appropriate timescale for production of the master file and local file?

**Question 8:** What metrics would be appropriate to determine de minimis thresholds?

**Question 9:** If a MNE considers all its transactions to be not material, should that mean the MNE is (i) required to submit an annual declaration to that effect or (ii) obliged to provide a short form local file upon request?

**Question 10:** With regard to the proposals in this chapter the government would welcome any other observations, comments or suggestions.

**Question 11:** The government welcomes comments about the extent to which your accounting/reporting system(s) can, or cannot, provide relevant to transfer pricing data and information.

**Question 12:** The government welcomes comments on ideas for appropriate types of data and information which could be requested through an IDS filing requirement.

**Question 13:** Please provide details of any impacts on administrative burdens which you could anticipate resulting from the introduction of an IDS requirement.

**Question 14:** Businesses and advisers may have awareness or direct experience of reporting requirements for other tax authorities. The government welcomes comments or observations based on your experiences in other jurisdictions. If so, what processes work well to extract and report the relevant data?

**Question 15:** The government welcomes comments and suggestions on appropriate metrics to determine materiality limits and transactions which could be aggregated.

**Question 16: Please comment on a possible option for one entity to file a version of the IDS on behalf of other UK group entities.**

**Question 17: The government welcomes views on the format and structure of the IDS.**

**Question 18: With regard to the proposals in this chapter the government would welcome any other observations, comments or suggestions.**

## 6. The consultation process

This consultation is being conducted in line with the Tax Consultation Framework. There are 5 stages to tax policy development:

- Stage 1      Setting out objectives and identifying options.
- Stage 2      Determining the best option and developing a framework for implementation including detailed policy design.
- Stage 3      Drafting legislation to effect the proposed change.
- Stage 4      Implementing and monitoring the change.
- Stage 5      Reviewing and evaluating the change.

This consultation is taking place during stage 1 of the process. The purpose of the consultation is to seek views on the policy design and any suitable possible alternatives, before consulting later on a specific proposal for reform.

### How to respond

A summary of the questions in this consultation is included at chapter 5.

Responses should be sent by 1 June 2021,

by email to:

[transferpricingdocumentationconsultations@hmrc.gov.uk](mailto:transferpricingdocumentationconsultations@hmrc.gov.uk)

Telephone enquiries to 03000 515 912 (Martin O'Rourke) or 03000 547 514 (Adam Rae) (from a text phone prefix this number with 18001)

Please do not send consultation responses to the Consultation Coordinator.

Paper copies of this document or copies in Welsh and alternative formats (large print, audio and Braille) may be obtained free of charge from the above address. This document can also be accessed from [HMRC's GOV.UK pages](#). All responses will be acknowledged, but it will not be possible to give substantive replies to individual representations.

When responding please say if you are a business, individual or representative body. In the case of representative bodies please provide information on the number and nature of people you represent.

### Confidentiality

HMRC is committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information about you in accordance with data protection law, including the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act (DPA) 2018.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes. These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018, UK General Data Protection Regulation (UK GDPR) and the Environmental Information Regulations 2004.

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals with, amongst other things, obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on HM Revenue and Customs.

## **Consultation Privacy Notice**

This notice sets out how we will use your personal data, and your rights. It is made under Articles 13 and/or 14 of the UK General Data Protection Regulation.

### **Your data**

We will process the following personal data:

Name

Email address

Postal address

Phone number

Job title

### **Purpose**

The purpose(s) for which we are processing your personal data is to collate responses to this public consultation on Transfer Pricing Documentation.

### **Legal basis of processing**

The legal basis for processing your personal data is that the processing is necessary for the exercise of a function of a government department.

### **Recipients**

Your personal data will be shared by us with HM Treasury as part of sharing the responses to this public consultation on Transfer Pricing Documentation.

## Retention

Your personal data will be kept by us for six years and will then be deleted.

## Your rights

- You have the right to request information about how your personal data are processed, and to request a copy of that personal data.
- You have the right to request that any inaccuracies in your personal data are rectified without delay.
- You have the right to request that any incomplete personal data are completed, including by means of a supplementary statement.
- You have the right to request that your personal data are erased if there is no longer a justification for them to be processed.
- You have the right in certain circumstances (for example, where accuracy is contested) to request that the processing of your personal data is restricted.

## Complaints

If you consider that your personal data has been misused or mishandled, you may make a complaint to the Information Commissioner, who is an independent regulator. The Information Commissioner can be contacted at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

0303 123 1113

[casework@ico.org.uk](mailto:casework@ico.org.uk)

Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.

## Contact details

The data controller for your personal data is HM Revenue and Customs. The contact details for the data controller are:

HMRC  
100 Parliament Street  
Westminster  
London SW1A 2BQ

The contact details for HMRC's Data Protection Officer are:

The Data Protection Officer  
HM Revenue and Customs  
14 Westfield Avenue  
Stratford, London E20 1HZ  
[advice.dpa@hmrc.gov.uk](mailto:advice.dpa@hmrc.gov.uk)

## Consultation principles

This call for evidence is being run in accordance with the government's Consultation Principles.

The Consultation Principles are available on the Cabinet Office website: [Consultation Principles Guidance](#)

If you have any comments or complaints about the consultation process, please contact the Consultation Coordinator using the following link:

[Submit a comment or complaint about HMRC consultations](#)

Please do not send responses to the consultation to this link.

# Annex A: Relevant Government Legislation

[Taxation \(International and Other Provisions\) Act 2010, Part 4](#)

[Taxes Management Act 1970](#)

[Finance Act 1998](#)

## Annex B: Examples of IDS-style forms

<b>Australia</b>	<p>The Australian Taxation Office has published guidance and a link to the International Dealings Schedule.</p> <p>(<a href="https://www.ato.gov.au/Forms/International-dealings-schedule-2020/">https://www.ato.gov.au/Forms/International-dealings-schedule-2020/</a>)</p>
<b>Belgium</b>	<p>The Belgian General Administration of Taxation has 'Statement 275 LF' which is a structured template concerning local file transfer pricing information.</p> <p>(<a href="https://finances.belgium.be/sites/default/files/downloads/126-local-file-20170517.pdf">https://finances.belgium.be/sites/default/files/downloads/126-local-file-20170517.pdf</a>)</p>
<b>Denmark</b>	<p>The Danish Tax Agency uses Form 05.022, a 'Controlled transactions – Appendix to the income tax return'.</p> <p>(<a href="https://skat.dk/skat.aspx?oid=80684">https://skat.dk/skat.aspx?oid=80684</a>)</p>