

DATA PROTECTION ACT 1998

SUPERVISORY POWERS OF THE INFORMATION COMMISSIONER

MONETARY PENALTY NOTICE

To: House Hold Appliances 247 Limited

Of: 15 Neptune Court, Vanguard Way, Cardiff, Wales CF24 5PJ

1. The Information Commissioner ("the Commissioner") has decided to issue House Hold Appliances 247 Limited ("HHA247L") with a monetary penalty under section 55A of the Data Protection Act 1998 ("DPA"). The penalty is in relation to a serious contravention of regulation of the Privacy and Electronic Communications (EC Directive) Regulations 2003 ("PECR").
2. This notice explains the Commissioner's decision.

Legal framework

3. HHA247L, whose registered office is given above (Companies House Registration Number: 12910722) 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. 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.
8. 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).
9. “Individual” is defined in regulation 2(1) of PECR as “*a living individual and includes an unincorporated body of such individuals*”.

10. 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*".

11. 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.

12. 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.

13. 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.

14. 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

15. At all material times HHA247L was an appliance service and repair company, offering service plans for domestic white goods.
16. HHA247L first came to the attention of the Commissioner through an operation set up to investigate organisations making unsolicited telephone calls to vulnerable individuals about white goods maintenance and warranty products.
17. Two TPS complaints named HHA247L as the organisation that had made the calls that were complained about. These calls were made on 15 June and 16 June 2021 to a number that was registered with the TPS. These complaints provided the calling line identifier ("CLI") as [REDACTED] ("[REDACTED]"). The caller sold television insurance to the complainant, an elderly and vulnerable individual, and took monies on both occasions. The complaints stated that:

Complaint dated 15 June 2021: "Selling insurance on TV to my elderly [sic] mother who does not know what she is buying (hence the TPS registration). My mother has ended up paying £190 for insurance she does not need. Her TV is not even worth that amount. Please note that they called again the following day

and charged her again for the same amount of money. So I will be registering a second of these complaints for that call."

Complaint dated 16 June 2021: "Selling my mother (who is elderly and vulnerable hence the TPS registration of her number) the same insurance they persuaded her to buy the day before! My mother ended up paying £380 over two days for insurance she does not need for a TV which is not worth a quarter of that. The same company called her two days in succession and persuaded her to pay both days. Disgraceful."

18. The TPS identified and contacted HHA247L regarding both complaints. With regard to the second complaint, HHA247L responded to state that they "called in error".
19. These two complaints were also submitted to the Commissioner, via the Commissioner's Online Reporting Tool.
20. On 14 September 2021, the Commissioner sent a Third Party Information Notice to the Communications Service Provider, [REDACTED] asking for information about CLI [REDACTED] for the period of 1 June 2021 to 31 August 2021. A response was received on 16 September 2021 stating CLI [REDACTED] was allocated to [REDACTED] [REDACTED]
21. On 2 December 2021, a Third Party Information Notice was sent to the Communications Service Provider, [REDACTED] for information about CLI [REDACTED]
22. On 7 December 2021, the Commissioner sent a Third Party Information Notice to [REDACTED] who stated in their response that the CLI was allocated

to a company called [REDACTED]. [REDACTED] indicated that they forward calls made to CLI [REDACTED] to CLI [REDACTED].

23. On 9 December 2021, the Commissioner issued a Third Party Information Notice to [REDACTED] who stated that CLI [REDACTED] was allocated to HHA247L.
24. On 9 December 2021, the Commissioner sent an initial investigation letter to HHA247L including a copy of the two complaints. The Commissioner also highlighted to HHA247L the requirement that organisations which process personal information need to register with and pay a data protection fee to the Commissioner, unless they are exempt.
25. On 14 December 2021, a response to the Third Party Information Notice was received from [REDACTED] which confirmed the subscriber of CLI [REDACTED] as HHA247L and the associated address as [REDACTED].
26. On 15 December 2021, the Commissioner sent further queries to [REDACTED] asking which number calls to CLI [REDACTED] were forwarded to. A response was received the same day which confirmed that, according to the agreement between [REDACTED] and HHA247L, calls to CLI [REDACTED] should be forwarded to CLI [REDACTED].
27. On 5 January 2022, an acknowledgement response was received from HHA247L stating they would respond within seven days. The Commissioner responded on the same day and asked for a response by 12 January 2022.
28. On 12 January 2022, HHA247L responded to the Commissioner and provided some of the information requested. HHA247L confirmed:

- it had requested the list and volume of call data from [REDACTED];
- it bought data from businesses which have ceased trading;
- it "*presumed*" the data it acquired had been screened against the TPS;
- it did not screen the data against the TPS;
- it had not appointed a Data Protection Officer, as it did not know one was required;
- it had (on 5 January 2022) registered with and paid a data protection fee to the Commissioner.

29. On 2 March 2022, the Commissioner wrote to HHA247L with further queries about its live call processes and its purchase of data from third parties. In addition, the Commissioner provided information about the support HHA247L could access regarding compliance with data protection legislation and TPS screening. The Commissioner requested:

- a full list of CLIs used by HHA247L;
- the volume of calls made and connected between 1 June 2021 to 30 November 2021;
- confirmation of HHA247L's suppression list;
- a copy of their direct marketing call script;
- copies of the training procedures;
- more information about the data purchased, including copies of contracts with third parties.

30. On 9 March 2022, the Commissioner received a response from HHA247L, which included supporting evidence of invoices from [REDACTED] [REDACTED] a script of their direct marketing calls; a list of telephone numbers; and a copy of their training pack. HHA247L confirmed that it had made 31,341 calls between 1 June 2021 to 30 November 2021, of which 25,072 connected.

31. In response to the Commissioner's queries regarding the source of its data, HHA247L stated that it obtained the data from [REDACTED] [REDACTED] in May 2021, under a verbal agreement, and that it first used that data in the same month. HHA247L said that it did not know who had previously owned the data, but it thought that the previous owners were companies that sold insurance policies. HHA247L advised that it was now sourcing its data from [REDACTED]
32. [REDACTED] is known to the Commissioner through a previous investigation and was found to have contravened regulation 21 of PECR. As a result of this investigation, the Commissioner issued a monetary penalty of £40,000 on 11 January 2017. [REDACTED] was in compulsory liquidation in May 2021, with its main creditor being the Commissioner who had nominated the Insolvency Practitioner. [REDACTED] in liquidation was not in a position to sell data. However, it was established through HHA247L that when they were sourcing the data, they dealt with persons who were formerly associated with [REDACTED]
33. On 14 March 2022, the Commissioner sent an email to HHA247L requesting answers to the outstanding questions in the initial investigation letter sent on 9 December 2021. The Commissioner also requested more information about the verbal agreement between HHA247L and [REDACTED].
34. On 23 March 2022, the Commissioner received a response from HHA247 which advised that it had ceased trading. It also confirmed that it purchased 20,000 records from [REDACTED] for a cost of £2,000 and that the data was obtained on 16 February 2021.
35. On 14 April 2022, the Commissioner sent further inquiries to HHA247L about CLI [REDACTED] and CLI [REDACTED] and the database of numbers that it called between 1 June 2021 to 30 November 2021.

