

**DATA PROTECTION ACT 1998
AND
PRIVACY AND ELECTRONIC COMMUNICATIONS (EC DIRECTIVE)
REGULATIONS 2003**

SUPERVISORY POWERS OF THE INFORMATION COMMISSIONER

MONETARY PENALTY NOTICE

To: The Conservative Party

Of: 4 Matthew Parker Street, London, SW1H 9HQ

1. The Information Commissioner ("the Commissioner") has decided to issue the Conservative Party ("the Party") with a monetary penalty under section 55A of the Data Protection Act 1998 ("DPA"), as amended by Schedule 1 to the Privacy and Electronic Communications (EC Directive) Regulations 2003 ("PECR"). The penalty is in relation to a serious contravention of regulation 22 of PECR.
2. This notice explains the Commissioner's decision.

Legal framework

3. The Party is the organisation stated in this notice to have transmitted unsolicited communications by means of electronic mail to individual subscribers for the purposes of direct marketing contrary to regulation 22 of PECR.
4. Regulation 22 of PECR states:

- "(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 ("DPA18") defines direct marketing as "*the communication (by whatever means) of any advertising material which is directed to particular individuals*". This definition also applies for the purposes of PECR (see regulation 2(2) PECR and paragraphs 430 & 432(6) to Schedule 19 of the DPA18). It is well-established that direct marketing encompasses communications promoting political parties and aims: *Scottish National Party v Information Commissioner* (EA/2005/0021).

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 sets out the following definition: "*consent*' of the data subject means 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. That is further supplemented by Article 7 GDPR, which provides:
 - "1. *Where processing is based on consent, the controller shall be able to demonstrate that the data subject has consented to processing of his or her personal data.*

 2. *If the data subject's consent is given in the context of a written declaration which also concerns other matters, the request for consent shall be presented in a manner which is clearly distinguishable from the other matters, in an intelligible and easily accessible form, using clear and plain language. Any part of such a declaration which constitutes an infringement of this Regulation shall not be binding.*

3. *The data subject shall have the right to withdraw his or her consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal. Prior to giving consent, the data subject shall be informed thereof. It shall be as easy to withdraw as to give consent.*
4. *When assessing whether consent is freely given, utmost account shall be taken of whether, inter alia, the performance of a contract, including the provision of a service, is conditional on consent to the processing of personal data that is not necessary for the performance of that contract."*
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 (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 implements Directive 2002/58/EC, and Directive 2009/136/EC which amended the earlier Directive. Both the Directive and PECR are "*designed to protect the privacy of electronic communications users*": *Leave.EU & Eldon Insurance Services v Information Commissioner* [2021] UKUT 26 (AAC) at paragraph 26. The Commissioner seeks to interpret and apply PECR in a manner consistent with the purpose of the Directive and PECR of ensuring a high level of protection of the privacy of individuals, and in particular the protections provided from receiving unsolicited direct marketing communications which the individual has not consented to receive.

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. On 23 July 2019, the Rt Hon Boris Johnson MP was elected leader of the Party, and was appointed Prime Minister of the United Kingdom.
16. The following day, 24 July 2019, the Party commenced an eight day email marketing campaign which ran until 31 July 2019. The emails were sent in the name of the Prime Minister. They were addressed to the individual recipient by name and promoted the Party's political priorities stating: *"With Brexit out the way, we'll invest in our NHS. Giving GP surgeries and hospitals the resources they need. We'll invest in our schools. So every child has the opportunity to succeed. We'll give young people the chance to buy their own home. And we'll get a grip on rising crime – with an extra 20,000 police officers. So they can get out on the streets and keep us safe. This is what I'll do – but I need your support. If you want to get our country back on the road to a brighter future, then join me and help make it happen."* The last sentence of the email contained a hyperlink which redirected individuals to <https://www.conservatives.com/join>. The website listed three types of membership subscriptions.
17. Between 24 July and 31 July 2019, the Party sent out a total of 1,190,280 direct marketing emails.
18. During the same period, the Commissioner received 51 complaints from individuals who had received the Party's email but who did not consider that they had consented to do so. As a result of the high level

of complaints received within a short space of time, supplemented by contemporaneous media reporting, the Commissioner commenced an investigation into the Party's compliance with PECR, writing to the Party on 2 August 2019.

