

DATA PROTECTION ACT 1998

SUPERVISORY POWERS OF THE INFORMATION COMMISSIONER

MONETARY PENALTY NOTICE

To: Tested.Me Ltd

Of: Verulam Point, Station Way, St. Albans, Hertfordshire, England,
AL1 5HE

1. The Information Commissioner ("**the Commissioner**") has decided to issue Tested.Me Ltd ("**TML**") with a monetary penalty under section 55A of the Data Protection Act 1998 ("**DPA 1998**").¹ The penalty is in relation to a serious contravention of Regulation 22 of the Privacy and Electronic Communications (EC Directive) Regulations 2003 ("**PECR**").
2. This notice explains the Commissioner's decision.

Legal framework

3. TML, whose registered office is given above (Companies House Registration Number: 12699464) is the organisation stated in this notice to have instigated the transmission of unsolicited communications by means of email to individual subscribers for the purposes of direct marketing contrary to Regulation 22 of PECR.
4. Regulation 22 of PECR states:

¹ The provisions of the Data Protection Act 1998 remain in force for the purposes of PECR notwithstanding the introduction of the Data Protection Act 2018 (see paragraph 58(1) of Part 9, Schedule 20 of the 2018 Act).

- "(1) This regulation applies to the transmission of unsolicited communications by means of electronic mail to individual subscribers.*
- (2) Except in the circumstances referred to in paragraph (3), a person shall neither transmit, nor instigate the transmission of, unsolicited communications for the purposes of direct marketing by means of electronic mail unless the recipient of the electronic mail has previously notified the sender that he consents for the time being to such communications being sent by, or at the instigation of, the sender.*
- (3) A person may send or instigate the sending of electronic mail for the purposes of direct marketing where—*
- (a) that person has obtained the contact details of the recipient of that electronic mail in the course of the sale or negotiations for the sale of a product or service to that recipient;*
 - (b) the direct marketing is in respect of that person's similar products and services only; and*
 - (c) the recipient has been given a simple means of refusing (free of charge except for the costs of the transmission of the refusal) the use of his contact details for the purposes of such direct marketing, at the time that the details were initially collected, and, where he did not initially refuse the use of the details, at the time of each subsequent communication.*

- (4) *A subscriber shall not permit his line to be used in contravention of paragraph (2)."*
5. Section 122(5) of the Data Protection Act 2018 ("DPA 2018") 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 and paragraphs 430 and 432(6) to Schedule 19 of the DPA18).
 6. Consent in PECR is defined, from 29 March 2019, by reference to the concept of consent in Regulation 2016/679 ("the GDPR"): regulation 8(2) of the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019. Article 4(11) of the GDPR as *"any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her"*.
 7. Recital 32 of the GDPR materially states that *"When the processing has multiple purposes, consent should be given for all of them"*. Recital 42 materially provides that *"For consent to be informed, the data subject should be aware at least of the identity of the controller"*. Recital 43 materially states that *"Consent is presumed not to be freely given if it does not allow separate consent to be given to different personal data processing operations despite it being appropriate in the individual case"*.
 8. *"Individual"* is defined in Regulation 2(1) of PECR as *"a living individual and includes an unincorporated body of such individuals"*.

9. 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"*.
10. "Electronic mail" is defined in Regulation 2(1) of PECR as *"any text, voice, sound or image message sent over a public electronic communications network which can be stored in the network or in the recipient's terminal equipment until it is collected by the recipient and includes messages sent using a short message service"*.
11. Section 55A of the DPA 1998 (as amended by the Privacy and Electronic Communications (EC Directive)(Amendment) Regulations 2011 and the Privacy and Electronic Communications (Amendment) Regulations 2015) 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 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. The Commissioner has issued statutory guidance under section 55C(1) of the DPA 1998 about the issuing of monetary penalties that has been published on her website.
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. TML provides digital 'track-and-trace' services to businesses. The need for such services has arisen during the Covid-19 pandemic because of requirements for businesses to keep records of individuals visiting their premises. TML's services function by providing individuals with a QR code, which the individual then scans on arrival at a businesses' premises, with the effect that their track-and-trace details are provided automatically.

