



Department for
Business, Energy
& Industrial Strategy

Office of the Regulator of
Community Interest Companies

PRIVACY NOTICE

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PRIVACY NOTICE

This privacy notice sets out how we handle your personal data and how we comply with the requirements of the UK General Data Protection Regulation (UK GDPR).

The Regulator of Community Interest Companies ("the Regulator") is an independent statutory office-holder, appointed by the Secretary of State of the Department for Business Energy & Industrial Strategy (BEIS). The Regulator adopts the systems and controls of BEIS, further details here: <https://www.gov.uk/government/organisations/department-for-business-energy-and-industrial-strategy/about/personal-information-charter>

Community Interest Companies (CICs) are limited companies. As limited companies all CICs are registered by the Registrar of Companies for England & Wales, Northern Ireland or Scotland.

If you are an officer of a company or other corporate entity

All CIC applications are submitted to the Registrar of companies (“the Registrar”). Details of how the Registrar handles the personal data of officers of companies; other corporate entities and complies with the requirements of the UK General Data Protection Regulation (UK GDPR) can be found here: <https://www.gov.uk/government/organisations/companies-house/about/personal-information-charter>

The Registrar must provide the Regulator with copies of certain CIC documents, and await the Regulator’s determination, before the Registrar considers these further. The Regulator is assisted by Companies house staff who work within the Office of the Regulator of Community Interest Companies.

Identity of Controller and Data Protection Officer (DPO)

The Registrar is a controller for personal data appearing on the public register.

The Regulator is a controller for personal data when considering CIC applications.

The Data Protection Officer (DPO) for the Office of the Regulator of Community Interest Companies can be contacted at dpo@companieshouse.gov.uk

Purpose for processing

The Registrar has a legal duty to register company information and make it publicly available under the Companies Act 2006. The Regulator has a legal duty to consider CIC information meets CIC legal requirements under the CAICE Act 2004; CIC Regulations 2005; CIC Amendment Regulations 2009 and any other relevant legislation.

Lawful basis for processing

All processing will comply with Company Law and CIC legislation.

Part 35 of the Companies Act 2006 sets out the registrar’s obligations, including the requirement to make information, including personal data, available for public inspection. It also sets out many of the requirements for handling personal data - including how it can be rectified in certain circumstances, and how inaccuracies can be amended.

The UK GDPR is legislation that gives legal effect in the UK to the GDPR, which, as a European Regulation, previously had direct effect. This means that, unless otherwise stated in this charter, the provisions previously set out in the GDPR still apply.

The Data Protection Act 2018 provides for some domestic exemptions for the UK. Paragraph 5 of Schedule 2 Part 1 of the Data Protection Act 2018 provides the following exemption from specified UK GDPR provisions:

“The listed GDPR provisions do not apply to personal data consisting of information that the controller is obliged by an enactment to make available to the public, to the extent that

the application of those provisions would prevent the controller from complying with that obligation.”

Since the registrar is required by the Companies Act to make information available to the public, they’re entitled to rely on this exemption. Therefore, they have an exemption from some elements of the UK GDPR, including:

the requirement to provide ‘privacy notices’ to individuals

the requirement to provide personal data in response to subject access requests

the requirement to rectify personal data when it is inaccurate

the requirement to comply with requests to be ‘forgotten’

most of the principles of the UK GDPR

This means it’s unlikely the registrar will be required, or able, to comply with any exercise of these UK GDPR rights in respect of personal data appearing on the public register.

For example, the registrar will be unable to comply with any request for an individual to be ‘forgotten’ from the public register where they have a legal obligation under the Companies Act to continue to make this personal data available.

If you have any queries or concerns about this, you can contact the DPO at dpo@companieshouse.gov.uk.

Non-public data

Some personal data is not placed on the public register. This includes complaint information.

In some circumstances, and only where permitted or required by law, the Regulator may share this data with other organisations as follows:

- Other government departments and enforcement agencies.
- Legal Counsel (in rare complex cases)

We may share your personal data with:

- debt recovery agents and their appointed solicitors
- commercial printers (for instance when we need to print statutory notices)
- Sharing will only take place in certain circumstances, and only where permitted or required by law.

Data processors

The Registrar is a controller for personal data appearing on the register, the Regulator does not act as a data processor (as defined by the UK GDPR) for the maintenance of the public register.

In some cases, third party organisations act as data processors to carry out elements of processing. In all cases, contracts with these companies have been reviewed for UK GDPR, and assurance received from all third-party processors of their own UK GDPR compliance. The organisations employed under contract as data processors are:

- Cloud services in the UK or EU/EEA
- UK based secure disposal
- Mail delivery and printing
- Adjudicators for appeals of late filing penalties
- UK based debt recovery

Overseas transfers

The register of companies is freely accessible and available to the public, including overseas. Article 49(1)(g) of the UK GDPR states that a transfer of personal data overseas can take place in the absence of specific safeguards where the transfer is made from a register intended to provide information to the public. This means the Registrar does not need to consider the adequacy of data protection regimes in all countries before making the public register freely available online.

