

**INFORMATION COMMISSIONER'S OFFICE
UNITED KINGDOM**

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

These applications were superseded on 25 July 2022.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 such 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.

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

INSTRUCTIONS

- If you are unsure whether a BCR-C 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-C, 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-C-Referential-v.1.0 indicating where in the application form and/or BCRs 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 BCR for Processors at the same time as or instead of a BCR-C, the Commissioner will require a separate application form and BCR documentation in support. See forms ICO BCR-P–Application–v.1.0 and ICO BCR-P–Referential–v.1.0. The Commissioner will not accept one set of 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 entity responsible for the application are included.

Section 2: Short description of data flows

- Briefly describe the 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 a legally binding effect both internally (between the Group entities, and on employees and subcontractors) 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 if 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.
- 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 compliance with all aspects of the BCRs, without restrictions.

Section 7: 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 data flows within your Group. Please be as detailed and as clear as possible.

Section 8: Mechanisms for reporting and recording changes

- As a general principle both the Commissioner 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 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 the Group will 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 the requirements may be affected. Minor policy changes (for example, an amended retention policy) need not be reported.

Section 9: Data protection safeguards

- Explain how the 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

- Explain how the BCRs encourage compliance.
- Provide details of the record keeping, approach to privacy impact assessments 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 contained in one document. A number of documents may be supplied (for example, as annexes) provided that 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 CONTROLLERS

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, partnership, etc):

Click or tap here to enter text.

A 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 data flows¹

List the nature of the data covered by the BCRs.

Include the category/categories of data, the type of processing and its purposes, the 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 wherever they are located?

¹ Article 47(2)(a)and(b), plus Section 4.1 of ICO BCR-C-Referential-v.1.0

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 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.

² Article 47(2)(b), plus Section 4.2 of ICO BCR-C-Referential-v.1.0

³ Article 47(1)(a), plus Section 1.2 of ICO BCR-C-Referential-v.1.0

⁴ Article 47(1)(a), plus Section 1.2 of ICO BCR-C-Referential-v.1.0

<p>Click or tap here to enter text.</p> <p>(These may include (as examples only) employment contracts, collective agreements, statements of compliance or confidentiality agreements signed by employees. Please provide a summary supported by extracts).</p> <p>Click or tap here to enter text.</p>
<p>Are 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 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 to ask the Commissioner to consider.</p> <p>Click or tap here to enter text.</p>

<p>Binding nature – contractors and subcontractors⁵ (NB: This section includes Processors and sub-processors)</p>
<p>Describe how you legally require your contractors and their subcontractors to apply appropriate safeguards to the processing of personal data.</p> <p>Click or tap here to enter text.</p>
<p>Describe how you address the consequences of non-compliance by a contractor or sub-contractor.</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>How do you ensure that contractors and sub-contractors will recognise and comply with the commitments in the BCRs?</p> <p>Click or tap here to enter text.</p>

<p>External binding nature – legal claims and actions⁶</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</p>

⁵ Article 28 and Section 6.1.1(vi) of ICO BCR-C-Referential-v.1.0

⁶ Article 47(1)(b), 47(2)(c) to (g), and (I) to (m), Article 15 to 18, Article 21 and 22, Article 77, 79 and 82. Plus corresponding section 1.7 of ICO BCR-C-Referential-v.1.0.

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.

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

Confirm that the Controller established in the UK or UK Group Headquarters and/or the UK Group with delegated data protection responsibilities has arrangements in place to provide the remedies and/or pay compensation for any damages suffered by a data subject in respect of any breach of the BCRs by any Group member bound by the BCRs.

Explain what the arrangements are and how this is ensured.

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

Confirm that the burden of proof regarding an alleged breach of the BCRs will rest with the UK or UK Group Headquarters and/or the UK Group with data protection responsibilities, regardless of where the claim originates.

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

External binding nature – access to the BCRs⁷

Confirm that the BCRs (including appendices) have been published in full 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 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 awareness raising⁸

Provide a detailed explanation of how training 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 of BCRs knowledge.