17. TML was incorporated on 26 June 2020. There are currently 3 directors, all of whom were appointed on 26 June: Simon Miles Osman, Andrew Gordon Reid and Katherine Tracey Reid. Simon Osman and Andrew Reid are the directors of multiple other companies. The following professional biography for Simon Osman is found on the website comparetheloud.net:

"Simon has over 15 years of entrepreneurial experience and always keeps his finger on the pulse of the IT industry. Prior to creating iFollowOffice, he founded parent company Viastak and successfully built and sold Evolution Voice & Data, a multi-million pound telco company. He was named in the Who's Who of Young British Entrepreneurs between 2008- 2010."

18. TML has been registered with the Information Commissioner's Office ("**ICO**") since 2 July 2020 (registration number ZA768744).
19. TML first came to the Commissioner's attention after an individual submitted a complaint to her regarding unsolicited email marketing on 6 November 2020. The complaint concerned an email from TML regarding a "*digital health passport*". The email thanked the individual for scanning into a business using TML's QR code, and marketed an app which could be used to "*register at open businesses using tested.me more quickly and securely, share your Covid-19 test results and track how you're feeling on a daily basis*". The individual stated that they did not consent to receiving this email and did not believe they had any relationship with TML.
20. The Commissioner asked this complainant to provide further details of any complaint they had made to TML directly. This correspondence revealed that the individual would have signed up to marketing

communications on the online "**Visitor Registration Form**", into which they entered their track-and-trace details. The consent wording on this form read: *"Tick here if you agree for this venue, its alliance and tested.me to send you marketing materials in the future."*

21. Below the consent wording was a disclaimer which stated:

"To comply with Government Guidance during the Covid-19 pandemic, we are collecting your name and contact details. We will store these for 21 days only before deleting them in line with GDPR regulations. Your details will not be shared with any other company or organisation."

22. Beyond this disclaimer, no further privacy information was provided. There was no link to a privacy notice.

23. The only indication an individual had as to who operated the page was a small *"tested.me"* logo at the bottom of it.

24. For the reasons set out below at paragraph 50, the Commissioner was concerned that consent obtained on the basis of this wording was inadequate. She therefore sent an initial investigation letter to TML on 9 November 2020. This letter noted the Commissioner's concerns, detailed her remit and powers, and asked TML various questions about its compliance with PECR.

25. TML replied on 11 November 2020. This letter began by setting out a summary of TML's service. TML explained that it provides software to businesses which allows TML to collect information on their visitors, namely: the name of the individual, time and date of visit, contact information, and (if applicable) TML app profile of the individual. That information is not visible to the business, but is stored by TML in case the NHS Test and Trace service requires it. TML also explained how its

"Digital Health Passport App" could be used to enable "frictionless" access by non-employees to business premises.

26. TML provided its internal "**Data Protection Policy**", which covers requirements imposed by the GDPR and DPA 2018. This policy sets out definitions of key terms, the data protection principles, details TML's basis for processing, and its data protection obligations. The Data Protection Policy does not refer to direct marketing or the PECR. The policy does, however, include a detailed consideration of what is meant by "consent". This reads, so far as material:

"Consent must be explicit and freely given, specific, informed and unambiguous indication of the data subjects wishes.

Consent must be given with a clear affirmative action on the part of the data subject, as such pre-ticked boxes will not be used.

Consent will only be taken as given if it understood that the data subject is fully informed on the intended purpose for the processing. Consent will not have been obtained if it been obtained under duress or by misleading information about the purpose of the processing."

27. TML provided a summary of the marketing messages it had sent over the period 26 June 2020 to 09 November 2020. This consisted of 4 emails. Following further consideration by the Commissioner, including of material provided by TML in further correspondence, she concluded that emails (1) and (2) did not raise any concerns under PECR. The remainder of this Notice is therefore only concerned with emails (3) and (4).
28. TML stated that email (3) was sent on 11 September 2020 to 54,675 individuals who had filled out the Visitor Registration Form and had

ticked the marketing consent form referred to at paragraph 19 above. The email sought to market TML's "Digital Health Passport App" in the following terms (emphasis in original):

"Introducing your digital health passport

Thanks for recently scanning in at a tested.me venue! We're excited to share that our digital health passport app is now live, keeping you safe when you go out in your community.

With the tested.me app, you can register at tested.me venues more quickly and securely, share your Covid-19 test results, track how you're feeling on a daily basis and continue helping your local businesses stay open responsibly.

