

ODPA Levy Collection Agents – Template for *Certificate of Exemption*

- **What is a *Certificate of Exemption*?**

A *Certificate of Exemption* is evidence that the ODPA Levy Collection Agent (LCA) has collected the relevant annual levy from the controller or processor who is using them to forward the annual levy in any given year. This demonstrates that the controller or processor is exempt from the requirement to register directly with, or pay the annual levy directly to, the ODPA, having paid this annual levy by via the LCA. The ODPA may request the *Certificate of Exemption* in order to ascertain whether a controller or processor has paid the annual levy required.

It is the LCA's responsibility to issue the Certificate to the controller or processor.

A controller or processor who registers with an ODPA LCA **retains all legal responsibility as well as liability for data protection compliance.**

Instructions for use:

The template below is a guide for the minimum information that ODPA Levy Collection Agents (LCAs) should collect from and provide to the entities they are registering with the ODPA.

1. The LCA **must complete the yellow highlighted information** for each Certificate they are issuing.
2. If necessary, the LCA can transfer the text of the template below into another format, as long as the final version of the Certificate is issued to the registered entity as a standalone file.

The Data Protection (Bailiwick of Guernsey) Law, 2017

Certificate of Exemption

This certificate is issued for the purposes of the *Data Protection (General Provisions) (Bailiwick of Guernsey) (Amendment No. 2) Regulations, 2020*.

We [INSERT DETAILS OF LEVY COLLECTION AGENT ISSUING THIS CERTIFICATE]:

- Name:

- Registered Address:

- Guernsey Financial Services Commission reference number:

- Telephone:

- Email*:

** please use a generic company email, not a named staff member's*

hereby certify that:

- ✓ We are acting as a levy collection agent on behalf of the Controller or Processor named below for whom we are paying the annual Data Protection Levy.
- ✓ This certificate has been issued to the Controller or Processor named below to be presented to the Office of the Data Protection Authority (ODPA) upon request.

The Controller or Processor listed below retains the legal responsibility and liability for compliance with *The Data Protection (Bailiwick of Guernsey) Law, 2017*.

[LCA TO INSERT DETAILS BELOW] Controller or processor for whom the levy collection agent is authorised to act:

- Name:

- Registered Address:

- Telephone:

- Email*:

** please use a generic company email, not a named staff member's*

- Calendar year for which this certificate is valid

Notes to Certificate of Exemption

Below is the legal meaning of 'Levy Collection Agent' (LCA) as defined in [The Data Protection \(General Provisions\) \(Bailiwick of Guernsey\) \(Amendment No. 2\) Regulations, 2020](#).

- (1) A person ("A") is a levy collection agent for any other person ("B") if–
- (a) A is –
- (i) a licensed fiduciary within the meaning of section 58(1) of the Regulation of Fiduciaries, Administration Businesses and Company Directors, etc (Bailiwick of Guernsey) Law, 2000, and holds a fiduciary licence under that Law,
 - (ii) a licensed institution within the meaning of section 56(1) of the Banking Supervision (Bailiwick of Guernsey) Law, 1994,
 - (iii) a licensed insurer within the meaning of Schedule 5 to the Insurance Business (Bailiwick of Guernsey) Law, 2002,
 - (iv) a licensed insurance intermediary or licensed insurance manager within the meaning of Schedule 3 to the Insurance Managers and Insurance Intermediaries (Bailiwick of Guernsey) Law,
 - (v) a person carrying on a financial services business registered under the Registration of Non-Regulated Financial Services Businesses (Bailiwick of Guernsey) Law, 2008, or
 - (vi) a person licensed to carry on a controlled investment business under the Protection of Investors (Bailiwick of Guernsey) Law, 1987,
- (b) B has authorised A in writing to act as a levy collection agent for B for the purposes of these Regulations and the authorisation is in effect, and
- (c) A has agreed to act as a levy collection agent for B and the agreement is in effect.