

**INFORMATION COMMISSIONER'S OFFICE
UNITED KINGDOM**

**APPLICATION FOR APPROVAL OF
UK BINDING CORPORATE RULES FOR DATA PROCESSORS**

These applications were superseded on 25 July 2022. They remain available for reference only, please do not submit this application to the ICO as they will not be accepted. This document will be deleted on 1 July 2023.

The UK BCRs and corresponding referential tables, together with any additional guidance that may be published from time to time, are subject and without prejudice to, further amendments as may be required pursuant to Section 58.3(b) UK GDPR

INTRODUCTION

- References to Articles are to the provisions of the United Kingdom General Data Protection Regulations (UK GDPR).
- References to DPA 2018 are to the Data Protection Act 2018 (as amended).
- References to the Commissioner are to the Information Commissioner appointed under Part 2, Schedule 12, DPA 2018.

The UK GDPR allows personal data to be transferred to a third country outside the UK only when there are adequacy regulations in place for that third country (Article 45) or when the Controller ensures appropriate safeguards are in place with respect to the protection of privacy (Article 46) or where specific derogations apply (Article 49). Binding Corporate Rules (BCRs) are one of the ways of ensuring appropriate safeguards are in place.

BCRs must comply with Article 47 and any guidelines and requirements published by the Commissioner from time to time (Article 58.3(b)). The Commissioner approves BCRs (Articles 57 & 58).

BCRs are appropriate for use by a group of undertakings, or group of enterprises engaged in a joint economic activity.

BCRs for Processors (BCR-P) are a mechanism for a processor group to demonstrate to a Controller that they have appropriate safeguards in place to ensure compliance with data protection legislation.

The following form is for use by those seeking approval of their BCRs for Processors (BCR-P) and it is intended to help applicants demonstrate how to meet the requirements. When completing this form and drafting their BCR-P applicants should consider and also complete ICO BCR-P-Referential-v.1.0 which sets out the requirements in more detail.

INSTRUCTIONS

- If you are unsure whether a BCR-P is suitable for your organisation please first contact the ICO to discuss.
- Please submit one electronic copy of the completed application form.
- Please submit one electronic copy of the accompanying BCR-P, including any annexes.
- Please include with the BCRs a list of the entities within the group of undertakings, or group of enterprises engaged in a joint economic activity, which are bound by the BCRs.

- Please include a completed referential table ICO BCR-P-Referential-v.1.0 indicating where in the application form and/or BCR-P the relevant requirement is met.
- You may indicate in any submission document where you believe confidential information is contained. However, applicants should be aware that the Commissioner and their staff will deal with any requests for disclosure of any information in accordance with relevant UK legislation.

Please note that if you wish to apply for a BCRs for Controllers at the same time as or instead of a BCR-P, the Commissioner will require a separate application form and BCR documentation in support. See forms ICO BCR-C-Application-v.1.0 and ICO BCR-C-Referential-v.1.0. The Commissioner will not accept one BCRs purporting to cover the requirements of both types of BCRs.

NOTES FOR COMPLETION OF THE APPLICATION

PART 1 – APPLICANT INFORMATION

Section 1: Structure and contact details of the Applicant and of the group of undertakings, or group of enterprises engaged in a joint economic activity ('Group')

- The application should be completed and submitted by either the Group Headquarters (if established in the UK) or the entity within the Group that is established in the UK and has data protection responsibilities delegated to it.
- Please ensure that contact details for the person or persons within the Group that are responsible for the application are included.

Section 2: Short description of the processing and data flows

- Briefly describe the expected nature and scope of the data flows leaving the UK.

Section 3: Destination of the data flows

- Briefly indicate to which entities and countries data will be flowing, indicating which are the key recipients for each type of data.