Get your tested.me digital health passport, today. *It's free, completely secure and is becoming widely used as a symbol of confidence and trust.*

Easily scan to register at tested.me venues

*With the tested.me app on your phone, you can scan in and register at tested.me venues quicker than before. You'll no longer need to fill out your details on a form, just scan and agree to share! **The tested.me app is a frictionless way to support your local businesses. ...***

29. TML explained that, in response to this email, it had received 13 emails from individuals requesting to be removed from its marketing database.

30. Email (4) was sent to individuals who had filled out the Visitor Registration Form and had ticked the marketing consent form referred to at paragraph 19 above *after* the sending of email (3). TML stated that this email was sent on 5 November 2020 to 14,951 individuals. The email sought to market TML's "Digital Health Passport App" and was worded in very similar terms to email (3).
31. TML highlighted a technical issue with email (4): that individuals who had opted out of marketing communications following receipt of email (3) would not have been opted out of email (4) if they had filled out the Visitor Registration Form for a second time following the initial opt-out and ticked the marketing consent box. TML explained this was because such individuals' data had been deleted, rather than being added to a suppression list. TML explained that this error led to a further complaint by an individual who had sought to opt-out following receipt of email (3).
32. TML also explained that they had previously misunderstood requests from individuals to no longer receive marketing communications as requests to delete personal data held about those individuals. Those affected by this error included the individual who had complained to the ICO.
33. TML explained that personal data in relation to emails (3) and (4) was collected when individuals ticked the marketing consent box on the Visitor Registration Form. No data was said to have been purchased from third parties.
34. TML stated that, at the point an individual filled out the online Visitor Registration Form, they were provided with a privacy notice "*as featured on our website*".

35. The Commissioner is satisfied that the **"Privacy Notice"** provided by TML is relatively detailed and clear in explaining what data is collected and how, how the personal data is used, and rights which individuals have in relation to their data. However, the part of the Privacy Notice on direct marketing by TML is brief, and states only that *"We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising."*
36. TML explained that it provides data protection training and that all staff members had completed this.
37. TML provided, in addition to its Privacy Policy, a "data privacy white paper" and a "special category information policy". Neither document refers to direct marketing or PECR. However, the former document does provide the following wording on the need for valid consent:
- "The meaning of consent under GDPR is very specific and can only be considered valid if it is; specific, unambiguous, freely given and is a positive action to show the wishes of the data subject.*
- Tested.me ensures that a compliance privacy notice is shown when collecting consent from a data subject. The method of collecting consent should require a positive action of the data subject to show their wishes; we do this by:*
- ...
- *From email – An unambiguous statement showing consent in response to the privacy notice."*
38. The Commissioner wrote again to TML on 11 November 2020 to request further information. TML responded on 12 November 2020. This response confirmed that the Visitor Registration Form provided by the complainant (as set out at paragraph 19 above) was the same form

TML used more widely. TML also explained that, at this date, it had facilitated around 200,000 check-ins at business venues.

39. The Commissioner sent a further email to TML on 13 November 2020. TML replied on 16 November 2020. This response:

- a. Confirmed that, despite what TML had stated in its 11 November 2020 response (see paragraph 33 above), its Privacy Notice was not provided to individuals at the point they opted-in to marketing communications. The only information provided at this stage was the disclaimer (referred to at paragraph 20 above) informing individuals their data would be deleted after 21 days.
- b. TML also provided the open, click and bounce rates for each email. For emails (3) and (4), these figures are:

Email no.	Times sent	Connected	Opened
3	55,968	54,675	31,534
4	29,912	29,229	15,847
Total	85,880	83,904	47,381

40. The Commissioner noted that the numbers provided by TML at this stage differed from the numbers first provided by TML in its 11 November 2020 response (see paragraphs 27 and 29 above). It was clear that, for email (3), TML had provided the number of connected emails, rather than the total emails sent. However, the inconsistency between the numbers for email (4) were not immediately obvious. The Commissioner therefore sent a request for clarification to TML on 18 November 2020.

41. TML replied on 19 November 2020, explaining that it had made an error when collating the initial figure for email (4), and that the emails in the table above were the correct figures.
42. An end of investigation letter was sent to TML on 20 November 2020.
43. In conclusion, the Commissioner is satisfied that TML sent 85,880 marketing emails, of which 83,904 were delivered.
44. The Commissioner has made the above findings of fact on the balance of probabilities.
45. The Commissioner has considered whether those facts constitute a contravention of Regulation 22 of PECR by TML and, if so, whether the conditions of section 55A DPA 1998 (as extended and modified by PECR) are satisfied.