19. The Commissioner specific responses from the Party in relation to the 51 individuals who had complained to her.
20. The Party's responses indicated that in 12 cases, the Party had wrongly failed to give effect to a request to unsubscribe from its direct marketing communications. This was said to be because the Party had recently changed its bulk email provider and the transfer of records had not been effected properly. The Party has been unable to provide any further information or detail about this issue because it says that the relevant employee left shortly afterwards and there are no available records. Any direct marketing email sent to an individual who has unsubscribed is a clear breach of regulation 22 of PECR.
21. In a further 7 cases, no basis of consent was recorded; for 3 the email addresses were not found; in 2 cases the email address was said to have been recorded against the incorrect person and in another 2 records provided only a bare reference to "*verbal consent*" having been provided. In one case the Party was unable to access the consent record and in another the source was recorded as unknown.
22. The largest category was given as 18 of the individuals who were said to have responded to surveys, with a further 5 said to have subscribed to newsletters. The emails sent in July 2019 were not newsletters: they were direct marketing communications to set out the Party's political message and to encourage recipients to join the Party.

23. Moreover, the Commissioner's investigation identified that the surveys and sign-up pages relied upon by the Party required the provision of an email address in order to participate, and those completing the survey were not given the option to opt out of receiving direct marketing communications (whether by email or other formats). This did not constitute freely given consent within the meaning of the GDPR and PECR.

24. Although on at least one occasion during her investigation, the Party suggested to the Commissioner that the surveys used to collect personal data were on an 'opt in' basis, the Commissioner's own testing established that the supply of an email address was a requirement of participation. That test occurred, in October 2019, after the Party had stated on 21 September 2019 that completion of name and email information had been made optional. In correspondence of 28 February 2020, the Party confirmed that this change was only made after the Commissioner's investigation had begun.

25. Further, and in any event, the information provided to the individual participating in the survey did not, in many of the instances provided to the Commissioner, sufficiently clearly inform the reader that their email address would be used to send direct marketing communications to further the political aims of the Party. It cannot be assumed that all participants in online surveys operated by or on behalf of the Party will share the Party's political position: some may participate because they have diametrically opposed political views which they wish to emphasise to the Party and who would not wish to receive direct marketing on behalf of the Party having done so. Consent was not sufficiently specific and informed to comply with the requirements of the GDPR and PECR as a result.

26. Following a request from the Commissioner, the Party explained in a letter dated 3 November 2020 that it was unable to provide evidence of the consent for each of the 1,190,280 emails it had sent in July 2019 because its email lists are now "*updated constantly with additions and removals*". The Party was accordingly unable to comply with its obligation under Article 7(1) GDPR to demonstrate that the data subject has consented the processing of their personal data in question.
27. In an email of 12 January 2021, the Party provided further information to the Commissioner. It explained that the 1,190,280 emails consisted of three email campaigns. Two were to Party members only, which accounted for 427,500 (the membership mailing list being 213,750). The third was to both members and non-members, in the total number of 762,780. Accordingly, the number of non-Party members who appear to have received emails from the Party in the relevant time period will have been approximately 549,030. The Party noted that some of these recipients may have received the email more than once, if they had provided multiple email addresses, but accepted that this would only cause a "marginal reduction" in the number of individual recipients.
28. The Party is unable to provide consent information in relation to the 549,030 non-member recipients. It asserts that its 213,750 members have consented to receive emails from the Party.
29. The Commissioner's investigation extended over a lengthy period of time for a number of reasons.
30. First, the Party repeatedly failed to provide responses within time periods set, even when those periods were extended. The

Commissioner does not consider that this was satisfactory compliance with reasonable requests from the statutory regulator.

31. Second, the Commissioner had been simultaneously engaging with the Party in detail in relation to its data protection and privacy compliance in work arising out of her data analytics investigation, in which all major political parties had been the subject of data protection audits. That work identified that the Party lacked appropriate policies and procedures to aid compliance, but it continued to engage in large-scale email marketing exercises without having completed its remedial work.

32. Third, various other direct marketing campaigns conducted by the Party were also the subject of complaints which required related investigation. In particular, the extensive email direct marketing conducted by the Party as part of its 2019 General Election campaign involved the transmission of 22,950,984 emails between 1 October and 13 December 2019, about which the Commissioner also received a large number of complaints. The Commissioner has not in this Notice sought to identify the use of email direct marketing during the General Election campaign as a further contravention, because she recognises that to some extent during this period some of the sign-up processes and consent wording used by the Party appears to have been improved, in particular as a result of the Commissioner's work with the Party. Nonetheless, she considers it a matter of real concern that such large scale processing occurred during her ongoing investigation and before the Party had taken all the steps necessary to ensure that its processing, and database of individuals who would receive emails, was fully compliant with the GDPR and with PECR.

33. The Commissioner has made the above findings of fact on the balance of probabilities.
34. The Commissioner has considered whether those facts constitute a contravention of regulation 22 of PECR by the Party and, if so, whether the conditions of section 55A DPA are satisfied.

