

DATA PROTECTION ACT 1998

SUPERVISORY POWERS OF THE INFORMATION COMMISSIONER

MONETARY PENALTY NOTICE

To: Join the Triboo Limited

Of: 26-28 Hammersmith Grove, Office 808, London, England, W6 7BA

1. The Information Commissioner ("the Commissioner") has decided to issue Join the Triboo Limited ("JTT") 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 22 of the Privacy and Electronic Communications (EC Directive) Regulations 2003 ("PECR").
2. This notice explains the Commissioner's decision.

Legal framework

3. JTT, whose registered office address is given above (Companies House Registration Number: 07152223) 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 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 & 432(6) to Schedule 19 of the DPA18).
6. Consent in PECR, between 29 March 2019 and 31 December 2020, was defined 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. 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 (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. JTT describes itself primarily as an operative of job search websites. Its Companies House entry lists the nature of its business as web portals, information service activities and advertising agencies. From the Commissioner's own investigations it is apparent that the websites operated by JTT also collect data for the purpose of lead generation and hosted direct marketing, which purpose forms the subject of this Notice.
16. JTT came to the attention of the Commissioner during an investigation into Leads Work Limited ("LWL") in 2020. LWL were subsequently fined by the Commissioner for sending unsolicited direct marketing messages in contravention of regulation 22 of the PECR ¹. LWL had

¹ <https://ico.org.uk/media/action-weve-taken/mpns/2619378/leads-work-limited-mpn.pdf>

informed the Commissioner that it purchased data from a variety of suppliers, including JTT, who sourced the data from the websites it operated. The Commissioner also discovered that JTT conducted a considerable amount of hosted electronic marketing on behalf of third parties via email marketing.

17. LWL told the Commissioner that the websites from which JTT sourced its data were [REDACTED] and [REDACTED]. A review of these websites by the Commissioner, which were very similar and shared the same consent and privacy statements, raised concerns about how data was being obtained, used and shared by JTT. Accordingly he commenced a separate investigation, writing to JTT on 24 August 2020 and making a number of enquiries about JTT's compliance with PECR.
18. JTT responded on 21 September 2020 and provided a description of its business model, which involved several activities in the field of digital marketing, both directly, and as an agency. JTT explained that it operates as a publisher of several 'editorial' websites mostly focusing on job-related topics, and users could subscribe to access 'exclusive' content. Data is collected via these websites from information provided by individuals at the point of registration. JTT advised that the registration forms contain two checkboxes, firstly asking for consent to receive marketing communications, and secondly asking for consent to transfer personal data to a list of third parties contained within the privacy policy. A link to the privacy policy is contained in the registration form and in the website footer.
19. JTT emphasised the checkboxes are not pre-flagged and if an individual does not select either box, they can still proceed with the registration.

If the individual flags the first box, they will receive advertising communications via email and phone from JTT.

20. Five proprietary websites were listed by JTT, four of which were job advertisement websites (the first two being those identified by LWL):
[REDACTED]; [REDACTED]; [REDACTED]; and [REDACTED].

21. Upon review of these websites by the Commissioner it was noted that the consent statements for [REDACTED] and [REDACTED] were identical insofar as hosted electronic marketing is concerned, in that they contained the following wording:

"I agree with Marketing Activity

Yes no

.....

By entering you agree to our Privacy Policy and to receive communications by email, phone and SMS from [REDACTED] [REDACTED]"

22. The [REDACTED] contained a similar consent statement, but which differed slightly in its third party consent statement.

23. The consent statement for the above three websites each contained a hyperlink to an identical privacy policy. These begin that JTT's principal activities include email marketing and mobile marketing services, and that they carry out such marketing activities for third parties '(who may operate in any business sector)', and who are referred to in the privacy policy as 'business partners' and 'clients'. Further down, individuals are informed that they may be contacted by e-mail within categories, of which 11 broad categories are listed such as 'financial',

'electronics', 'clubs, organisations and web sites/ portals'. There are then a further 47 subcategories under nine of these categories. These include examples such as 'offers for surveys, 'charitable organisations' and 'offers for professional associations'. The financial sector does list three named 'preferred partners' in the claims sector.

24. The privacy policy stated:

"When you register with us we ask for personal information such as your name, date of birth, contact details, and other details listed in the table below. We use this information for direct advertising campaigns, but never to process, or aid the process of, job applications".

