

DATA PROTECTION ACT 1998

SUPERVISORY POWERS OF THE INFORMATION COMMISSIONER

MONETARY PENALTY NOTICE

To: F12 Management Ltd

Of: 71-75 Shelton Street, Covent Garden, London, WC2H 9JQ

1. The Information Commissioner ("the Commissioner") has decided to issue F12 Management Ltd ("F12") with a monetary penalty under section 55A of the Data Protection Act 1998 ("DPA"). The penalty is in relation to a serious contravention of regulations 21 and 24 of the Privacy and Electronic Communications (EC Directive) Regulations 2003 ("PECR").
2. This notice explains the Commissioner's decision.

Legal framework

3. F12, whose registered office is given above (Companies House Registration Number: 13190423) is the organisation stated in this notice to have used a public electronic communications service for the purpose of making unsolicited calls for the purposes of direct marketing contrary to regulation 21 of PECR.
4. Regulation 21 applies to the making of unsolicited calls for direct marketing purposes. It means that if a company wants to make calls

promoting a product or service to an individual who has a telephone number which is registered with the Telephone Preference Service Ltd ("TPS"), then that individual must have notified the company that they do not object to receiving such calls from it.

5. Regulation 21 paragraph (1) of PECR provides that:

"(1) A person shall neither use, nor instigate the use of, a public electronic communications service for the purposes of making unsolicited calls for direct marketing purposes where-

(a) the called line is that of a subscriber who has previously notified the caller that such calls should not for the time being be made on that line; or

(b) the number allocated to a subscriber in respect of the called line is one listed in the register kept under regulation 26."

6. Regulation 21 paragraphs (2), (3), (4) and (5) provide that:

"(2) A subscriber shall not permit his line to be used in contravention of paragraph (1).

(3) A person shall not be held to have contravened paragraph (1)(b) where the number allocated to the called line has been listed on the register for less than 28 days preceding that on which the call is made.

(4) Where a subscriber who has caused a number allocated to a line of his to be listed in the register kept under regulation 26 has notified a caller that he does not, for the time being, object to such calls

being made on that line by that caller, such calls may be made by that caller on that line, notwithstanding that the number allocated to that line is listed in the said register.

(5) Where a subscriber has given a caller notification pursuant to paragraph (4) in relation to a line of his—

(a) the subscriber shall be free to withdraw that notification at any time, and

(b) where such notification is withdrawn, the caller shall not make such calls on that line.”

7. Regulation 24 of PECR provides:

(1) "Where a public electronic communications service is used for the transmission of a communication for direct marketing purposes the person using, or instigating the use of, the service shall ensure that the following information is provided with that communication –

...

(b) in relation to a communication to which regulation 21 [or 21A] (telephone calls) applies, the particulars mentioned in paragraph (2)(a) and, if the recipient of the call so requests, those mentioned in paragraph (2)(b).

(2) The particulars referred to in paragraph (1) are –

(a) the name of the person;

(b) either the address of the person or a telephone number on which he can be reached free of charge.”

8. Under regulation 26 of PECR, the Commissioner is required to maintain a register of numbers allocated to subscribers who have notified them that they do not wish, for the time being, to receive unsolicited calls for direct marketing purposes on those lines. The Telephone Preference Service Limited ("TPS") is a limited company which operates the register on the Commissioner's behalf. Businesses who wish to carry out direct marketing by telephone can subscribe to the TPS for a fee and receive from them monthly a list of numbers on that register.
9. Section 122(5) of the DPA18 defines direct marketing as "*the communication (by whatever means) of advertising or marketing material which is directed to particular individuals*". This definition also applies for the purposes of PECR (see regulation 2(2) PECR & Schedule 19 paragraphs 430 & 432(6) DPA18).
10. "Individual" is defined in regulation 2(1) of PECR as "*a living individual and includes an unincorporated body of such individuals*".
11. A "subscriber" is defined in regulation 2(1) of PECR as "*a person who is a party to a contract with a provider of public electronic communications services for the supply of such services*".
12. Section 55A of the DPA (as applied to PECR cases by Schedule 1 to PECR, as variously amended) states:

"(1) The Commissioner may serve a person with a monetary penalty if the Commissioner is satisfied that –

 - (a) there has been a serious contravention of the requirements of the Privacy and Electronic Communications (EC Directive) Regulations 2003 by the person,*
 - (b) subsection (2) or (3) applies.*