PART 2 - BACKGROUND

Section 4: Binding nature of the BCRs

- The BCRs must be shown to have legally binding effect both internally (between the Group entities and on employees) and externally (for the benefit of individuals whose personal data is processed by the Group).
- You must make clear that the burden of proof in an alleged breach of the rules will rest with one member of the Group established in the UK (e.g. the UK Headquarters or the entity with delegated data protection responsibilities) regardless of where the claim originates.
- There must always be a UK entity which assumes ultimate liability. Please ensure that your application provides for an entity to take responsibility in the event the

entity assuming liability for any specific transfer is unable to fulfil their obligations.

Section 5: Effectiveness

- Effectiveness and ensuring compliance with the BCRs may be demonstrated by mechanisms such as a regular audit programme, corporate governance activities, compliance department involvement, training programmes, etc. Please indicate how you ensure that the effectiveness of and compliance with the BCRs will be tested and verified within the Group.
- Please confirm that the Commissioner will be provided with evidence of these mechanisms and of any audit reports, on request, without restrictions.

Section 6: Cooperation with the Commissioner

- Explain how the BCRs provide for co-operation with the Commissioner.
- Confirm that the Commissioner may carry out an audit of your compliance with all aspects of your BCRs, without restrictions.

Section 7: Co-operation with Controllers

- Confirm how you work with the Controller and allow them to verify your processing activity compliance.

Section 8(a): Description of processing and data flows

- So that the Commissioner can assess whether your BCRs provide appropriate safeguards for the transfers of data, please describe the expected data flows within your Group. Please be as detailed and as clear as possible.

Section 8(b): Mechanisms for reporting and recording changes

- As a general principle the Commissioner, Controller and the Group entities must be informed, without undue delay, about any changes to the BCRs. More specifically:
 - Administrative changes, including changes to the list of entities bound, must be reported to the Commissioner and Controller at least annually and to all Group entities on a regular basis.
 - More significant changes, such as those that potentially affect data protection compliance, or be potentially detrimental to data subject rights, or affect bindingness of the BCRs, must be promptly communicated to the Commissioner.
- Describe how the Group will record changes to the BCRs, which role(s) within the business will keep the records and how you ensure that changes are reported as required.
- The obligation to report changes applies only to the text of the BCRs themselves and to significant annexes to them, or where compliance with requirements may be affected. Minor policy changes (for example an amended retention policy) need not be reported.

Section 9: Data protection safeguards

- Explain how your BCRs address the core data protection safeguards necessary to provide an adequate level of protection for the data that are transferred.

Section 10: Accountability and other tools

- Indicate how your BCRs encourage compliance.
- Provide details of the record keeping, approach to assisting Controllers and ensuring the right level of technical and organisational measures are in place.

Annex 1: Copy of the formal Binding Corporate Rules

- The BCRs accompanying this application should be fully contained in one document. A number of documents may be supplied (for example as annexes) provided the relationship between them is made clear.
- The binding mechanism (for example the IGA or unilateral declaration) should be a separate document.
- Ancillary documentation not supplied should be listed as the Commissioner may request this.
- Applicants are encouraged to draft succinct BCRs with as few annexes as possible.

APPLICATION FOR APPROVAL OF UK BINDING CORPORATE RULES FOR PROCESSORS

PART 1 – APPLICANT INFORMATION

Section 1

Structure and contact details of the Applicant and of the group of undertakings, or group of enterprises engaged in a joint economic activity ('Group')

Name of the Group:

Click or tap here to enter text.

Address of the Group Headquarters:

Click or tap here to enter text.

Name and address of the UK applicant for the Group:

Click or tap here to enter text.

Registered company or other identification number for the applicant:

Click or tap here to enter text.

Legal nature of the applicant (company, partnerships, etc):

Click or tap here to enter text.

Description of the position of the applicant within the Group and provide a document showing the Group structure as an annex:

Click or tap here to enter text.

Name, position and full contact details of the person dealing with the application (include address, email and phone number).

Click or tap here to enter text.

Where applicable, a generic address, email & phone number for the function they are part of:

Click or tap here to enter text.

Name, title and full contact details of any external lawyers or other advisors instructed to act for the applicant (include address, email and phone number):

Click or tap here to enter text.

Section 2

Short description of processing and data flows¹

List the expected nature of the data covered by BCRs.