25. Within the privacy policy was a broad statement about the disclosure of data. This read:

"With your consent, we may share, rent and sell your personal data or sell or rent our entire database to our partners and clients in any sector for any Commercial Purpose including marketing activities. By marketing activities, we mean the communication directly to particular individuals by e-mail, post, telephone or SMS of any advertising or marketing material in respect of any product or service from us, our partners or clients."

26. The [REDACTED] consent statement differed notably from the other three in that it read:

"... Agree to receive offers by email from [REDACTED], on behalf of selected companies that we believe will be of interest to you. These companies are within the following categories: Automotive, Retail, Finance, Insurance or General.

Yes No

.....”

27. The consent statement on this site contained a link to the same privacy policy as previously identified in the other three job websites.
28. In addition to the job websites, JTT also operates a lead generation website [REDACTED] purporting to offer individuals the opportunity to compare offers for boilers, solar panels, loans and 'education'. The website started in a similar fashion to the job websites, stating that the principal activities of the business are email marketing and mobile marketing services, and client recruitment campaigns. It stated that marketing activities are carried out for third parties, referred to as 'business partners' and 'clients'.
29. This site had multiple points of data collection as opposed to the simple 'register' on the job websites. The consent statement read:

"I agree I do not agree

By entering you agree to receive communications by email, phone, and SMS from [REDACTED]
.....”

30. The privacy policy contained much the same wording as the job websites, containing the same categories and subcategories in which emails may be sent. It differed only in naming three business partners or clients.
31. JTT provided figures for the number of individuals signed up through each website, and of these, how many had subsequently agreed to

marketing. During the period 1 August 2019 to 19 August 2020 ("the relevant period") a total of 459,562 registrations occurred across all five websites, of which 253,774 agreed to marketing. This data would have been added to JTT's existing database. It was apparent from the information provided that the job websites were by far the main source of data for JTT, with [REDACTED] and [REDACTED] having the highest amount of registrations and consent to marketing of all the websites.

32. Further enquiries were sent to JTT on 22 September 2020 requesting details of the emails sent by JTT, including volumes, during the relevant period.
33. JTT responded by confirming that during the relevant period it had sent 108,769,000 emails. Of these, approximately 107 million (equating to 98.3%) were received. JTT explained the high delivery rate was due to its efforts to ensure the veracity of email addresses input into its database.
34. Regarding distinct emails, JTT explained that it had managed 40 email marketing campaigns, with each email having been sent to individuals on 18 occasions. These emails were 'hosted marketing' whereby JTT 'hosted' the marketing of third party companies to its own distribution lists, relying on the consent individuals give to receive marketing from JTT.
35. JTT provided the names of 26 companies on whose behalf they had sent emails, with the three largest campaigns having been conducted on behalf of [REDACTED], [REDACTED] and [REDACTED]. The emails appeared to come from the company being hosted, with the only reference to JTT being contained in a small disclaimer at the foot of the email which informed recipients that the email had come from JTT, and

contained a link to a privacy policy, JTT's address and email address. The emails varied greatly in content depending on the instigator, and included claims management, insurance, real estate, utility switching and online courses.

36. Further enquiries were sent by the Commissioner to JTT on 13 April 2021, seeking clarification as to the number of distinct individuals the emails were sent to, the size of the database and retention periods. JTT responded by confirming that the 107 million delivered emails were sent to 437,324 distinct individuals. This meant that each individual would have received on average 244 emails during the relevant period. JTT explained that there were 2,088,016 individuals on the company database, of which 525,747 had consented to marketing. In terms of data retention, JTT advised that those deemed 'inactive' (defined as having not opened an email for 12 months) are removed 24 months after registering.
37. On 25 November 2021, the Commissioner wrote to inform JTT that the investigation had concluded, and that the Commissioner would consider whether JTT had contravened the requirements of PECR in relation to the aforementioned activities. JTT were notified that given it also sold data to third parties, potential contraventions of GDPR were under consideration in a separate investigation. The letter asked JTT to provide any information as to mitigation taken by the company post contravention, insofar as any changes to its websites were concerned.
38. JTT informed the Commissioner in a response dated 14 December 2021, that between February and April 2021, it was involved in a privacy assessment activity undertaken by a law firm to verify their compliance. It explained that further steps were taken to "further bolster" compliance including:

- *"Providing more details about how the data subjects data will be processed, including the various means of communications.*
- *Providing more details about the steps that are likely to be taken in respect of the data where third parties are involved.*
- *Incorporating the language of 'data processing' and 'consent' to build upon previous affirmative and unambiguous language.*
- *Including the name of the respective privacy policy (by hyperlink) of relevant third parties if not already provided."*

39. For three of the job websites, JTT stated that they changed the consent statements to improve the transparency of declaration, using clear and plain language to improve data subject awareness about the processing. Furthermore, the 'yes or no' was replaced with a checkbox to ensure that the consent is freely given. The new consent statement for the job website registration page is as follows:

"I agree to the processing of my data for marketing purposes by email, phone, and SMS from Join the Triboo....."

