

DATA PROTECTION ACT 1998

SUPERVISORY POWERS OF THE INFORMATION COMMISSIONER

MONETARY PENALTY NOTICE

To: Seaview Brokers Limited

Of: Demar House, 14 Church Road, East Wittering, Chichester, West
Sussex, PO20 8PS

1. The Information Commissioner ("the Commissioner") has decided to issue Seaview Brokers Limited ("Seaview") 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 21 of the Privacy and Electronic Communications (EC Directive) Regulations 2003 ("PECR").
2. This notice explains the Commissioner's decision.

Legal framework

3. Seaview, whose registered office is given above (Companies House Registration Number: 12213438) 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. Seaview first came to the attention of the Commissioner in June 2020 following intelligence received relating to an unsolicited marketing call about white goods maintenance. The complaint identified a company named [REDACTED].
16. The Commissioner conducted a search for complaints to the TPS and her online reporting tool ("OLRT") in relation to the identified company. This identified a further complaint about an unsolicited direct marketing call from a particular Calling Line Identifier ("CLI"). This complaint related to insurance for television: -
 - *"to discuss insurance of a television. Rang off when wife passed the phone to me. Latest in series of calls, 29/4 [REDACTED], 4/5 [REDACTED] and 18/5 [REDACTED] again indeed stretching back several months.. All to discuss renewal of appliance protection previously cancelled that was provided by [REDACTED]. These individuals disclaim any connection with that company but the information they quote to myself or my wife, including premiums and renewal dates, can only have come from [REDACTED]. The calling numbers vary as well.*

Our solicitor has formerly advised [REDACTED], in May, of our cancellation of their 'plan' but the company ignores correspondence."

- *"As soon as I said that we did not have insurance they hang up"*

17. The Commissioner sent a Third-Party Information Notice ("3PIN") to the Communications Service Provider ("CSP"), [REDACTED], for the CLI in question on 6 July 2020 requesting the identity of the CLI's subscriber. The response, which was received on 7 July 2020, identified the subscriber as Seaview, and provided a list of CLI's allocated to them. It also provided Call Detail Records ("CDR's") for the identified CLI's between 1 June 2020 and 30 June 2020.
18. The Commissioner calculated the number of calls which had originated from CLI's attributed to Seaview between 1 June 2020 and 30 June 2021 and established that there had been 12,571 calls made in total.
19. The Commissioner subsequently screened the CDR's against the TPS register to establish whether any of the calls had been made to TPS registered numbers. Results showed that a total of 4,737 calls had been made to telephone numbers which had been registered with the TPS for not less than 28 days. Out of the total number of 12,571 telephone calls made, this equated to 38% of connected outbound calls made during the period.
20. The Commissioner sent an initial investigation letter by post and e-mail to Seaview on 21 August 2020, setting out her concerns with Seaview's PECR compliance and asking for details of call volumes and information relating to its direct marketing activity.

21. On the 23 and 24 August 2020 the Commissioner received responses from Seaview setting out that it had no links with [REDACTED] except the purchase of its direct debit book. They explained that by Seaview purchasing the direct debit book it prevented customers losing out on contracts already paid for. It stated that on taking over the accounts each customer was given a new contract which included the right to be contacted by Seaview. They said that they did not engage in outbound marketing calls and that they believed Seaview was legally entitled to contact the customers it purchased from [REDACTED].
22. The Commissioner responded to confirm that she had received information from Seaview's CSP that the CLI's in question were allocated to them and had made a total of 12,571 calls during the month of June 2020. The Commissioner requested that they provide responses to her enquiries.
23. Seaview advised by return that it was in the process of becoming a Financial Conduct Authority regulated insurance provider and that it would continue to contact customers to inform of cancellations, missing payments or to inform them that Seaview had taken over the contract.
24. On the 28 August 2020 Seaview provided responses to the Commissioners initial enquiries. They confirmed that one of the CLI's identified was in use and that the data book purchased from [REDACTED] contained data originally supplied by two third party suppliers. Seaview confirmed that it did not operate a suppression list and were unable to provide evidence that individuals had not objected to the marketing calls but reiterated that the calls were made to those on the database purchased from [REDACTED].
25. The Commissioner requested further information on 16 September 2020 including evidence of the due diligence it conducted on the

purchased database, original data source opt in statements, confirmation of when Seaview purchased the data book and around its reliance on legitimate interests for marketing.