- (2) *This subsection applies if the contravention was deliberate.*
- (3) *This subsection applies if the person –*
- (a) *knew or ought to have known that there was a risk that the contravention would occur, but*
 - (b) *failed to take reasonable steps to prevent the contravention.*
13. The Commissioner has issued statutory guidance under section 55C (1) of the DPA about the issuing of monetary penalties that has been published on the ICO's website. The Data Protection (Monetary Penalties) (Maximum Penalty and Notices) Regulations 2010 prescribe that the amount of any penalty determined by the Commissioner must not exceed £500,000.
14. PECR were enacted to protect the individual's fundamental right to privacy in the electronic communications sector. PECR were subsequently amended and strengthened. The Commissioner will interpret PECR in a way which is consistent with the Regulations' overall aim of ensuring high levels of protection for individuals' privacy rights.
15. The provisions of the DPA remain in force for the purposes of PECR notwithstanding the introduction of the DPA18: see paragraph 58(1) of Schedule 20 to the DPA18.

Background to the case

16. F12 Management Ltd ("F12") came to the attention of the Commissioner through a concerted effort to investigate organisations making unsolicited marketing telephone calls to vulnerable individuals about white goods maintenance and warranty products.

17. F12 incorporated on 9 February 2021 and the Nature of Business is listed at Companies House as 'Combined office administrative service activities'. The sole Director is listed as Anna ALLEN.
18. Initially F12 was linked to two Telephone Preference Service ("TPS") complaints in August 2021. The TPS is a central register, compiled under regulation 26 of the Privacy and Electronic Communications (EC Directive) Regulations 2003 (PECR), of individuals who have opted out of receiving unsolicited live marketing calls. The complaints identified a calling line identifier ("CLI") of [REDACTED]
19. The complaints stated.

"Asked to speak to a Mr XXX that [sic] previous had this number over 10 years ago."

And

"Male - Tried to say that the warranty cover on my washing machine (which I don't have) had expired and wanted to sell me a new one. Hung up when I said I didn't have one."

20. On 9 September 2021, a third party information notice ("3PIN") was sent to [REDACTED] who identified the CLI was allocated to [REDACTED] and a further 3PIN was therefore sent to [REDACTED]. The 3PIN requested information and call records for the period 5 August 2021 to 13 September 2021.
21. In their response dated 28 September 2021, [REDACTED] provided call detail records ("CDRs") and identified the subscriber of [REDACTED] as F12. Primo also provided a list of the 38 CLIs allocated to F12. The account

owner was listed as [REDACTED] and the address as 71-75 Shelton Street, London WC2H 9JQ which was the registered office address of F12 until it was changed on 25 February 2023 to [REDACTED]

[REDACTED] The registered office address was changed back to 71-75 Shelton Street, London, WC2H 9JQ on 13 June 2023.

22. The CDRs provided by [REDACTED] were screened against the TPS register and showed between 5 August 2021 to 13 September 2021 F12 made a total of 128,540 calls of which 102,253 (79.5%) were to TPS numbers.
23. The CLIs from [REDACTED] and the other numbers identified by the Commissioner were screened against the TPS complaints and the ICO online reporting tool ("OLRT") which showed 26 TPS complaints and 41 OLRT complaints between 6 August 2021 and 28 October 2021. Predominantly the complaints were about white goods warranties, but a small proportion were about gutter cleaning services.
24. Examples of the complaints are.

"Don't know - silent call, but I used ringback to get details. My wife is partially paralyzed [sic] and bedridden. She gets agitated with phone calls when I cannot tell her who phoned."

"The caller was very rude, the call went as followed:- Caller-are you mrsXXX? Me-yes, but can I stop you there? I'm part of TPS Caller-what's that got to do with me? Me-I shouldn't be getting these calls Caller-don't be such a Karen" I was so offended."

"insurance (pretended I had my washing machine insured with them). I think this was a scam as they were pretending I had business with

them that I hadn't and they might have gone on to ask for my credit card. They hung up when I asked for their Company details."

"Fake washing machine breakdown cover. When telling the caller who identified herself as Sarah, that she was lying and therefore scamming me, she called me a bitch and hung up."

Washing machine insurance . The caller was Jessica; she might have been calling from PYG but I'm not certain. When I asked her to remove my information because I was registered with TPS and not interested, she said you sound like blah blah blah". I'm afraid I swore at her before hanging up. I rarely swear but as an oap with lifelong speech impediments I'm quite sensitive about these things. I am somewhat anxious because they have my name and number..."