The contravention

46. The Commissioner finds that TML contravened Regulation 22 of PECR.
47. The Commissioner finds that the contravention was as follows:
48. Between 11 September 2020 and 5 November 2020, TML sent 83,904 emails which were received by subscribers. The Commissioner is satisfied that these emails constituted "*direct marketing*" as defined by section 122(5) of the DPA 2018 because both emails sought to encourage individuals to download and make use of, and to promote more generally, TML's "Digital Health Passport App". The Commissioner finds that each of these emails were sent by TML contrary to Regulation 22 of PECR.

49. TML, when it transmitted marketing emails, was required to ensure that it was acting in compliance with the requirements of Regulation 22 of PECR, and to ensure that valid consent to send those messages had been acquired.
50. The Commissioner finds that the consent provided by recipients of these emails was invalid because, contrary to Article 4(11) of the GDPR, it was not "*freely given, specific, [and] informed*". Specifically:
- a. Consent was not "*informed*" because inadequate information was provided about the identity of TML and the venue in question's "*alliance*". Beyond a small "*tested.me*" logo at the bottom of the Visitor Registration Form, no information was provided about who TML is and what activities it engages in. It is also unclear which specific entities are part of a venue's "*alliance*".
 - b. Consent was not "*informed*" because the Visitor Registration Form did not contain any link to TML's Privacy Notice.
 - c. Consent was not "*freely given*" or "*specific*" because it was insufficiently granular. Individuals could only consent to receiving "*marketing materials*" from "*this venue, its alliance and tested.me*". Instead, TML was required to unbundle this consent wording into its separate purposes; for example, by allowing individuals to consent only to receiving marketing materials from TML.
 - d. Consent was not "*freely given*" or "*specific*" because the Visitor Registration Form referred to "*marketing materials*", instead of allowing individuals to consent to marketing

communications by specific channels (e.g. by email or by telephone).

51. The Commissioner is therefore satisfied from the evidence she has seen that TML did not have the necessary valid consent for the 83,904 direct marketing messages received by subscribers.
52. The Commissioner has gone on to consider whether the conditions under section 55A DPA 1998 (as extended and modified by PECR) are met.

Seriousness of the contravention

53. The Commissioner is satisfied that the contravention identified above was serious. This is because, between 11 September 2020 and 5 November 2020, TML sent a confirmed total of 83,904 direct marketing messages which were received by subscribers. These messages contained direct marketing material for which subscribers had not provided adequate consent.
54. The Commissioner is therefore satisfied that condition (a) from section 55A(1) DPA 1998 (as extended and modified by PECR) is met.

Deliberate or negligent contraventions

55. The Commissioner does not consider that TML deliberately set out to contravene PECR in this instance.
56. The Commissioner has gone on to consider whether the contravention identified above was negligent. This consideration comprises two elements:

57. First, she has considered whether TML knew or ought reasonably to have known that there was a risk that these contraventions would occur. She is satisfied that this condition is met for the following reasons:

- a. During the period in question, TML sent 85,880 direct marketing promoting the "Digital Health Passport App" to subscribers. It can be inferred from this that such emails were an important part of TML's strategy of encouraging uptake of the app. As such, TML should reasonably have sought to familiarise itself with the relevant statutory regime.
- b. It is clear from its Privacy Notice, Data Protection Policy, "data privacy white paper" and "special category information policy", as well as the provision of data protection training for staff, that TML had sought to acquaint itself with its privacy and data protection obligations. In particular, TML's Data Protection Policy and "data privacy white paper" both contain detailed consideration of the requirements for valid consent.
- c. The fact that TML received various complaints from individuals who were sent the two direct marketing emails in question should have alerted it to the fact that these emails were not in accordance with PECR.
- d. Mr Osman, one of TML's directors, appears to have significant experience of running businesses in the technology sector. It was reasonable to expect him to be aware of TML's obligations under PECR.

e. TML had been registered with the ICO since 2 July 2020. The Commissioner has published detailed guidance for organisations carrying out direct marketing which explains their legal obligations under PECR. This guidance gives clear advice regarding the requirements of consent for direct marketing and explains the circumstances under which organisations are able to carry out marketing by email. In particular it states that organisations can generally only send, or instigate, marketing emails to individuals if that person has specifically consented to receiving them. The Commissioner has also published detailed guidance on consent under the GDPR. 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.