26. Seaview responded to the Commissioner on 29 September 2020 explaining that the company had been set up three weeks prior to the first government imposed Covid-19 lockdown. It was set to become regulated by a principal firm to sell insurance online. It had purchased the data book from [REDACTED] containing 10,000 customers in the hope it could move the customers on to a regulated product if they renewed their contract. They also explained that Seaview telephoned customers and sent new paperwork to them to advise that it had taken over the service.
27. The following day, on the 30 September 2020, Seaview provided the Commissioner with a copy document between themselves and [REDACTED] regarding the purchase of the data book. The agreement was signed by both parties but included no terms or details of the purchase, such as the size of the database or the price paid.
28. On 20 October 2020 the Commissioner wrote again to Seaview to explain that it had received evidence of unsolicited marketing calls made by them and needed to establish how many calls had been made, and whether the individuals had stated they did not object to receiving such calls from them. She again requested a full response to her enquiries of the 16 September 2020.
29. In its response of the 26 October 2020 Seaview explained that the data book it purchased was for active customers and it only made calls to advise it had taken over the customers contracts. It stated that all customers had engaged [REDACTED] services for at least six months. They also explained that TPS screening and suppression lists

would be used by Seaview if they decided to conduct a direct marketing campaign.

30. On 12 November 2020 the Commissioner invited Seaview to attend a fact-finding meeting. Due to delays caused by the Covid-19 pandemic this meeting was held on 18 January 2021. At the meeting Seaview confirmed the names of the two data providers used by [REDACTED] [REDACTED] and that these were the only providers they were aware of. The Commissioner expressed concern about the lack of provision of evidence that the individuals called had not objected to receiving the calls. The evidence that had been provided showed that the data used by [REDACTED] had originally been obtained via a lifestyle survey. The survey had asked individuals to agree to telephone marketing from sponsors listed at the end of the call. Individuals were not able to fine tune their marketing preferences, and they were not told how they could opt out. Furthermore, only industry sectors were listed at the end of the call, which was played after the individuals had given their consent. There were no individual companies named and there was no reference to [REDACTED] at all.
31. In the meeting the Commissioner also expressed concern about the copy agreement provided between itself and [REDACTED]. Seaview responded by explaining that it had not paid anything yet as the arrangement was supposed to be on an informal basis. The Commissioner again set out that it had obtained its CDR's for June 2020 and a significant number of calls had been made to TPS registered telephone numbers.
32. Following the meeting, the Commissioner requested that Seaview provide further evidence including a copy of the contract [REDACTED] [REDACTED] issued to its customers, correspondence sent by [REDACTED] [REDACTED] regarding the sale of the data book, its terms and conditions,

total costs of the book, volume of customers Seaview purchased and a copy of the invoice for the data book.

33. Seaview responded on the 13 April 2021 following attempts to send the evidence which was not received. They provided a copy of the contract between itself and [REDACTED] for the purchase of the data book. Seaview considered that it had provided all the information that it was able to the Commissioner and that anything further should be sought from [REDACTED] directly.
34. On the 20 April 2021 the Commissioner sent an end of investigation letter.
35. The Commissioner is satisfied that the 4,737 calls were all made for the purposes of direct marketing as defined by section 122(5) DPA18.
36. The Commissioner has made the above findings of fact on the balance of probabilities.
37. The Commissioner has considered whether those facts constitute a contravention of regulation 21 of PECR by Seaview and, if so, whether the conditions of section 55A DPA are satisfied.