36. On 20 April 2022, a response was received from HHA247L, which included two attachments: a call log of 25,072 outgoing calls made between 1 June 2021 to 30 November 2021 and a copy of the data purchased from [REDACTED]. HHA247L confirmed that all outbound calls were made from a "withheld number" and that CLI [REDACTED] was used for inbound calls. HHA247L also stated that [REDACTED] initially shared 100 telephone numbers with HHA247L, which were screened against the TPS and were confirmed to be unregistered. HHA247L did not screen the remaining data they purchased.
37. On 25 April 2022, the Commissioner sent further inquiries to HHA247L about the data purchased from [REDACTED] and the CLIs used by HHA247L.
38. On 29 April 2022, the Commissioner received a response from HHA247L. They confirmed that CLI [REDACTED] was the inbound CLI (provided by [REDACTED]), and that [REDACTED] was the Communications Service Provider. HHA247L stated that it purchased 20,000 records from [REDACTED], but only provided evidence of 16,101 records.
39. On 17 May 2022, the Commissioner sent further queries to [REDACTED] and a response was received on 25 May 2022. [REDACTED] confirmed the CLI [REDACTED] was allocated to HHA247L at [REDACTED]
[REDACTED]
40. On 17 May 2022, the Commissioner screened the data provided by HHA247L against the TPS register and of the 23,295 connected calls, 18,658 (80%) were to individuals registered with the TPS.
41. On 23 May 2022, the Commissioner spoke with the original complainant who explained the distress caused by the calls made by HHA247L. The complainant provided evidence of organisations which had contacted them and one of the companies listed was

'hha247.co.uk'. The evidence provided indicated that the complainant had received two refunds from HHA247L. This evidence confirms that HHA247L did call the CLI listed in the TPS complaints.

42. In August 2022 the data provided by HHA247L was rescreened against the TPS data to confirm the total number of calls. The rescreening confirmed that 19,069 connected calls had been made to individuals who had been registered with the TPS for 28 days or more at the time of the call.
43. The CLI listed in the TPS complaints was not found in any of the evidence of call logs or data purchased provided by HHA247L. However, while HHA247L stated that they purchased 20,000 records from [REDACTED], they provided only 16,101 records for examination by the Commissioner. It remains possible that the CLI formed part of the missing records.
44. On 30 May 2022, the Commissioner visited the HHA247L website, which appeared to still be active.
45. On 30 May 2022, a search was made of TPS complaints and complaints made to the Commissioner from December 2021 to 20 May 2022 and no further complaints were found.
46. On 31 May 2022, an end of investigation letter was sent to HHA247L explaining that the Commissioner would now consider whether any regulatory action was appropriate.
47. Subsequently, on 8 July 2022 the Commissioner inspected the website [REDACTED] (at [REDACTED]) and the records for CLI [REDACTED], which contained a series of complaints within a date range of 10 February 2021 to 22 June 2022.

48. The Commissioner is satisfied that between 1 June 2021 and 30 November 2021, 23,295 connected calls had been made by HHA247 of which 19,069 were made to subscribers who had been registered with the TPS for 28 days or more at the time they received the call and that these calls were all made for the purposes of direct marketing as defined by section 122(5) DPA18.
49. The Commissioner has made the above findings of fact on the balance of probabilities.
50. The Commissioner has considered whether those facts constitute a contravention of regulation 21 of PECR by HHA247L and, if so, whether the conditions of section 55A DPA are satisfied.

The contravention

51. The Commissioner finds that HHA247L contravened regulation 21 of PECR.
52. The Commissioner finds that the contravention was as follows:
53. Between 1 June 2021 to 30 November 2021, HHA247L used a public telecommunications service for the purposes of making 19,069 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 kept by the Commissioner in accordance with regulation 26, contrary to regulation 21(1)(b) of PECR. This resulted in two complaints being made to the TPS and the Commissioner.
54. The Commissioner is also satisfied for the purposes of regulation 21 that these 19,069 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 for the purposes of regulation 21(4) had not notified HHA247L that they did not object to receiving such calls.

55. 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.
56. 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.
57. 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.
58. HHA247L did not assert nor present any evidence to the effect that any of the subscribers whose numbers were registered on the TPS had informed them for the purposes of regulation 21(4) that they did not, for the time being, object to such calls being made to those numbers.