25. On 16 November 2021 an initial investigation letter was sent by Royal Mail Special Delivery to F12 at the registered address. Royal Mail confirmed delivery was made on 18 November 2021 and the letter was signed for by [REDACTED]. A response was due by 9 December 2021.
26. However, it transpired that on 20 October 2021 F12 had applied to Companies House to strike the company off the register and on 2 November 2021 Companies House recorded the First Gazette Notice for voluntary strike off. On 16 November 2021 an objection to this voluntary strike off was lodged by the Commissioner with Companies House. The objection was approved and the strike off was suspended until 24 May 2022.
27. On 16 November 2021 the Commissioner requested information from Companies House about Anna ALLEN's contact details and on 1 December 2021 this was provided. The information stated Anna ALLEN's residential address was [REDACTED]

Additional checks conducted by the Commissioner showed a [REDACTED] [REDACTED] resident and an [REDACTED] resident on the Electoral Register for 2020-21.

28. On 9 December 2021, as no response had been received to the initial letter from the ICO, a copy of the initial letter and attachments were sent by special delivery to Anna ALLEN c/o [REDACTED] [REDACTED]. A response was due by 16 December 2021; however, none was received by this date. Royal Mail Track and Trace show the letter was delivered on 17 December 2021 and signed for by [REDACTED].
29. On 21 December 2021 a separate CLI [REDACTED] was identified from the November 2021 TPS complaints which referred to 'F12 Management Ltd' as being the caller.
30. On 21 December 2021 a 3PIN was sent to [REDACTED] to identify the organisation which the CLI [REDACTED] was allocated to.
31. On 10 January 2022 a further 3PIN was sent to [REDACTED] requesting CDRs from 14 September 2021 to 9 January 2022.
32. [REDACTED] responded on 12 January 2022 to the 3PIN sent on 21 December 2021 and identified the subscriber as F12.
33. On 12 January 2022 the Commissioner sent further queries to [REDACTED] based on their response to the 3PIN dated 21 December 2021. On the same day [REDACTED] provided various information including copies of two payments received from [REDACTED] through [REDACTED] which verified [REDACTED] address, matching the [REDACTED] (these payments show the email address [REDACTED] and banking details which identify [REDACTED] as payee for [REDACTED] service. [REDACTED] also stated:

"To provide some context on F12 Management, they first called out with us on July 9th and deactivated on December 20th due to non-payment for their December invoice. F12 has not cancelled any of their numbers with us – they became unassigned when this customer did not pay their bill, so I am unable to share any communication on this matter.."

34. On 12 January 2022 an email was sent to the email address given by [REDACTED] as [REDACTED], the email detailed the attempts by the Commissioner to contact F12 and requested a response by 19 January 2022.

35. On 13 January 2022 a letter was received by post from Anna ALLEN dated 20 December 2021 stating:

"... F12 Management Ltd is in the process of being dissolved [REDACTED] [REDACTED] Therefore, I am not in possession of the information you require. I apologise for not being able to assist you further, [REDACTED] and I am not able to help."

36. A letter was sent via post and special delivery to Anna ALLEN on 13 January 2022 explaining that the investigation was a serious matter and reminding her of the powers available to the Commissioner as set out in the initial investigation letter of 16 November 2021. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] The letter also requested a contact email address and phone number. Royal Mail Track and Trace show the letter was delivered on 17 January 2022.

37. On 21 January 2022 a scan of a letter sent by Anna ALLEN to the Commissioner was received. Anna ALLEN stated.

"As you are aware I am no longer running F12 Management Ltd and do not have the information you have requested. I understand this is a serious matter, [REDACTED] [REDACTED] I would like to help but this is something I do not feel I can assist with. Please only contact me via email on [REDACTED] but as I have said before, it might be that I can not (sic) offer you anything further as I don't hold records and the business is not operational. Sorry I can't be of more help, and I thank you for your understanding."

38. On 2 February 2022 a letter was sent by email to Anna ALLEN to at [REDACTED] again requesting a response to queries in the initial investigation letter and any evidence to support her claim of ill-health. The letter also stated that the ICO had evidence that between 5 August 2021 and 20 December 2021 F12 made over 500,000 calls (the total number being under review at that time) to individuals registered with the TPS. A response was requested by 9 February 2022. No response was received. A further email was sent to Anna ALLEN on 17 March 2022, referencing the culmination of the ICO's investigation. No response was received.

39. Meanwhile, further investigations by the Commissioner found that of the CDRs provided by [REDACTED] between 5 August 2021 to 20 December 2021, F12 made 1,708,306 connected calls of which 1,346,019 were to individuals registered with the TPS which is 78.7% of the connected calls.