The contravention

38. The Commissioner finds that Seaview contravened regulation 21 of PECR.
39. The Commissioner finds that the contravention was as follows:
40. Between 1 June 2020 and 30 June 2020, Seaview used a public telecommunications service for the purposes of making 4,737

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 of numbers kept by the Commissioner in accordance with regulation 26, contrary to regulation 21(1)(b) of PECR.

41. The Commissioner is also satisfied for the purposes of regulation 21 that these 4,737 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 Seaview that they did not object to receiving such calls.
42. 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.
43. 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.
44. 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.

45. Seaview has been unable to provide any evidence that the subscribers who received these calls had notified Seaview that they did not, for the time being, object to such calls. Seaview has not provided the Commissioner with a copy of the contract sent by [REDACTED] to its customers. The Commissioner has therefore been unable to assess whether anything in that contract gave permission for it to transfer individual's data to another organisation, including for marketing purposes. Indeed, evidence of an example consent statement used to gather consent by the data providers via a lifestyle survey did not appear to comply with PECR as individuals were not informed about who may contact them with marketing, or were able to choose who they receive marketing from.
46. The Commissioner has gone on to consider whether the conditions under section 55A DPA are met.

Seriousness of the contravention

47. The Commissioner is satisfied that the contravention identified above was serious. This is because there have been multiple breaches of regulation 21 by Seaview arising from the organisation's activities between 1 June 2020 and 30 June 2020, and this led to 4,737 unsolicited direct marketing calls being made to subscribers who were registered with the TPS and who had not notified Seaview that they were willing to receive such calls.
48. The Commissioner considered the arrangement between Seaview and [REDACTED] and took the view that it did not amount to a contract as there did not appear to be any consideration made by way of a payment for the data book. There was no information regarding

what obligations were created for the parties with regards to its ongoing obligations to the customers and who would provide the services which were the subject of the consumers contracts. For this reason, the Commissioner considered that there was no existing relationship between the two companies and that the calls made by Seaview amounted to marketing calls as the complaint suggested.

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

Deliberate or negligent contraventions

50. The Commissioner has considered whether the contravention identified above was deliberate. In the Commissioner's view, this means that Seaview's actions which constituted that contravention were deliberate actions (even if Seaview did not actually intend thereby to contravene PECR).
51. The Commissioner does not consider that Seaview deliberately set out to contravene PECR in this instance.
52. The Commissioner has gone on to consider whether the contravention identified above was negligent. This consideration comprises two elements:
53. Firstly, he has considered whether Seaview 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.
54. Seaview agreed to 'purchase' the data book from [REDACTED] without reviewing evidence of consent or conducting proper effective

due diligence. It went on to use the data to contact individuals and make direct marketing calls in contravention of PECR.

55. 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.
56. It is therefore reasonable to suppose that Seaview should have been aware of its responsibilities in this area.
57. Secondly, the Commissioner has gone on to consider whether Seaview failed to take reasonable steps to prevent the contravention. Again, he is satisfied that this condition is met.
58. Seaview seemingly took no steps to ensure that the data it used was screened against the TPS every 28 days. This is evident from the very high percentage of calls made to TPS registered telephone numbers. This is a basic requirement for any organisation conducting a live marketing campaign. It also did not operate a suppression list.
59. It is important to remember that even if individuals don't object to calls (for example by not ticking an opt-out box) this doesn't overrule any existing TPS registration. This means that a company has to screen all

numbers against this register and they can't call any number that appears on the lists. If they want to call a number registered with the TPS the individual must have specifically told them that they want their marketing calls in order to override their general objection to such calls. In order to prove that the individual notified the company that they could call their TPS registered number, the company needs to have a record of it. It is not enough that someone simply failed to object to past calls, or failed to take positive steps to opt-out of their calls. For example, a company cannot assume that failing to click on an opt-out, or not replying to a letter inviting them to opt-out, is notification that they do not object to its calls. The individuals must have taken a proactive step to 'notify' the company that they wish to receive direct marketing calls from it.