59. The Commissioner has gone on to consider whether the conditions under section 55A DPA are met.

Seriousness of the contravention

60. The Commissioner is satisfied that the contravention identified above was serious. This is because there have been multiple breaches of regulation 21 by HHA247L arising from the organisation's activities between 1 June 2021 to 30 November 2021, and this led to 19,069 unsolicited direct marketing calls being made to subscribers who were registered with the TPS and who had not notified HHA247L that they were willing to receive such calls, and two complaints being made to the TPS and the Commissioner as a result.
61. Additionally, the Commissioner considers the contravention serious, because the calls that led to the two TPS complaints were made to an elderly and vulnerable individual who was negatively impacted by these calls. Due to the fact that the said individual received two calls on two consecutive days, there is some indication that the said individual may have been specifically targeted.
62. The Commissioner is therefore satisfied that condition (a) from section 55A (1) DPA is met.

Deliberate or negligent contraventions

63. The Commissioner has considered whether the contravention identified above was deliberate. In the Commissioner's view, this means that HHA247L's actions which constituted that contravention were deliberate actions (even if HHA247L did not actually intend thereby to

contravene PECR). The Commissioner does not consider that HHA247L deliberately set out to contravene PECR in this instance.

64. The Commissioner has gone on to consider whether the contravention identified above was negligent. This consideration comprises two elements:
65. Firstly, he has considered whether HHA247L 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 because as a business that was engaged in direct marketing, HHA247L should have been aware of the rules that apply to such communications.
66. Furthermore, the Commissioner has also 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 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.
67. 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 HHA247L would have been sent a notification from the TPS for each of the complaints being made in this case. That there were two

complaints made to the TPS should have made HHA247L aware of the risk that such contraventions may occur and were indeed occurring.

68. It is therefore reasonable to suppose that HHA247L should have been aware of its responsibilities in this area.
69. Secondly, the Commissioner has gone on to consider whether HHA247L failed to take reasonable steps to prevent the contravention. Again, he is satisfied that this condition is met.
70. The Commissioner's direct marketing guidance makes clear that organisations acquiring or 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.
71. Reasonable steps in these circumstances may also have included: asking its third-party data providers for evidence that the subscribers had specifically notified that they did not object to receiving calls from HHA247L; screening the data against the TPS register itself, regardless of any assurances that might have been given by the providers of the data; ensuring that they had in place an effective and robust suppression list; entering into appropriate, written agreements with the third party and ensuring up-to-date training is in place so that employees and management are aware of their obligations regarding live marketing calls.

72. Given the volume of calls and complaints, it is clear that HHA247L failed to take those reasonable steps.
73. The Commissioner is therefore satisfied that condition (b) from section 55A (1) DPA is met.

The Commissioner's decision to issue a monetary penalty

74. The Commissioner has taken into account the following aggravating features of this case:
- The purpose of the marketing was to increase turnover and ultimately generate profit for the organisation.
 - Of the 23,295 calls that HHA247L made between 1 June 2021 and 30 November 2021, 19,069 were made to subscribers registered with the TPS. This amounts to 81% of calls made.
 - HA247L purchased data from a person claiming to represent a company that had been previously fined by the Commissioner for breaching PECR and that was subsequently placed into liquidation, amount to a total failure of due diligence.
 - HA247L were not initially registered with the Commissioner.
 - HHA247L called individuals from a withheld number, which constitutes an additional breach of regulation 21(A1).
75. The Commissioner does not consider that there are any mitigating features in this case.
76. The Commissioner has considered the likely impact of a monetary penalty on HHA247L. He has decided on the information that is available to him, that a penalty remains the appropriate course of action in the circumstances of this case.

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. Taking into account all of the above, the Commissioner has decided that a penalty in the sum of **£55,000.00 (fifty five thousand pounds)** is reasonable and proportionate given the particular facts of the case and the underlying objective in imposing the penalty.

The amount of the penalty

80. Taking into account all of the above, the Commissioner has decided that a penalty in the sum of **£55,000.00 (fifty five 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 4 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 3 September 2023 the Commissioner will reduce the monetary penalty by 20% to **£44,000 (Forty four 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:
- (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 3 day of August 2023.

Sign 

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)).