40. The privacy policies of the job websites, along with [REDACTED] were also said to have been updated, however there was no apparent change to the substance relating to direct marketing or data sale.
41. The Commissioner has made the above findings of fact on the balance of probabilities.
42. The Commissioner has considered whether those facts constitute a contravention of regulation 22 of PECR by JTT and, if so, whether the conditions of section 55A DPA are satisfied.

The contravention

43. The Commissioner finds that JTT contravened regulation 22 of PECR as follows:
44. The Commissioner finds that between 1 August 2019 to 19 August 2020, 107 million direct marketing emails were received by subscribers. The Commissioner finds that JTT transmitted those direct marketing messages, contrary to regulation 22 of PECR.
45. JTT, 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 obtained.
46. In this instance JTT is required to demonstrate that the consent is freely given, specific, informed, and contains an unambiguous indication from the individual via an affirmative action.
47. Consent is required to be "specific" as to the type of marketing communication to be received, and the organisation, or specific type of organisation, that will be sending it.
48. Consent will not be "informed" if individuals do not understand what they are consenting to. Organisations should therefore always ensure that the language used is clear, easy to understand, and not hidden away in a privacy policy or small print. Consent will not be valid if individuals are asked to agree to receive marketing from or on behalf of "similar organisations", "partners", "selected third parties" or other similar generic description.

49. The consent statement for [REDACTED], [REDACTED] and [REDACTED] simply states "I agree with marketing activity". It is not specific and does not inform an individual as to what marketing activity will take place, via what means, nor who the marketing will be by or on behalf of. Indeed, the privacy policy states that marketing may be carried out for 'third parties' who may operate in 'any business sector' and are referred to as 'business partners' and 'clients'. There is then a list of broad generalised categories and subcategories of organisations on behalf of which marketing may be sent. This statement was active on three out of four job websites, which obtained 96.8% of the 'consents' obtained by JTT during the relevant period.
50. The [REDACTED] consent statement is more descriptive, but is neither specific nor informed. It refers to receipt of emails on behalf of 'selected companies' and contains broad categories, including 'general'. Individuals could not possibly be informed as to what a 'general' company might be. The privacy policy is the same as detailed above.
51. The [REDACTED] consent statement pre-packages all the consent channels into a single statement and thus cannot be said to be specific. It also not informed as it does not describe that any marketing will occur, instead stating that 'communications' will be sent. Again, the privacy policy is the same as the job websites save that it includes details of three named 'business partners' or 'clients'.
52. The Commissioner has considered the consents obtained by JTT and finds that in each case they do not comply with the requirements of Article 4(11) of the GDPR.

53. The Commissioner is therefore satisfied from the evidence he has seen that JTT did not have the necessary valid consent for the 107 million direct marketing messages received over the relevant period.
54. As the data was not collected during the course of a sale or negotiation between JTT and the recipients of the emails, the Commissioner is satisfied that the provisions of regulation 22(3) PECR ("the soft opt-in") do not apply in this case.
55. The Commissioner has gone on to consider whether the conditions under section 55A DPA are met.

Seriousness of the contravention

56. The Commissioner is satisfied that the contravention identified above was serious. This is because over a period of approximately one year a confirmed total of 107 million direct marketing messages sent by JTT were received by 437,324 distinct individuals. This means that each individual received on average 244 emails during the relevant period. These messages contained direct marketing material for which subscribers had not provided valid consent.
57. The Commissioner acknowledges that no complaints have been identified in relation to the sending of these emails, but is unsurprised by this given that the email marketing was hosted, and JTT's role would not necessarily have been apparent to recipients. This is particularly so given that the broad range and content of the marketing emails was far removed from the context of the job search websites to which recipients had registered.

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

Deliberate or negligent contraventions

59. The Commissioner has considered whether the contravention identified above was deliberate. In the Commissioner's view, this means that JTT's actions which constituted that contravention were deliberate actions (even if JTT did not actually intend thereby to contravene PECR).
60. The Commissioner does not consider that JTT deliberately set out to contravene PECR in this instance.
61. The Commissioner has gone on to consider whether the contravention identified above was negligent. This consideration comprises two elements:
62. Firstly, he has considered whether JTT knew or ought reasonably to have known that there was a risk that these contraventions would occur. He is satisfied that this condition is met, for the following reasons.
63. 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 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 messages 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.