The contravention

35. The Commissioner finds that the Party contravened regulation 22 of PECR.
36. The Commissioner finds that the contravention was as follows:
37. The Commissioner finds that between 24 and 31 July 2019 there were 51 direct marketing electronic communications received by individuals who then complained to the Commissioner. The Commissioner finds that the Party transmitted the direct marketing messages sent and complained about, contrary to regulation 22 of PECR.
38. The Party, as the sender of the direct marketing, is required to ensure that it is acting in compliance with the requirements of regulation 22 of PECR, and to ensure that valid consent to send those messages had been acquired.
39. In this instance, the Commissioner finds that the 51 emails which were the subject of complaints to her can be clearly identified as having been sent without valid consent and therefore contravened regulation 22 of PECR. In many instances, no evidenced consent could be provided at all, including some cases where the individual had specifically unsubscribed. In other instances, the consent process relied

upon by the Party did not meet the standards required by the GDPR and by PECR: it was not freely given, specific or informed.

40. The Commissioner has not made a finding that all 1,190,280 emails sent during the contravention period were sent in breach of PECR. She has not done so because the Party has not been able to provide sufficient or clear evidence as to the extent to which lawful and valid consent was provided for all of those emails. She accepts that it is likely that some proportion of the emails will have been likely to be validly sent under regulation 22, but that it is not possible to identify what that proportion is. In particular, she accepts that it is likely that Party members will have consented to receive such emails, but that still leaves 549,030 non-members for which individualised consideration of the purported consent would be required.
41. The Commissioner has similarly considered making a further formal finding of contravention of Article 7(1) GDPR by reference to the Party's inability to evidence the consent of the data subject upon which it purports to have relied in July 2019. She has concluded that the preferable and proportionate course is restrict this Notice to one issued under PECR alone.
42. However, both the failure to comply with Article 7(1) and the extensive number of emails sent during the contravention period, have been taken into account by the Commissioner in her decision-making, as set out elsewhere in this Notice.
43. The Commissioner is therefore satisfied from the evidence she has seen that the Party did not have the necessary valid consent for the 51 direct marketing emails received by individuals who then complained to the Commissioner.

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

Seriousness of the contravention

45. The Commissioner is satisfied that the contravention identified above was serious. This is because 51 direct marketing email communications were sent by the Party which did not comply with regulation 22 of PECR and were the subject of complaints to the Commissioner. These messages contained political direct marketing material for which subscribers had not provided consent.
46. The serious nature of the contravention extends significantly wider than the number of complaints. In particular, the Commissioner has had regard to:
- (1) The Party's failure to comply with the requirements of Article 7(1) GDPR;
 - (2) The very significant number of emails sent in an eight day period, being over 1 million;
 - (3) The 549,030 recipients who are non-Party members for which no clear records of consent are available;
 - (4) The acknowledged absence of any relevant written policies.
47. The Commissioner is therefore satisfied that condition (a) from section 55A(1) DPA is met.

Deliberate or negligent contraventions

48. The Commissioner has considered whether the contravention identified above was deliberate.
49. The Commissioner does not consider that there is sufficient evidence to find that the Party deliberately set out to contravene PECR in this instance.
50. The Commissioner has gone on to consider whether the contravention identified above was negligent. This consideration comprises two elements:
 51. First, she has considered whether the Party knew or ought reasonably to have known that there was a risk that the contravention would occur. This is not a high threshold: *Leave.EU*, paragraph 88. She is satisfied that this condition is met. The Party lacked written policies addressing PECR and such internal training material as it did have appears to have taken the manifestly incorrect view that the Party's legitimate interests would be sufficient to justify direct marketing of this type. The transfer of its bulk email provider and the loss of unsubscribe records as a result gave rise to an obvious and clear risk of contravention about which no steps appear to have been taken at the time.
 52. The Commissioner has published detailed guidance for those carrying out direct marketing explaining their legal obligations under PECR. This guidance gives clear advice regarding the requirements of consent for direct marketing, including in the political context, and explains the circumstances under which organisations are able to carry out marketing over the phone, by text, by email, by post, or by fax. 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. There is no indication or evidence that the Party had had any regard to this guidance prior to the contravention.