40. The Commissioner is satisfied that the 1,346,019 calls were all made for the purposes of direct marketing as defined by section 122(5) DPA18.
41. The Commissioner has made the above findings of fact on the balance of probabilities.
42. The Commissioner has considered whether those facts constitute a contravention of regulations 21 and 24 of PECR by F12 Management Ltd and, if so, whether the conditions of section 55A DPA are satisfied.

The contravention

43. The Commissioner finds that F12 contravened regulations 21 and 24 of PECR.
44. The Commissioner finds that the contravention was as follows:

Between 05 August 2021 to 20 December 2021, F12 used a public telecommunications service for the purposes of making 1,346,019 unsolicited calls for direct marketing purposes to subscribers where the number allocated to the subscriber in respect of the called line was a number listed on the register of numbers kept by the Commissioner in accordance with regulation 26, contrary to regulation 21(1)(b) of PECR. This resulted in 26 complaints being made to the TPS and 41 to the Commissioner.

45. The Commissioner is also satisfied for the purposes of regulation 21 that these 1,346,019 unsolicited direct marketing calls were made to subscribers who had registered with the TPS at least 28 days prior to

receiving the calls, and who had not notified F12 that they did not object to receiving such calls

46. For such notification to be valid under regulation 21(4), the individual must have taken a clear and positive action to override their TPS registration and indicate their willingness to receive marketing calls from the company. The notification should reflect the individual's choice about whether or not they are willing to receive marketing calls. Therefore, where signing up to use a product or service is conditional upon receiving marketing calls, companies will need to demonstrate how this constitutes a clear and positive notification of the individual's willingness to receive such calls.
47. The notification must clearly indicate the individual's willingness to receive marketing calls specifically. Companies cannot rely on individuals opting in to marketing communications generally, unless it is clear that this will include telephone calls.
48. Further, the notification must demonstrate the individual's willingness to receive marketing calls from that company specifically. Notifications will not be valid for the purposes of regulation 21(4) if individuals are asked to agree to receive marketing calls from "similar organisations", "partners", "selected third parties" or other similar generic descriptions.
49. The Commissioner has considered the lack of evidence of any notifications obtained by F12 and is concerned that 1,346,019 calls were made to subscribers who had registered with the TPS at least 28 days prior to receiving the calls, and who in each case for the purposes of regulation 21(4) had not notified F12 that they did not object to receiving such calls.

50. Further, F12 failed, as required by regulation 24 of PECR, to provide the recipient of the calls with the particulars specified at regulation 24(2) of PECR.
51. The Commissioner has evidenced the breach of regulation 24 in that the name of the company 'F12' was not clearly provided when making the calls. There is evidence of callers using different company names. This meant individuals were unable to identify who was calling them, to call back and request suppression or to raise a complaint against the correct perpetrator.
52. The Commissioner has gone on to consider whether the conditions under section 55A DPA are met.

Seriousness of the contravention

53. The Commissioner is satisfied that the contravention identified above was serious. This is because there have been multiple breaches of regulations 21 and 24 by F12 arising from the organisation's activities between 5 August 2021 to 20 December 2021 and this led to 1,346,019 unsolicited direct marketing calls being made to subscribers who were registered with the TPS and who had not notified F12 that they were willing to receive such calls, and 67 complaints being made as a result.
54. Further, the Commissioner considers the contravention serious because the complaints evidence calls of an abusive nature.
55. The Commissioner is therefore satisfied that condition (a) from section 55A (1) DPA is met.

Deliberate or negligent contraventions

56. The Commissioner has considered whether the contravention identified above was deliberate. In the Commissioner's view, this means that F12's actions which constituted that contravention were deliberate actions (even if F12 did not actually intend thereby to contravene PECR).
57. The Commissioner considers that in this case F12 did deliberately contravene regulations 21 and 24 of PECR. This is due to the nature of the calls and F12 adopting tactics to avoid detection and regulatory action.
58. For the above reasons, the Commissioner is satisfied that this breach was deliberate.
59. Further and in the alternative, the Commissioner has gone on to consider whether the contravention identified above was negligent. This consideration comprises two elements:
60. Firstly, He has considered whether F12 knew or ought reasonably to have known that there was a risk that this contravention would occur. He is satisfied that this condition is met.
61. For example, the Commissioner has published detailed guidance for companies carrying out marketing explaining their legal requirements under PECR. This guidance explains the circumstances under which organisations are able to carry out marketing over the phone, by text, by email, by post or by fax. Specifically, it states that live calls must not be made to any subscriber registered with the TPS, unless the subscriber has specifically notified the company that they do not, for the time being, object to receiving such calls. In case organisations

remain unclear on their obligations, the ICO operates a telephone helpline. ICO communications about previous enforcement action where businesses have not complied with PECR are also readily available.

