

Dear Sir or Madam

## Your UK establishment status for VAT

As part of our VAT registration process, we have checked whether your registered business is established in the UK to make sure it is correct.

### Our decision

Our initial checks suggest that you are not established in the UK. Because of this, we've made the decision that you are a Non-Established Taxable Person (NETP) for VAT. This is someone who's not normally resident in the UK and does not have a UK establishment.

If you trade on an online marketplace, we can tell them about your NETP status. This means they may start collecting VAT at the point of sale and paying it to us.

If you're an NETP, the UK VAT threshold does not apply to you. This means you'll still need to be registered for VAT even if your annual turnover drops below the threshold of £85,000.

For more information about what being an NETP could mean for you, go to GOV.UK and search 'VAT 700/1'.

### If you agree with our decision

If you agree that you're an NETP, you do not need to do anything.

We will update the VAT register to show your NETP status. We may also share this information with Online Marketplaces to make sure they collect the right VAT on sales made by sellers on their platform.

### If you disagree with our decision

If you have information that shows you are established in the UK, you need to send it to us. You should send it to the address at the top of this letter or email it to us at [isbcvatestablishment@hmrc.gov.uk](mailto:isbcvatestablishment@hmrc.gov.uk) by [\[date of issue + 30 days\]](#).

Please include the Caseflow reference number in your letter or in the subject line of your email. You can find this reference at the top of this letter.

You need to send us at least 2 types of evidence that shows your business (either):

- makes essential management decisions and carries out its main administration in the UK
- has a permanent physical presence in the UK, with human and technical resources to make or receive taxable supplies

We'll accept:

- rental, lease or tenancy agreements, with proof of payment
- records of the staff the business employs – for example, Names, National Insurance numbers, addresses of employees and PAYE reference
- council tax bills
- utility bills
- National Insurance numbers for the directors

You can include screenshots with your evidence as long as they relate to a specific document. A screenshot must include:

- the date you took it
- the name of the business, or other information that proves it relates to your business

### We are also offering you a review of our decision

You can (either):

- accept the offer of a review and send us the information listed above.
- appeal to an independent tribunal

If you want to accept the offer of a review or appeal to the tribunal, you need to do this before [\[SEES to enter date + 30 days\]](#). If you send us additional information you want us to consider, we can extend this deadline.

If you appeal to a tribunal, you cannot accept our offer of a review.

Most disputes can be resolved by a review, without the need to appeal to a tribunal. You may find that a review is quicker and costs you less than appealing to a tribunal.

## If you accept our offer of a review

An impartial officer who works for HMRC's Solicitor's Office and Legal Services (SOLS) team and who specialises in review work will take a fresh look at the decision. They are known as 'review officers'.

The review officer will write to let you know the outcome of their review within 45 days, unless they agree a longer period with you. If they agree with the decision, they'll uphold it and explain why. If they do not agree, they'll either cancel or vary the decision and explain why.

If you disagree with the outcome of the review, you can still appeal to the tribunal. You must do this within 30 days of the date of the letter telling you the outcome of the review.

If you accept the offer of a review, you cannot appeal to a tribunal until the review officer tells you the outcome of their review.

## How to accept our offer of a review

Please email, or write to, HMRC's Solicitor's Office and Legal Services directly to accept our offer of review. You'll find the email and postal addresses below.

This is your opportunity to say why you think our decision is wrong and send any new information you want considered.

Because the SOLS team is a separate part of HMRC, they'll need the following information to identify your case when you accept our offer. You should include:

- your name, or business name, as shown at the top of this letter
- all references used at the top of this letter
- the name of the HMRC officer or team named at the end of this letter

Or, you might find it easier to give the SOLS team a copy of this letter when you accept our offer.

If you want a review but there's a reason you cannot write to the SOLS team within 30 days from the date of this letter, you will need a reasonable excuse for the delay. You'll need to write to the SOLS team as soon as possible after your reasonable excuse has ended and explain why you are late accepting our offer. They may not be able to carry out a review if you do not have a reasonable excuse. If they cannot carry out a review, you can ask a tribunal to accept a late appeal.

The SOLS email address is: [reviews@hmrc.gov.uk](mailto:reviews@hmrc.gov.uk) If you decide to email them, please see the important information at the end of this letter about corresponding by email.

If you want to write, their address is: Solicitor's Office and Legal Services, HM Revenue and Customs, BX9 1ZT.

## If you want to appeal to an independent tribunal

If you do not want to accept our offer of a review, or you disagree with the outcome of it, you can appeal to an independent tribunal. They will then decide the matter.

Your request must reach HM Courts and Tribunals Service within 30 days of the date of this letter. Or within 30 days of the date of the letter that tells you the outcome of the review.

If you want to appeal to HM Courts and Tribunals Service, please make sure you include with your request a copy of the letter, assessment, or other decision that you want to appeal against. If you do not, HM Courts and Tribunals Service may reject your appeal.