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

Confirm that all employees and other staff (including senior management) are included. Please also 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

⁷ Section 1.7 of ICO BCR-C-Referential-v.1.0

⁸ Article 47(2)(n), plus Section 2.1 of ICO BCR-C-Referential-v.1.0

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 complaints⁹

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

Please include what happens if the complaint is upheld, or not upheld.

[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 complaints process.

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

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

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

Verification of compliance and audits¹⁰

Describe the verification mechanisms or compliance programmes the Group will put in place to audit each member's compliance with the 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 the verification mechanisms clearly set out in one document or other internal procedures and are these identified in the 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.](#)

⁹ Article 47(2)(i) plus Section 2.2 of ICO BCR-C-Referential-v.1.0

¹⁰ Article 47(2)(j) plus Section 2.3 of ICO BCR-C-Referential-v.1.0

Network of data protection officers or appropriate staff¹¹

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 compliance with the BCRs.

Click or tap here to enter text.

Explain how the network of DPOs or privacy officers' function 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 Commissioner¹²

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

Click or tap here to enter text.

Confirm that the BCRs permit the Commissioner to audit, without restrictions, 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 the BCRs.

Click or tap here to enter text.

Section 7:

Description of processing and data flows¹³

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

(a) Each category of data subject, (e.g., staff/employees, customers/consumers, vendors/suppliers).

Click or tap here to enter text.

(b) 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.

(c) Details of any special category data or children's data processed.

Click or tap here to enter text.

(d) The purposes for which the data can be transferred and what processing is carried out after

¹¹ Article 37 and Article 47(2)(h), plus Section 2.4 of ICO BCR-C-Referential-v.1.0

¹² Article 47(2)(l) plus Section 3.1 of ICO BCR-C-Referential-v.1.0

¹³ Article 47(2)(b) plus Section 4.1 and 4.2 of ICO BCR-C-Referential-v.1.0

the transfers.

Purposes should be linked to 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 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 or just data being transferred from the UK.

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

Section 8

Mechanisms for reporting and recording changes¹⁴

Explain how the BCRs allow for informing other parts of the Group 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 the BCRs.

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

Section 9

Data protection safeguards¹⁵

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

a) Transparency, fairness & lawfulness;

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

b) Purpose limitation;

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

c) Data minimisation & accuracy;

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

d) Limited storage periods;

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

e) Processing of special categories of personal data;

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

f) Security (including the obligation to enter into contracts with all internal and external subcontractors or sub processors in accordance with the requirements set out in Article 28(3) and the duty to notify without undue delay any personal data breaches to the UK Headquarters or the UK BCR member with

¹⁴ Article 47(2)(k) plus Section 5.1 of ICO BCR-C-Referential-v.1.0

¹⁵ Article 47(2)(d) plus Section 6.1.1 of ICO BCR-C-Referential-v.1.0

<p>delegated data protection responsibilities and the other relevant Privacy Officer/Function and data subjects where the personal data breach is likely to result in a high risk to their rights and freedoms); Click or tap here to enter text.</p>
<p>g) Restrictions on onward transfers; and Click or tap here to enter text.</p>
<p>h) Other (e.g., protection of children etc) Click or tap here to enter text.</p>

Section 10

Accountability and other tools¹⁶

Explain how BCR members will be responsible for and be able to demonstrate compliance with the BCRs.

[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(1).

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

Confirm that data protection impact assessments will be carried out for processing operations that are likely to result in a high risk to the rights and freedoms of natural persons. Furthermore, that where a data protection impact assessment indicates that the processing would result in a high risk in the absence of measures taken by the Controller to mitigate the risk, the Commissioner will be consulted prior to processing taking place.

[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 BCRs requirements in practice (e.g. data protection by design and by default).

[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.](#)

¹⁶ Article 30, Article 47(2)(d) plus Section 6.1.2 of ICO BCR-C-Referential-v.1.0