ICO Disclosure Log – Response IRQ0681123

I write in response to your email of 11 May in which you submitted a request for information to the Information Commissioner’s Office (ICO). Your request has been dealt with in accordance with the Freedom of Information Act 2000 (FOIA).

Your request

You asked,

'Please can you let me know for your last financial year:

1. The amount in sterling of the fines you levied for nuisance marketing? I think it was about £2m but I need the accurate figure.
2. How much of that figure has actually been collected?'

Our response

By ‘nuisance marketing’ we assume you are referring to the Privacy and Electronic Communication Regulations 2003 (PECR) legislation and breaches of it.

The PECR looks at electronic direct marketing communications made by email, SMS text, facsimile, pre-recorded/automated telephone calls and live telephone calls.

We publish information on our website relating to the civil monetary penalties (CMP’s) we have issued to organisations for breaches of the PECR. Please find below a link to the relevant web page:

https://ico.org.uk/media/action-weve-taken/csvs/1042752/civil-monetary-penalties.csv

The total amount of CMP’s issued for nuisance marketing under PECR in the last financial year 2016/17 is £1,923,000.00.

Of the above £559,300.00 has been paid/collected in the same period.
You should note that there are several factors that have an impact on the difference between the total amount fined and the total amount paid.

Firstly, if the Commissioner receives full payment of the monetary penalty within 28 calendar days of the notice being sent, the Commissioner will reduce the monetary penalty by 20%.

However, this early payment discount will not be available if a data controller or person decides to exercise their right of appeal to the First-tier Tribunal (Information Rights).

Secondly, ongoing or successful appeals against a CMP will delay, or negate, the amount of CMP to be paid.

In addition, as explained in our monetary penalty guidance, each monetary penalty notice issued will define a timeframe in which the CMP should be paid, which will be a period of at least 28 calendar days beginning the first day after the monetary penalty notice has been served. Therefore, in more recent cases, although a monetary penalty notice has been issued, payment may not yet have been made.

Payments may also be paid in instalments; hence the figure for the total amount paid will change regularly.

This concludes our response to your request.

**Review procedure**

I hope this provides you with the information you require. However, if you are dissatisfied with this response and wish to request a review of our decision or make a complaint about how your request has been handled you should email accessicoinformation@ico.org.uk quoting case reference number IRQ0681123.

Your request for internal review should be submitted to us within 40 working days of receipt by you of this response. Any such request received after this time will only be considered at the discretion of the Commissioner.

If having exhausted the review process you are not content that your request or review has been dealt with correctly, you have a further right of appeal to this office in our capacity as the statutory complaint handler under the legislation. To make such an
application, please visit the ‘Report a concern’ section of our website.

A copy of our review procedure can be accessed from our website here.