58. It is therefore reasonable to suppose that TML should have been aware of its responsibilities in this area.
59. Secondly, the Commissioner has gone on to consider whether TML failed to take reasonable steps to prevent the contraventions. Again, she is satisfied that this condition is met.
60. Reasonable steps in these circumstances may, in particular, have included a combination of the following:
- a. Ensuring that the consent wording used on the Visitor Registration Form was consistent with internal policies; in particular, its Data Protection Policy and “data privacy white paper”, both of which considered in detail the necessary elements of valid consent.

- b. Consulting ICO guidance and/or the ICO telephone helpline to ensure its marketing policy was compliant with PECR.
 - c. Meaningfully reviewing its approach to marketing following the receipt of complaints.
61. In the circumstances, the Commissioner is satisfied that TML failed to take reasonable steps to prevent the contraventions.
62. The Commissioner is therefore satisfied that condition (b) from section 55A(1) DPA 1998 (as extended and modified by PECR) is met.

The Commissioner's decision to issue a monetary penalty

63. The Commissioner has also taken into account the following **aggravating feature** of this case:
- TML has shown that it had knowledge of many of the obligations imposed on it by data protection law, and was registered with the ICO. An organisation in its position should have made itself aware of relevant ICO guidance and, if in any doubt as to its obligations under PECR, made use of the ICO's telephone helpline.
64. The Commissioner has also taken into account the following **mitigating features** of this case:
- TML stopped sending marketing emails as soon as the Commissioner communicated her concerns in this regard.
 - TML, as well as its 3 directors, do not have any previous history of having breached PECR, or data protection law more generally.

65. For the reasons explained above, the Commissioner is satisfied that the conditions from section 55A (1) DPA have been met in this case. She is also satisfied that the procedural rights under section 55B have been complied with.
66. The latter has included the issuing of a Notice of Intent, in which the Commissioner set out her preliminary thinking. In view of the current pandemic, TML had previously agreed to accept email service of any Notices, and the Commissioner has a delivery receipt confirming service of the Notice of Intent on 31 March 2021. TML later confirmed receipt of service of the Notice of Intent by email of 21 April 2021. The Commissioner received no representations from TML.
67. The Commissioner is accordingly entitled to issue a monetary penalty in this case.
68. The Commissioner has considered whether, in the circumstances, she should exercise her discretion so as to issue a monetary penalty.
69. The Commissioner has considered the likely impact of a monetary penalty on TML. As TML was incorporated in June 2020, there is no financial information currently available to her. TML 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.
70. The Commissioner's underlying objective in imposing a monetary penalty notice is to promote compliance with PECR. The sending of unsolicited marketing emails 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. The issuing of a monetary penalty will reinforce the need for businesses to ensure that they are only messaging those who specifically consent to receive marketing.

71. The Commissioner has also taken into account that the provision of digital track-and-trace services is an emerging area of business activity, that individuals are often under a legal requirement to provide contact details when accessing venues, and that there is significant scope for other providers of such services to send unsolicited direct marketing communications in the future. The Commissioner considers that imposing a monetary penalty notice will serve as a deterrent to other existing or future digital track-and-trace providers.
72. For these reasons, the Commissioner has decided to issue a monetary penalty in this case.

The amount of the penalty

73. Taking into account all of the above, the Commissioner has decided that a penalty in the sum of **£8,000 (Eight thousand pounds)** is reasonable and proportionate given the particular facts of the case and the underlying objective in imposing the penalty.

Conclusion

74. The monetary penalty must be paid to the Commissioner's office by BACS transfer or cheque by **08 June 2021** 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.

75. If the Commissioner receives full payment of the monetary penalty by **07 June 2021** the Commissioner will reduce the monetary penalty by 20% to **£6,400 (six thousand and four hundred pounds)**.
However, you should be aware that the early payment discount is not available if you decide to exercise your right of appeal.
76. 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.
77. Any notice of appeal should be received by the Tribunal within 28 days of the date of this monetary penalty notice.
78. Information about appeals is set out in Annex 1.
79. 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.

80. 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 **10th** day of **May 2021**

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 she ought to have exercised her 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: 0300 123 4504

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)).