60. Seaview also failed to carry out satisfactory due diligence on the data book prior to or at the time of its 'purchase' and was instead content to rely on assurances that as they were apparent customers of [REDACTED] [REDACTED] they were entitled to make the direct marketing calls.
61. Reasonable steps in these circumstances may also have included conducting thorough checks on all of the data it was to use for its direct marketing campaigns; or at least obtaining and recording evidence of notification from those TPS-registered individuals whom had indicated that they did not object to receiving marketing calls from Seaview.
62. Seaview has maintained that the calls it made were not marketing in nature, however, the complaints received suggest otherwise. It is arguable that Seaview did not need to make the call at all given that it informed the Commissioner that it contacted the individuals to inform them it had taken over their contracts by post. Seaview could therefore

have mitigated the risk of making unsolicited marketing calls in breach of PECR.

63. Given the volume of calls, it is clear that Seaview failed to take those reasonable steps.

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

The Commissioner's decision to issue a monetary penalty

64. The Commissioner has taken into account the following **aggravating features** of this case:

- To date, the Commissioner's understanding of this type of marketing is that it can often involve the targeting of vulnerable individuals and also be aggressive in nature. Whilst only 1 complaint has been identified to date within the contravention period, the content of this complaint indicates as such.
- The actions of Seaview were carried out to generate business and to increase profits, gaining an unfair advantage on those businesses complying with PECR. It was also noted that these calls could potentially result in recurring revenue as opposed to singular 'one-off' payments, if Direct Debits were set up as a consequence of the calls;
- The Commissioner noted the issues in relation to Seaview's record-keeping, particularly with regards to the apparent lack of documents relating to the purchase of the direct debit book; the database that was used to make the calls in contravention of Regulation 21 of PECR. It is anticipated that any Company purchase would have generated records.

65. The Commissioner did not identify any mitigating features in this case.
66. The Commissioner has considered the likely impact of a monetary penalty on Seaview. 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.
67. For the reasons explained above, the Commissioner is satisfied that the conditions from section 55A (1) DPA have been met in this case. He is also satisfied that the procedural rights under section 55B have been complied with.
68. The latter has included the issuing of a Notice of Intent, in which the Commissioner set out his preliminary thinking. In reaching his final view, the Commissioner has taken into account the representations made by Seaview on this matter dated 28 February 2022.
69. Having considered those representations the Commissioner remains satisfied that there are valid grounds for proceeding to issue a monetary penalty in this case. Since the contravention period the Commissioner has received a further two complaints which both indicate that Seaview were undertaking marketing calls asking individuals to 'take out' insurance. The Commissioner has also made enquiries with [REDACTED], an organisation which provides call blocker units to individuals and is approved by Trading Standards. The evidence provided by them suggests that several calls made during the contravention period by Seaview were to subscribers classified by them to be very vulnerable or vulnerable.
70. The Commissioner is accordingly entitled to issue a monetary penalty in this case.

71. The Commissioner has considered whether, in the circumstances, he should exercise his discretion so as to issue a monetary penalty.
72. The Commissioner has considered the likely impact of a monetary penalty on Seaview. 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.
73. 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.
74. For these reasons, the Commissioner has decided to issue a monetary penalty in this case.

The amount of the penalty

75. Taking into account all of the above, the Commissioner has decided that a penalty in the sum of **£15,000 (Fifteen thousand pounds)** is reasonable and proportionate given the particular facts of the case and the underlying objective in imposing the penalty.

Conclusion

76. The monetary penalty must be paid to the Commissioner's office by BACS transfer or cheque by **13 April 2022** 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.
77. If the Commissioner receives full payment of the monetary penalty by **12 April 2022** the Commissioner will reduce the monetary penalty by 20% to **£12,000 (Twelve thousand pounds)**. However, you should be aware that the early payment discount is not available if you decide to exercise your right of appeal.
78. 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.
79. Any notice of appeal should be received by the Tribunal within 28 days of the date of this monetary penalty notice.
80. Information about appeals is set out in Annex 1.
81. 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.

82. 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 11th day of March 2022.

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)).