53. Moreover, the Party was at the time the subject of detailed engagement with the Commissioner and was aware that the Commissioner had identified various respects in which its compliance with data protection and privacy law fell short of the standards expected.
54. It is therefore reasonable to suppose that the Party should have been aware of its responsibilities in this area.
55. Secondly, the Commissioner has gone on to consider whether the Party failed to take reasonable steps to prevent the contraventions. Again, she is satisfied that this condition is met.
56. In particular, the Commissioner considers that any person wishing to engage in direct marketing by email could and should – particularly since the coming into effect of the GDPR – have ensured that all of their consent capture mechanism properly enabled consent to be separately given or withheld for direct marketing communications, and that the privacy information provided was specific and clear as to what sort of communications would be sent and for what purpose. The Party did not do this. Moreover, the Party could and should have ensured that it had and retained clear records of the basis upon which it claimed that an individual had consented to receiving direct marketing communications, as required by Article 7(1). It did not do so.
57. In the circumstances, the Commissioner is satisfied that the Party failed to take reasonable steps to prevent the contraventions.

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

The Commissioner's decision to issue a monetary penalty

59. Although the contravention has been identified as 51 emails having been sent by the Party in breach of regulation 22 of PECR, the Commissioner nonetheless considers that it is an appropriate case to impose a monetary penalty, and to set the penalty in the sum specified. In reaching that conclusion, the Commissioner has taken into account the following aggravating features of this case.

- (1) The Party has failed to comply with its obligation in Article 7(1) GDPR to be able to demonstrate the consent of the data subjects receiving 1,190,280 direct marketing emails between 24 and 31 July 2019.
- (2) The issues which have been identified in relation to the 51 individuals who complained about having received emails from the Party in that period are inherently likely to have affected, at least, the 549,030 non-Party member recipients of those emails. This is, on any view, a substantial and serious number of likely affected individuals. That 51 recipients complained, and complained with legal justification, is itself an indicator of some significance in the context of unsolicited marketing email communications.
- (3) The Party failed to ensure that its records of those who had unsubscribed from its direct marketing communications were properly transferred when it changed its email provider, and it has been wholly unable to explain what occurred and why.

- (4) During the course of the Commissioner's investigation, the Party proceeded to engage in an industrial-scale direct marketing email exercise during the 2019 General Election campaign, sending nearly 23 million emails. This generated a further 95 complaints to the Commissioner, which are likely to have resulted from the Party's failure to address the compliance issues identified in the Commissioner's investigation into the July 2019 email campaign and the wider audit of the Party's processing of personal data.
60. The Commissioner has not identified any specific mitigating features in this case. Her acceptance that in at least the cases of Party member recipients of the 1,190,280 emails sent between 24-31 July 2019 regulation 22 is likely to have been complied with is a reason why she has not found the full total to be a contravention: any emails which simply complied with the law cannot properly be identified as a mitigation. Although the Party did engage with the Commissioner's investigation and was not obstructive, its extensive delays in responding to requests for information and clarification mean that its conduct cannot be characterised as a mitigating factor, although the Commissioner does not find it to be an aggravating factor either.
61. 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.
62. The latter has included the issuing of a Notice of Intent, in which the Commissioner set out her preliminary thinking, and invited the Party to make representations in response.
63. In reaching her final view, the Commissioner has taken into account representations made by the Party on this matter.

64. The Commissioner is accordingly entitled to issue a monetary penalty in this case.
65. The Commissioner has considered whether, in the circumstances, she should exercise her discretion so as to issue a monetary penalty.
66. The Commissioner has considered the likely impact of a monetary penalty on the Party. She has decided on the information that is available to her, that the Party has access to sufficient financial resources to pay the proposed monetary penalty without causing undue financial hardship, and without the monetary penalty posing any material risk to the Party's ability to participate in the democratic processes of the United Kingdom.
67. 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 and other entities, such as political parties, currently engaging in these practices. The Commissioner's recent high-profile work in the processing of personal data by political parties and entities means that it is particularly important that clear instances of non-compliance be the subject of proportionate penalties. The issuing of a monetary penalty will reinforce the need for such bodies to ensure that they are only messaging those who specifically consent to receive marketing.

The amount of the penalty

68. The Commissioner has not identified any direct comparators in her previous enforcement action, given the nature of the body in question and the nature of the contravention found. She has accordingly approached the setting of the penalty sum as a matter of principle, having regard to the need to ensure that the penalty is both dissuasive and proportionate in all the circumstances.
69. Taking into account all of the above, the Commissioner has decided that a penalty in the sum of **£10,000 (ten thousand pounds)** is reasonable and proportionate given the particular facts of the case and the underlying objective in imposing the penalty.

Conclusion

70. The monetary penalty must be paid to the Commissioner's office by BACS transfer or cheque by **2 July 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.
71. If the Commissioner receives full payment of the monetary penalty by **1 July 2021** the Commissioner will reduce the monetary penalty by 20% to **£8,000 (Eight thousand pounds)**. However, you should be aware that the early payment discount is not available if you decide to exercise your right of appeal.
72. 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.

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

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

75. 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.

76. 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 1st day of June 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)).