## More information on reviews and appeals

For more about tribunals and how to appeal, go to GOV.UK and search 'appeal to the tax tribunal' or call 0300 123 1024.

For more information about your appeal and review rights, go to GOV.UK and search 'HMRC1' or 'disagree with a tax decision'. You can ask for a copy by calling 0300 200 3610.

## Using an agent

If you want us to communicate with an agent, you need to authorise us to do so.

An agent can send you a link which allows you to authorise them to deal with HMRC on your behalf. This is known as the digital handshake. For more information, go to GOV.UK and search 'authorise an agent for taxes that use the digital handshake'.

Or you can send us form 64-8, 'Authorising your agent'. To get this form, go to GOV.UK and search '64-8'.

Your agent can send the form for you. They should send it from the agent's email address and copy your email address into their email.

We will not be able to talk to your agent without a completed form 64-8 or digital handshake.

## **Important information about communicating by email**

If you choose to email us, please be aware that email is not secure. The main risk is that information sent by email could be changed or read by someone else before it reaches us.

Please only use email to contact us or send us information if you accept the risks. If you don't accept the risks, please post your evidence to us at the address at the top of this letter.

For more information, please read the enclosed factsheet DSC2, 'Corresponding with HMRC electronically'.

## **Your documents**

Please tell us if:

- any of the documents or records you send us are originals
- you agree that we can securely destroy any original or copied documents or records you send us

If you do not tell us you agree, we'll return your documents to you. If you agree, but then change your mind, you must tell us this in writing within 40 working days of the date that you sent them to us.

We securely destroy documents and records 50 working days after we've digitally scanned them.

## **If you need extra support**

If you have any health or personal circumstances that may make it difficult for you to deal with us, please let us know. We'll help you in whatever way we can. For more information about this, go to GOV.UK and search 'get help from HMRC if you need extra support'.

Yours sincerely

## **Campaigns and Projects**

HM Revenue and Customs



# Corresponding with HMRC electronically

Use the following information to decide whether you want to deal with HM Revenue and Customs (HMRC) electronically using email or Dropbox. We take the security of personal information very seriously. Email is useful for corresponding with us, but is not secure. Dropbox is useful for sending us information and is more secure, but still has risks. It's very important that you understand the risks of each before you use them to correspond with us.

Before we can use email or Dropbox for your personal or sensitive data, you must read the risks detailed below and confirm in writing that you understand and accept them.

## Email

The main risks associated with using email that concern HMRC are:

- confidentiality and privacy – there's a risk that emails sent over the internet may be intercepted
- confirming your identity – it's crucial that we only communicate with established contacts at their correct email addresses
- there's no guarantee that an email received over an insecure network, like the internet, has not been altered during transit
- attachments could contain a virus or malicious code

To reduce the risks:

- we'll desensitise information, for example by only quoting part of any unique reference numbers
- we can also use encryption, we can discuss how you may do the same but still give the information we need
- HMRC undertake regular assurance to make sure all precautions are being followed

## Dropbox

The main risks associated with using Dropbox are:

- unauthorised access to data held in Dropbox
- scammers posing as HMRC to get customers to upload data to them

To reduce the risks:

- access to Dropbox is restricted to named licence holders
- Dropbox data is held in secure storage and is not held in Dropbox for more than 24 hours
- a link to upload your files will be sent to you via an HMRC email address
- time to upload your files to Dropbox via the link will be restricted to 48 hours
- once the files are received HMRC will confirm receipt and retrieval of the data by email

Please note that the data will be stored temporarily on Dropbox's servers in the European Union. This is compliant with the General Data Protection Regulations (GDPR).

## If you do not want to use email or Dropbox

You may prefer that we do not respond by email, for example because other people have access to your email account. If so, we're happy to respond by another method. We'll agree this with you either by telephone or in writing via post.

## **If you do want to use email and/or Dropbox**

If you would like to use email or Dropbox as one of the ways HMRC will contact you, we'll need you to confirm in writing by post or email:

- that you understand and accept the risks of using email and/or Dropbox
- that you're content for financial information to be sent by email and/or Dropbox
- the attachments can be sent with email

If you're the authorised agent or representative we'll need you to confirm in writing by post or email that your client understands and accepts the risks.

Please also:

- send us the names and email addresses of all people you would like us to use email with – for example, yourself, your staff, your representative, your agent
- confirm you've made sure that your junk mail filters are not set to reject and/or automatically delete HMRC emails

## **How we use your agreement**

Your confirmation will be held on file and will apply to future email or Dropbox correspondence. We'll review the agreement at regular intervals to make sure there are no changes.

## **Opting out**

You may opt out of using email and/or Dropbox at any time by letting us know.

## **More information**

You can find more information on HMRC's privacy policy. Go to [www.gov.uk](http://www.gov.uk) and search for 'HMRC Privacy Notice'.