

PRACTICE DIRECTION 3/2017

GENERAL DATA PROTECTION REGULATIONS

BACKGROUND

The General Data Protection Regulations ('GDPR') will supersede the Data Protection Act 1998 on 25 May 2018. This represents the biggest change to Data Protection law in the UK in 20 years. The GDPR will strengthen data protection rights for all individuals. Law firms and public bodies as data controllers will be subject to, "Effective, proportionate and dissuasive" administrative sanctions of up to 4% of their annual turnover or 20 million Euro (whichever is greater) for any breaches.

The Registry is committed to securing information and demonstrating its compliance. As most documents held by Land Registry may be inspected by any member of the public, lodging solicitors should now bear in mind their obligations under GDPR with respect to data minimisation, confidentiality and availability of data when lodging documents with the Registry.

NEW ARRANGEMENTS

With immediate effect, [originals or copies of] the following documents **should not be lodged** in the Land Registry:-

- Driving Licences
- Passports
- Electoral Identification Cards
- Utility and Rates Bills
- Benefits Books
- Bank Statements
- Solicitor's Certificates of Identity referring to account numbers, passport number, driving licence number, etc
- Voluntary Arrangement Agreements
- Matrimonial Agreements
- NHS Medical Cards
- HMRC documentation

This list should not be treated as conclusive and Solicitors should consider carefully whether the documents being lodged at Land Registry are in breach of the GDPR.

If the Registry identifies copies of any such documents lodged with a Land Registry application, they will be destroyed by the Registry.

If the Registry identifies originals of any such documents lodged with a Land Registration application, they will be returned to the lodging solicitor.

OFFICIAL DOCUMENTS REQUIRED BY THE RULES

Applicants **should continue to lodge** certified copies of the following official documents if submission is required by the Land Registration Rules (Northern Ireland) 1994 as amended:-

- Court Orders
- Birth Certificates
- Marriage/Civil Partnership Certificates
- Death certificates
- Grants of Representation

This list should not be treated as conclusive and Solicitors should consider carefully whether the documents being lodged at Land Registry are in breach of the GDPR.

MISCELLANEOUS

In the event where the Registry requires confirmation of identity, this should be contained in a Solicitor's Certificate certifying that the Solicitor has reviewed the appropriate identification to confirm the relevant details. The Solicitor's Certificate should not be accompanied by copy/original identifications, nor should passport numbers, driving licence numbers, etc, be referred to therein.

The Registrar would emphasise that documents containing personal information should not be lodged within an application for registration of a caution or an inhibition. Solicitor's should avoid lodging supporting documentation that includes personal information.

Solicitors dealing with bulk transactions, for example, applications for the registration of transfer of ownership of charges, should ensure that the names and addresses of the borrowers and mortgage account numbers are not provided in Master Deeds.

For further information regarding the General Protection Data Regulations, please see the website link below to the Information Commissioner's Office –

<https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/>

DATED : 13TH OCTOBER 2017

A handwritten signature in black ink that reads "C Farrell". The signature is written in a cursive, flowing style.

CHRISTINE FARRELL
Registrar of Titles