62. Additionally, The Commissioner is satisfied that the investigation found evidence through intelligence and complaints that F12 adopted tactics to avoid detection and so evade regulatory action. during the contravention period.
63. Where it is able to identify the organisation making the calls, it is standard practice of the TPS to contact that organisation on each occasion a complaint is made. The Commissioner has evidence that F12 would have been sent a notification from the TPS for a number of the complaints being made in this case. That there were a number of complaints made to the TPS alone over the period of the contravention should have made F12 aware of the risk that such contraventions may occur and were indeed occurring.
64. It is therefore reasonable to suppose that F12 should have been aware of its responsibilities in this area.
65. Secondly, the Commissioner has gone on to consider whether F12 failed to take reasonable steps to prevent the contravention. Again, he is satisfied that this condition is met.
66. The Commissioner's direct marketing guidance makes clear that organisations [acquiring/utilising] marketing lists from a third party must undertake rigorous checks to satisfy themselves that the personal data was obtained fairly and lawfully, that their details would be passed along for direct marketing to the specifically named

organisation in the case of live calls, and that they have the necessary notifications for the purposes of regulation 21(4). It is not acceptable to rely on assurances given by third party suppliers without undertaking proper due diligence.

67. Reasonable steps in these circumstances may also have included:

- ensuring that call data was screened against TPS and rescreened every 28 days.
- Conducting regular checks of marketing lists to ensure that any TPS screening outsourced to a third party is working correctly.
- Maintaining clear records of any notifications from individuals registered on TPS who do not object to marketing calls from the organisation.
- Providing adequate staff training to ensure suppression requests are identified and acted upon.
- Monitoring and sampling calls for quality control purposes and to ensure policies and processes are being adhered to; and
- Performing regular reviews of marketing databases to ensure the data is fit for purpose and PECR compliant.

68. Given the volume of calls and complaints, it is clear that F12 failed to take those reasonable steps.

69. The Commissioner is therefore satisfied that condition (b) from section 55A (1) DPA is met.

The Commissioner's decision to issue a monetary penalty

70. The Commissioner has taken into account the following aggravating features of this case:

- Abusive calls –the complaints identified and indicated that some of these calls were abusive and demeaning in nature, and some appeared to be made to vulnerable individuals.
- Voluntary strike off application – the Commissioner was concerned this was a possible attempt to evade regulatory action as the Company was continuing to trade at this point.
- Engagement with the investigation – [REDACTED]
[REDACTED] of the Director, Anna ALLEN/BROWN, the Commissioner felt he was left with no option but to proceed with the regulatory action based upon the lack of engagement. The Company was given sufficient opportunity to provide further information and [REDACTED]
[REDACTED] during the investigation and at representation stage.

71. The Commissioner has not identified any mitigating features in this case.

72. For the reasons explained above, the Commissioner is satisfied that the conditions from section 55A (1) DPA have been met in this case. He is also satisfied that the procedural rights under section 55B have been complied with.

73. The latter has included the issuing of a Notice of Intent, in which the Commissioner set out his preliminary thinking. In reaching his final view, the Commissioner received no representations from F12.

74. The Commissioner is accordingly entitled to issue a monetary penalty in this case.
75. The Commissioner has considered whether, in the circumstances, he should exercise his discretion so as to issue a monetary penalty.
76. The Commissioner has attempted to consider the likely impact of a monetary penalty on F12 but has been unable to do so. F12 was invited to provide financial representations in response to the Notice of Intent but failed to do so. The Commissioner considers in the circumstances that a penalty remains the appropriate course of action.
77. The Commissioner's underlying objective in imposing a monetary penalty notice is to promote compliance with PECR. The making of unsolicited direct marketing calls is a matter of significant public concern. A monetary penalty in this case should act as a general encouragement towards compliance with the law, or at least as a deterrent against non-compliance, on the part of all persons running businesses currently engaging in these practices. This is an opportunity to reinforce the need for businesses to ensure that they are only telephoning consumers who are not registered with the TPS and/or specifically indicate that they do not object to receiving these calls.
78. In making his decision, the Commissioner has also had regard to the factors set out in s108(2)(b) of the Deregulation Act 2015; including: the nature and level of risks associated with non-compliance, including the risks to economic growth; the steps taken by the business to achieve compliance and reasons for its failure; the willingness and ability of the business to address non-compliance;

the likely impact of the proposed intervention on the business, and the likely impact of the proposed intervention on the wider business community, both in terms of deterring non-compliance and economic benefits to legitimate businesses.