Include the likely category/categories of data, type of processing and its purposes, the likely types of data subjects affected (e.g. employees, customers, suppliers, other third-parties).

Click or tap here to enter text.

Do the BCRs only apply to transfers from the UK, or do they apply to all transfers between members of the Group irrespective of where they are located.

¹ Art.47.2(a)and(b), plus Section 4.1 of ICO BCR-P-Referential-v.1.0

Click or tap here to enter text.

Section 3

Destination of the data flows²

Describe the geographical scope of the transfers within the Group that are covered by the BCRs.

Include a list of any Group members and their location outside the UK to which personal data may be transferred and state the expected categories or type of data that may be transferred to them.

Click or tap here to enter text.

PART 2 - BACKGROUND

Section 4

Binding nature of the Binding Corporate Rules

Internal binding nature - within and between the Group entities³

Describe how the BCRs are made legally binding upon the members of the Group so that they can be enforced by all members (especially the UK based entity).

(N.B: Contracts or intra-group agreements between the bound members are preferred. If this is not possible, unilateral declarations or undertakings made or given by the parent company which are binding on the other members of the Group may be accepted.)

If you are seeking to rely on "other means" to demonstrate the binding nature of the BCRs, please provide supporting evidence of how the binding character will be achieved. An assessment of your application cannot take place in the absence of such evidence.

Click or tap here to enter text.

Provide a list of Group members which are to be bound by the BCRs and include the following details, where applicable:

- Company number
- registered office address; and
- A contact email address for each office

Click or tap here to enter text.

Internal binding nature - the Group employees⁴

Describe the steps your Group takes to ensure that the BCRs are binding on employees, both permanent and temporary.

(These may include (as examples only) employment contracts, collective agreements, statements of compliance and confidentiality agreements signed by employees. Please

² Article 47.2(b), plus Section 4.2 of ICO BCR-P-Referential-v.1.0

³ Art.47.1(a), plus Section 1.2 of ICO BCR-P-Referential-v.1.0

⁴ Art.47.1(a), plus Section 1.2 of ICO BCR-P-Referential-v.1.0

<p>provide a summary supported by extracts).</p> <p>Click or tap here to enter text.</p>
<p>Are your employees required to sign or attest to have read the BCRs or related ethics guidelines in which the BCRs are incorporated? If not, please explain why.</p> <p>Click or tap here to enter text.</p>
<p>Have the BCRs have been incorporated into all relevant company policies? If not, please explain why.</p> <p>Click or tap here to enter text.</p>
<p>Do you impose disciplinary sanctions for failing to comply with relevant company policies including the BCRs?</p> <p>Click or tap here to enter text.</p> <p>Does this include dismissal?</p> <p>Click or tap here to enter text.</p> <p>Please give details.</p> <p>Click or tap here to enter text.</p>
<p>Describe any other means by which the BCRs are made binding on employees not mentioned above that you want ask Commissioner to consider.</p> <p>Click or tap here to enter text.</p>

<p>External binding nature – external sub-processors processing the data:</p>
<p>Confirm that a written contract is put in place with external sub-processors which states that appropriate safeguards are provided according to Articles 28, 29, 32, 45, 46, 47.</p> <p>Click or tap here to enter text.</p>
<p>Confirm that such contracts ensure that the external sub-processors will respect the same data protection obligations as are imposed on the Group members by the BCRs and by service agreements concluded with Controller. (Please note sections 1.3, 1.4, 3 and 6 of ICO BCR-P-Referential-v.1.0)</p> <p>Click or tap here to enter text.</p>
<p>Describe how your contracts with external sub-processors address non-compliance by the sub-processor.</p> <p>Click or tap here to enter text.</p>
<p>Describe the range of sanctions you impose for non-compliance.</p> <p>Click or tap here to enter text.</p>
<p>Confirm that external sub-processors are only used after prior consultation with the Controller and only with their prior written authorisation (specify whether Controllers are given the choice between general or specific authorisations in each contract)⁵.</p> <p>Click or tap here to enter text.</p>
<p>Confirm that sub-processors agree to submit their data processing facilities for audit at the request of a Controller in order to assess the processing activities relating to that</p>