64. The issue of unsolicited marketing has also been widely publicised by the media as being a problem.
65. JTT is an experienced host marketer and data supplier which has been operating in excess of 10 years, and so should have had a full understanding of the obligations imposed on them. This is particularly so given that it operates in a sector that poses a high risk to the rights and freedoms of individuals. It is evident from responses provided to JTT during the Commissioner's investigation that JTT were aware of, and cited, certain requirements necessary to process data in line with their obligations under the legislation, however, it is apparent that JTT have a fundamental misunderstanding of the law.
66. Further, JTT was aware of the Commissioner's prior investigation into LWL, and his concerns about the validity of consent to send marketing messages based upon data supplied by third parties, including JTT. This should have alerted JTT to the possibility that the consent it used to send marketing emails was inadequate.
67. It is therefore reasonable to suppose that JTT should have been aware of its responsibilities in this area.
68. Secondly, the Commissioner has gone on to consider whether JTT failed to take reasonable steps to prevent the contraventions. Again, he is satisfied that this condition is met.

69. JTT should have familiarised itself with, and ensured that the consent statements in its websites complied with Article 4(11) of GDPR in order to collect compliant data. JTT could have consulted ICO guidance or obtained further advice if it was unclear. The consent statements and privacy policies should have been specific as to what and how marketing was to occur, and informed as to the identity of third parties on whose behalf JTT hosted marketing. Whilst JTT stated it has undergone a legal review of its processes and procedures, and has since updated its consent statements, the Commissioner considers that the changes made are still insufficient to equate to compliant consent statements, particularly as all marketing channels remain bundled together and do not reference any of the third parties on behalf of whom JTT host marketing.
70. In the circumstances, the Commissioner is satisfied that JTT failed to take reasonable steps to prevent the contraventions.
71. The Commissioner is therefore satisfied that condition (b) from section 55A (1) DPA is met.

The Commissioner's decision to issue a monetary penalty

72. The Commissioner considers there are no aggravating factors to be taken into consideration in this case.
73. The Commissioner has taken into account the following **mitigating feature** of this case:
- JTT has taken some steps to change its consent statements, however these are insufficient to satisfy the requirements of PECR, and so the

Commissioner does not view this as justification to reduce the penalty on this occasion.

74. 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.
75. The latter has included issuing a Notice of Intent on 17 October 2022, in which the Commissioner set out his preliminary thinking and invited JTT to make representations in respect of this matter. In reaching his final view, the Commissioner has taken into account the representations and financial information provided by JTT.
76. The Commissioner is accordingly entitled to issue a monetary penalty in this case.
77. The Commissioner has considered whether, in the circumstances, he should exercise his discretion so as to issue a monetary penalty.
78. The Commissioner has attempted to consider the likely impact of a monetary penalty on JTT. He has decided on the information that is available to him that a penalty remains the appropriate course of action in the circumstances of the case.
79. The Commissioner's underlying objective in imposing a monetary penalty notice is to promote compliance with PECR. The sending of unsolicited direct marketing messages 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 direct marketing.

80. In making his decision, the Commissioner has also had regard to the factors set out in s108(2)(b) of the Deregulation Act 2015; including: the nature and level of risks associated with non-compliance, including the risks to economic growth; the steps taken by the business to achieve compliance and reasons for its failure; the willingness and ability of the business to address non-compliance; the likely impact of the proposed intervention on the business, and the likely impact of the proposed intervention on the wider business community, both in terms of deterring non-compliance and economic benefits to legitimate businesses.

The amount of the penalty

81. Taking into account all of the above, the Commissioner has decided that a penalty in the sum of **£130,000 (One Hundred and Thirty Thousand pounds)** is reasonable and proportionate given the particular facts of the case and the underlying objective in imposing the penalty.

Conclusion

82. The monetary penalty must be paid to the Commissioner's office by BACS transfer or cheque by **11 May 2023** 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.

83. If the Commissioner receives full payment of the monetary penalty by **10 May 2023** the Commissioner will reduce the monetary penalty by 20% to **£104,000 (One Hundred and Four Thousand pounds)**. However, you should be aware that the early payment discount is not available if you decide to exercise your right of appeal.
84. 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.
85. Any notice of appeal should be received by the Tribunal within 28 days of the date of this monetary penalty notice.
86. Information about appeals is set out in Annex 1.
87. 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.

88. 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 12th day of April 2023

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 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)).