79. For these reasons, the Commissioner has decided to issue a monetary penalty in this case.

The amount of the penalty

80. Taking into account all of the above, the Commissioner has decided that a penalty in the sum of **£200,000 (two hundred thousand pounds)** is reasonable and proportionate given the particular facts of the case and the underlying objective in imposing the penalty.

Conclusion

81. The monetary penalty must be paid to the Commissioner's office by BACS transfer or cheque by **1 September 2023** at the latest. The monetary penalty is not kept by the Commissioner but will be paid into the Consolidated Fund which is the Government's general bank account at the Bank of England.
82. If the Commissioner receives full payment of the monetary penalty by **31 August 2023** the Commissioner will reduce the monetary penalty by 20% to **£160,000 (one hundred and sixty thousand pounds)**. However, you should be aware that the early payment discount is not available if you decide to exercise your right of appeal.

83. There is a right of appeal to the First-tier Tribunal (Information Rights) against:

1. (a) the imposition of the monetary penalty

and/or;

(b) the amount of the penalty specified in the monetary penalty notice.

84. Any notice of appeal should be received by the Tribunal within 28 days of the date of this monetary penalty notice.

85. Information about appeals is set out in Annex 1.

86. The Commissioner will not take action to enforce a monetary penalty unless:

- the period specified within the notice within which a monetary penalty must be paid has expired and all or any of the monetary penalty has not been paid;
- all relevant appeals against the monetary penalty notice and
- any variation of it have either been decided or withdrawn; and
- the period for appealing against the monetary penalty and any variation of it has expired.

87. In England, Wales and Northern Ireland, the monetary penalty is recoverable by Order of the County Court or the High Court. In Scotland, the monetary penalty can be enforced in the same manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.

Dated the 2 day of August 2023.

Signed ..



Andy Curry
Head of Investigations
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

ANNEX 1

SECTION 55 A-E OF THE DATA PROTECTION ACT 1998

RIGHTS OF APPEAL AGAINST DECISIONS OF THE COMMISSIONER

1. Section 55B(5) of the Data Protection Act 1998 gives any person upon whom a monetary penalty notice has been served a right of appeal to the First-tier Tribunal (Information Rights) (the 'Tribunal') against the notice.

2. If you decide to appeal and if the Tribunal considers:-

a) that the notice against which the appeal is brought is not in accordance with the law; or

b) to the extent that the notice involved an exercise of discretion by the Commissioner, that he ought to have exercised his discretion differently,

the Tribunal will allow the appeal or substitute such other decision as could have been made by the Commissioner. In any other case the Tribunal will dismiss the appeal.

3. You may bring an appeal by serving a notice of appeal on the Tribunal at the following address:

General Regulatory Chamber
HM Courts & Tribunals Service
PO Box 9300
Leicester
LE1 8DJ

Telephone: 0203 936 8963

Email: grc@justice.gov.uk

a) The notice of appeal should be sent so it is received by the Tribunal within 28 days of the date of the notice.

b) If your notice of appeal is late the Tribunal will not admit it unless the Tribunal has extended the time for complying with this rule.

4. The notice of appeal should state:-

a) your name and address/name and address of your representative (if any);

b) an address where documents may be sent or delivered to you;

c) the name and address of the Information Commissioner;

d) details of the decision to which the proceedings relate;

e) the result that you are seeking;

f) the grounds on which you rely;

g) you must provide with the notice of appeal a copy of the monetary penalty notice or variation notice;

h) if you have exceeded the time limit mentioned above the notice of appeal must include a request for an extension of time

and the reason why the notice of appeal was not provided in time.

5. Before deciding whether or not to appeal you may wish to consult your solicitor or another adviser. At the hearing of an appeal a party may conduct his case himself or may be represented by any person whom he may appoint for that purpose.

6. The statutory provisions concerning appeals to the First-tier Tribunal (Information Rights) are contained in section 55B(5) of, and Schedule 6 to, the Data Protection Act 1998, and Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 (Statutory Instrument 2009 No. 1976 (L.20)).