⁵ Section 6.1(vii) of ICO BCR-P-Referential-v.1.0

<p>Controller⁶. Please describe the system. Click or tap here to enter text.</p>
<p>How do you ensure that external sub-processors and other contractors will recognise and comply with the commitments in the BCRs? Click or tap here to enter text.</p>
<p>Please provide a summary, supported by extracts, of the contracts and other agreements signed with Controllers that explain how the BCRs are made binding towards Controllers⁷. Click or tap here to enter text.</p>
<p>Please confirm that Controllers' rights include the judicial remedies and the right to receive compensation. Click or tap here to enter text.</p>

<p>External binding nature – legal claims and actions; access to the BCRs⁸</p> <p>Explain where in the BCRs and Group policies third-party beneficiary rights are described and how such beneficiaries may assert and enforce those rights. These rights include the right to lodge a complaint with the Commissioner and to an effective judicial remedy before a UK court. Details of the right to redress and compensation for material and non-material damage need to be included.</p> <p>Ensure that the explanation includes requirements directed at data processors and also those normally enforceable against Controllers. (This is to provide a remedy to data subjects where the Controller has factually disappeared, become insolvent or ceased to exist in law). Click or tap here to enter text.</p> <p>Confirm that the processor established in the UK or UK Group Headquarters or the UK Group with delegated data protection responsibilities has arrangements in place to enable itself to provide remedies and/or pay compensation for damages suffered by a data subject or the Controller in respect of any breach of the BCRs by any member of the Group or by any external sub-processor.</p> <p>Explain what the arrangements are and how this is ensured. Click or tap here to enter text.</p> <p>Confirm that the burden of proof regarding an alleged breach of the BCRs by either a Group member or external sub-processor will rest with the UK or UK Group Headquarters and/or the UK Group with delegated data protection responsibilities, regardless of where the claim originates. Click or tap here to enter text.</p>
<p>External binding nature – access to the BCRs⁹</p> <p>Confirm that the BCRs will be annexed to the service agreements signed with</p>

⁶ Section 2.3 of ICO BCR-P-Referential-v.1.0

⁷ Section 1.4 of ICO BCR-P-Referential-v.1.0

⁸ Arts.47.1(b), 47.2(c) to (g), and (I) to (m), Art.15 - 18, Art.21 and 22, Art.77, 79 and 82 and corresponding sections of ICO BCR-P-Referential-v.1.0.

⁹ Section 1.8 of ICO BCR-P-Referential-v.1.0

Controllers, or that reference to it is made to them with an active electronic access link.

[Click or tap here to enter text.](#)

Confirm that the BCRs will be published in full (including appendices) on the Group website in an easily accessible way for data subjects.

(If not in full, which elements are omitted).

[Click or tap here to enter text.](#)

Section 5 **Effectiveness**

It is important to show how the BCRs in place within the Group are brought to life in practice, specifically, in non-UK countries to which data will be transferred for processing activities in accordance with the BCRs. This is important for the assessment of the adequacy of the safeguards.

[Click or tap here to enter text.](#)

Training and awareness¹⁰

Provide a detailed explanation of how training is and will be carried out and how employees and other staff are empowered to identify data protection implications in their work areas and how the BCRs are communicated throughout the Group.

Where applicable include references to bespoke and general training programmes and testing and verification of training and BCRs knowledge.

[Click or tap here to enter text.](#)

Confirm that all employees and other staff (including senior management) are included. Explain whether and how different categories of employee or staff receive different training.

[Click or tap here to enter text.](#)

Confirm the frequency of refresher training and explain how attendance and satisfactory completion of training are recorded.

[Click or tap here to enter text.](#)

Explain which function is responsible for reviewing and updating data protection policies and training modules, who approves and signs them off and how frequently policies and training modules are reviewed.

[Click or tap here to enter text.](#)

Handling complaints¹¹

Describe the complaints handling system in place for alleged breaches of data subjects' rights or other aspects of the BCRs.