If you've contacted us with a complaint or enquiry

This section of the Privacy Notice sets out how the Regulator complies with the requirements of the GDPR in handling enquires: including complaints, FOIs, telephone calls and other contacts.

The Regulator has no control over the personal data included in customer or third-party correspondence, or additional data provided therein. The Regulator would recommend the amount of personal data included in correspondence is limited in so far as is reasonable. Once received, personal data (and that of any third parties identifiable from correspondence) will be handled as follows:

Identity of controller and data protection officer (DPO)

The Regulator is the controller of your personal data. This means it's the Regulator who decides how and why your personal data is processed.

Data Processors

When you write to us or call us, your enquiry will be handled by the Office of the Regulator of Community Interest Companies. Under the Regulator's investigation powers, in certain circumstances (for instance if an individual or company is being investigated), the Regulator may share information with [other](#) government departments or enforcement agencies.

In some cases, third party organisations act as data processors to carry out elements of processing. In all cases, contracts with these companies have been reviewed for UK GDPR, and assurance received from all third-party processors of their own UK GDPR compliance. The organisations employed under contract as data processors are:

- Cloud services in the UK or EU/EEA
- UK based secure disposal
- Mail delivery and printing
- Adjudicators for appeals of late filing penalties
- UK based debt recovery

Purpose for processing

Personal data will only be used for the purpose of handling, investigating and resolving issues. The Office of the Regulator of Community Interest Companies will use the contact details provided to respond to correspondence as necessary. If the complaint is about a third party, the Office of the Regulator of Community Interest Companies may use the contact details provided in any investigation of the issue.

Lawful basis for processing

The Regulator's core public function is to ensure companies that are CICs comply with their obligations as a CIC and make sure there is community benefit. The handling of complaints and enquiries about CICs is a process that is necessary for the Regulator's public function.

Who we share data with

In certain circumstances, and only where permitted or required by law, the Office of the Regulator of Community Interest Companies may share data with other government departments and enforcement agencies.

Retention of personal data

The Regulator retains written correspondence from customers in line with the Registrar's systems and controls. <https://www.gov.uk/government/organisations/companies-house/about/personal-information-charter>

The right to withdraw consent

You have the right to withdraw your consent at any time where the Regulator is relying on consent to process your personal data.

Individual Rights

The UK GDPR provides certain rights that individuals may exercise in respect of their own personal data. If you would like to exercise any of these rights, you can contact the DPO

There may be some circumstances in which your request cannot be complied with – for instance if we have a legal obligation to keep data, or to process it in a particular way. All requests to exercise UK GDPR rights will be handled on a case by case basis. A list of rights under the UK GDPR is accessible at: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

Complaints

If you are dissatisfied with the way the Regulator is managing your personal data, please let us know in the first instance by writing to dpo@companieshouse.gov.uk.

If you remain dissatisfied, you can raise your concerns with the Information Commissioner's Office (ICO).

The right to lodge a complaint with a supervisory authority

You have the right to lodge a complaint with the ICO (supervisory authority) at any time. Should you wish to exercise that right full details are available at: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

If you're a subscriber to our communication services

This part of the privacy notice applies to subscribers of our communications, such as webinars or other digital services.

We only send information to people who've explicitly given their consent to receive our communications. If you no longer wish to receive communications from us, you can unsubscribe at any time.

Identity of controller

The Regulator is the controller for all personal data collected from subscribers. This means it's the Regulator who decides how and why your personal data is processed.

Data protection officer contact details

The Data Protection Officer can be contacted at dpo@companieshouse.gov.uk.

Purpose for processing

If you subscribe to our communications channels, your personal details are held only for the purpose of e-mailing you news and information about the Regulator which we think may be of interest to you.

Lawful basis for processing

We only process your personal information where we have your explicit consent. We make sure the consent you've provided meets the strict conditions of the GDPR.

Who we share your data with

We employ third-party organisations to deliver our communications to customers. In this capacity, these organisations are also acting as data processors.

In all cases, contracts with such companies have been reviewed in light of UK GDPR, and we've had assurance from all third-party processors of their own UK GDPR compliance. We use a third-party to present webinars on behalf of the Regulator.

Retention of personal data

Personal data collected for the purpose of sending you communications, will be retained by the Regulator for as long as you wish to remain subscribed to the communication channel. You can unsubscribe at any time.

Individual rights

The UK GDPR provides certain rights that individuals may exercise in respect of their own personal data. If you want to exercise any of these rights, please [contact the DPO](#).

Complaints

If you are dissatisfied with the way the Regulator is managing your personal data, please let us know in the first instance by writing to dpo@companieshouse.gov.uk.

If you remain dissatisfied, you can raise your concerns with the Information Commissioner's Office (ICO).

The right to lodge a complaint with a supervisory authority

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