



Information Commissioner's Office

Operation LINDEN

Virtual meeting hosted by the Information Commissioners Office (ICO):
25 May 2023, 1100-1300, MS Teams¹

Attendees

Catherine Sankey (CHAIR)	Information Commissioners Office
David Clancy	Information Commissioners Office
Stephen Flack	Information Commissioners Office
Kerry Smith	Information Commissioners Office
Kayleigh Williams	Information Commissioners Office
Sharon Picken	Information Commissioners Office
TrueCall Representative	
Financial Conduct Authority (FCA) Representative	
National Trading Standards Scams Team Representative	
Gambling Commission Representative	
Solicitors Regulatory Authority Representative	
Insurance Fraud Bureau Representative	
The Fundraising Regulator Representative	
The Pensions Regulator Representative	
The Insolvency Agency Representative	
Ofcom Representative	
The Charity Commission Representative	

¹ Any information or statistics herein were correct as of the date of this meeting.

ICO Updates

The UK government is proposing to ban all cold calls selling financial products and services which includes:

- Proposal for a blanket ban on cold calls relating to all financial products and services announced as part of the new UK Fraud Strategy.
- A consultation regarding how exactly this will work is underway and the ICO is engaged.
- A ban on the use of 'sim farms' has also been proposed.

It is not known what impact this is going to have on the volume of financial cold calls and a consultation will be launched in the coming months.

The Data Protection and Digital Information (No 2) Bill² is currently at the report stage. Direct marketing is to be added to the list of processing activities which maybe in line with the legitimate interests of the data controller.

It also includes plans to bring Privacy and Electronic Communications Regulations (PECR) penalty setting in line with General Data Protection Regulation (GDPR). This could result in higher penalties but the process for setting these penalties will become more complex.

The new Bill also introduces a duty for Communication Service Providers (CSPs) to notify the ICO of unlawful direct marketing.

ICO Complaints Overview Financial Year To Date 2022-2023

There was an increase in reporting during March 2023 and it is highly likely that this can be attributed to an increased public awareness following the BBC Defenders episode which aired on 03/02/2023 featuring Andy Curry, our Head of Investigations.

The breakdown of complaint types is self reported and no additional checks have been taken to confirm the accuracy of this data. It has been noted that multiple options are often selected by the reporting individual, with some individuals selecting all available options. A new data cleanse method has been initiated within the ICO which has greatly improved the accuracy of complaints.

² [Data Protection and Digital Information \(No. 2\) Bill UK Parliament Progress](#)

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Going forward the ICO complaints overview will be provided for the previous six months, using the new data cleansing method, to allow for analysis of changing pattern and trends between quarterly reporting. This will assist in identifying any emerging patterns and trends and if similar reporting is being seen by external agencies.

PECR Penalties 2022-2023

A total of 19 penalties totalling £1.88 million have been issued. To date:

- Five penalties have been paid in full
- Six have payment plans in place
- One is subject to an appeal
- Eight are subject to ongoing recovery action/proceedings

Winding Up Orders³ have been obtained for:

- Colour Car Sales Limited
- H&L Business consulting Ltd
- Home2Sense Ltd
- Studios MG Ltd
- UK appliance Cover Ltd

PECR Penalties 2023-2024

A total of four penalties totalling £440,000 have been issued. To date:

- Three are currently being considered for payment plans
- One is subject to an appeal

Two Petitions for Winding Up Orders are in progress.

There has been an increased trend of payment plans which may be in part a reflection of the current economic backdrop. Payment plans are closely monitored and late payments can result in cancellation and formal recovery proceedings, as can any subsequent evidence of non-compliance.

Media Reporting

The Daily Record reported on a Scottish influencer who has been banned from being a Director.⁴

³ A Winding Up Order is a court instruction to close down a company and liquidate its assets. It follows a winding up petition made by a creditor after unsuccessful attempts to recover their money. The order is granted when a creditor needs to recover a large amount of debt from an insolvent company.

⁴ [Scots Instagram influencer banned from being director over claims Government Covid loan was misused](#)

DialADeal Scotland Ltd entered into liquidation after it was fined £150,000 by the ICO for nuisance calls trying to sell government green schemes. Both directors are now disqualified for seven years each following action taken by The Insolvency Service.

Any Other Business

The next meeting will take place in September/October with the hope that this will be a face to face meeting.

END