Please include details of:

- How do you ensure that you inform the Controller of complaints without delay?

[Click or tap here to enter text.](#)

¹⁰ Art.47.2(n), plus Section 2.1 of ICO BCR-P-Referential-v.1.0

¹¹ Art.47.2(i), plus Section 2.2 of ICO BCR-P-Referential-v.1.0

- How do you agree with the Controller who should handle the complaint?
Click or tap here to enter text.
- How do you deal with complaints when a Controller has factually disappeared, become insolvent or ceased to exist in law?
Click or tap here to enter text.
- What happens if the complaint is upheld, or not upheld, when you are handling the complaint rather than the Controller?
Click or tap here to enter text.

Confirm that a data subject is informed of their right to complain to the Commissioner or initiate a claim through a UK court, without having to first exhaust the Group's or Controller's complaints process.

Click or tap here to enter text.

Confirm that any remedy or compensation offered or paid is not dependant on a confidentiality agreement or settlement agreement being signed by the data subject.

Click or tap here to enter text.

Verification of compliance and audits¹²

Describe the verification mechanisms or compliance programmes your Group has in place to audit each member's compliance with your BCRs.

Click or tap here to enter text.

Explain how your verification or compliance programme functions within the Group (e.g. information as to the recipients of any audit reports and their position within the structure of the Group).

Click or tap here to enter text.

Provide details of the following if the Group employ or engage:

- Data Protection Officers
- Internal auditors
- External auditors
- A combination of internal/external auditors
- An internal compliance department

Click or tap here to enter text.

Are your verification mechanisms clearly set out in one document or other internal procedures and are these identified in your BCRs?

Click or tap here to enter text.

Confirm that the Commissioner will be provided with any audit reports, on request, without restrictions.

Click or tap here to enter text.

Network of data protection officers or appropriate staff¹³

Confirm that a network of DPOs or appropriate staff (such as a network of privacy officers) is appointed with senior management support to oversee and ensure

¹² Art.47.2(j), plus Section 2.3 of ICO BCR-P-Referential-v.1.0

¹³ Arts.37 and 47.2(h), plus Section 2.4 of ICO BCR-P-Referential-v.1.0

compliance with the BCRs.

[Click or tap here to enter text.](#)

Explain how your network of DPOs or privacy officers' functions within the Group, including both the internal structure and their roles and responsibilities.

[Click or tap here to enter text.](#)

Provide an organogram of the network of DPOs or privacy officers.

[Click or tap here to enter text.](#)

Section 6

Cooperation with the Commissioner¹⁴

Explain how your BCRs deal with the issue of cooperation with the Commissioner.

[Click or tap here to enter text.](#)

Confirm that the BCRs permit the Commissioner, without restrictions, to audit your compliance with all aspects of the BCRs?

[Click or tap here to enter text.](#)

Confirm that the Group as a whole and each of the entities of the Group will consider any communication or recommendation from the Commissioner, and comply with any formal decisions or notices issued by the Commissioner, relating to the interpretation and the application of your BCRs.

[Click or tap here to enter text.](#)

Section 7

Cooperation with Controllers¹⁵

Explain how the BCRs deal with the duty of cooperation with Controllers.

[Click or tap here to enter text.](#)

Do your BCRs confirm that you will submit your data processing facilities to a Controller requesting it (or to an inspection body composed of independent members, selected by the Controller) for audits of the processing activities relating to them.

[Click or tap here to enter text.](#)

Section 8(a)

Description of processing and data flows¹⁶

In order to provide a clear picture of expected processing, including data transfers within scope of the BCRs, the following information is required:-

(a) Each category of data subject, (e.g. customers/clients, and other third-parties),

[Click or tap here to enter text.](#)

(b) Expected categories of personal data processed (e.g. name, address, date of birth, etc) for each category of data subject.

[Click or tap here to enter text.](#)

¹⁴ Art.47.2.(l), plus Section 3.1 of ICO BCR-P-Referential-v.1.0

¹⁵ Section 3.2 of ICO BCR-P-Referential-v.1.0

¹⁶ Art.47.2(b), plus Sections 4.1 and 4.2 of ICO BCR-P-Referential-v.1.0

(c) Details of any expected processing of special category data or children's data.
[Click or tap here to enter text.](#)

(d) The expected purposes for which the data can be transferred and what processing is likely to be carried out after the transfers.
Purposes should be linked to expected categories of data subjects and personal data processed rather than a general description of possible purposes without any link.
[Click or tap here to enter text.](#)

(e) In each case identify the countries, in particular third countries, to which the data is expected to be transferred.
[Click or tap here to enter text.](#)

(f) An estimation of the anticipated percentages of each type of data expected to be transferred to Group companies outside the UK, giving the name and location of the Group members concerned.
[Click or tap here to enter text.](#)

Confirm whether the BCRs cover all data being transferred between Group entities for processor activities or just data being transferred from the UK?
[Click or tap here to enter text.](#)

Section 8(b)

Mechanisms for reporting and recording changes¹⁷

Explain how the BCRs allow for informing other parts of the Group, the data Controllers and the Commissioner of any changes to the BCRs and/or the list of BCRs members.
[Click or tap here to enter text.](#)

Describe the system you have put in place to record any changes to your BCRs.
[Click or tap here to enter text.](#)

Confirm that where a change affects the processing conditions, Controllers are informed in a timely fashion that data controllers have the option to object to the changes and/or terminate their contract before the modification is made.
[Click or tap here to enter text.](#)

Section 9

Data protection safeguards¹⁸

Describe with reference to the BCRs how and where the following issues are addressed with supporting documentation where appropriate:

- a) Transparency, fairness & lawfulness (general duty to assist the Controller);
[Click or tap here to enter text.](#)

¹⁷ Art.47.2(k), plus Section 5.1 of ICO BCR-P-Referential-v.1.0

¹⁸ Art.47.2(d), plus Section 6.1.1 of ICO BCR-P-Referential-v.1.0

b) Purpose limitation (processing data only on behalf of and in compliance with instruction from the Controller and duty to return data afterwards); Click or tap here to enter text.
c) Data accuracy & quality (general duty to assist the Controller); Click or tap here to enter text.
d) Data subject's rights (general duty to assist the Controller); Click or tap here to enter text.
e) Sub-processing within the Group; Click or tap here to enter text.
f) Security (including the obligation to notify without undue delay any personal data breaches to the UK Headquarters or the UK BCRs member with delegated data protection responsibilities and other relevant Privacy Officer/Function and the Controller where the personal data breach is likely to result in a high risk to data subjects' rights and freedoms); Click or tap here to enter text.
g) Restrictions on onward transfers to external sub-processors; and Click or tap here to enter text.
h) Other (e.g protection of children etc); Click or tap here to enter text.

Section 10

Accountability and other tools¹⁹

Explain how BCRs members will make available to the data controller all information necessary to demonstrate compliance with their obligations as provided by Article.28.3(h) (including through audits and inspections of the Controller).

Click or tap here to enter text.

Confirm that the Controller will be informed immediately if an instruction from them infringes the UK GDPR or other UK data protection legislation.

Click or tap here to enter text.

Confirm that the BCRs members will maintain a record of all categories of processing activities carried out on behalf of each Controller in line with the requirements as set out in Article. 30.2.

Click or tap here to enter text.

Confirm that all BCRs members agree to render assistance to the Controller when the Controller needs to conduct a data protection impact assessment for processing operations that are likely to result in a high risk to the rights and freedoms of natural persons and requires information from the processor to do so.

Click or tap here to enter text.

Describe which appropriate technical and organisational measures will be implemented to comply with data protection principles and facilitate compliance with the requirements set up by the BCRs in practice (e.g. data protection by design and by default).

¹⁹ Arts.30 and 47.2(d), plus Section 6.1.2 of ICO BCR-P-Referential-v.1.0

Click or tap here to enter text.

Provide supporting documents where appropriate with respect to the information requested above.

Click or tap here to enter text.