

MONETARY PENALTY NOTICE

Bharat Singh Chand

16 September 2025

Contents

Introduction	3
Legal framework.....	4
Background to the case	8
The contravention.....	22
Seriousness of the contravention	24
Deliberate or negligent	25
The Commissioner's decision to issue a monetary penalty	28
The amount of the penalty	31
Conclusion	31
Annex	34

DATA PROTECTION ACT 1998

SUPERVISORY POWERS OF THE INFORMATION COMMISSIONER

MONETARY PENALTY NOTICE

To: Bharat Singh Chand

Of: [REDACTED]

Introduction

1. The Information Commissioner ("the Commissioner") has decided to issue Bharat Singh Chand ("Mr Chand") with a monetary penalty under section 55A of the Data Protection Act 1998 ("DPA") in the sum of £200,000. This Monetary Penalty Notice ("Notice") is in relation to a serious contravention of Regulations 22 and 23 of the Privacy and Electronic Communications (EC Directive) Regulations 2003 ("PECR").
2. In accordance with section 55B of the DPA, Mr Chand was previously served with a Notice of Intent dated 12 June 2025 which set out the Commissioner's provisional findings. Having considered Mr Chand's representations submitted on 14 July 2025 and 26 August 2025, the Commissioner is satisfied that a monetary penalty remains an appropriate sanction.
3. This Notice explains the Commissioner's decision.

Legal framework

4. Mr Chand, whose address is given above, is the person stated in this Notice to have transmitted or instigated the transmission of unsolicited communications by means of electronic mail to individual subscribers for the purposes of direct marketing contrary to regulations 22 and 23 of PECR.

5. 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)."

6. Regulation 23 of PECR states that "A person shall neither transmit, nor instigate the transmission of, a communication for the purposes of direct marketing by means of electronic mail –

(a) where the identity of the person on whose behalf the communication has been sent has been disguised or concealed;

(b) where a valid address to which the recipient of the communication may send a request that such communications cease has not been provided;

(c) where that electronic mail would contravene regulation 7 of the Electronic Commerce (EC Directive) Regulations 2002; or

(d) where that electronic mail encourages recipients to visit websites which contravene that regulation."

7. Regulation 2(1) of PECR defines direct marketing as "the communication (by whatever means) of advertising or marketing material which is directed to particular individuals".¹

¹ Prior to 20 August 2025, the definition of "direct marketing" had been provided for by Section 122(5) of the Data Protection Act 2018 ("DPA18"). [Section 110\(2\)\(c\) Data \(Use and Access\) Act 2025](#) has since amended Regulation 2 of PECR to incorporate this definition.

8. The Commissioner has issued public guidance for organisations in relation to Direct Marketing.² This provides clear guidance on the circumstances under which direct marketing messages can be sent.
9. From 1 January 2021, consent in PECR has been defined by reference to the concept of consent in the UK GDPR as defined in section 3(10) of the Data Protection Act 2018 ("DPA18")³: see regulation 2(1) of PECR, as amended by Part 3 of Schedule 3, paragraph 44 of The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019/419. Article 4(11) of the UK 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"*.
10. "Individual" is defined in regulation 2(1) of PECR as *"a living individual and includes an unincorporated body of such individuals"*.
11. 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"*.
12. "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"*

² [Direct marketing guidance | ICO](#); and [Electronic mail marketing | ICO](#).

³ The UK GDPR is therein defined as Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 as it forms part of the law of England and Wales, Scotland and Northern Ireland by virtue of section 3 of the European Union (Withdrawal) Act 2018

recipient's terminal equipment until it is collected by the recipient and includes messages sent using a short message service".

13. 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, and

(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."

14. The Commissioner has issued statutory guidance under section 55C(1) of the DPA about the issuing of monetary penalties.⁴ 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 £500,000.⁵

15. 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

⁴ Information Commissioner's guidance about the issue of monetary penalties prepared and issued under section 55C(1) of the DPA98.

⁵ The Data Protection (Monetary Penalties) (Maximum Penalty and Notices) Regulations 2010.

interpret PECR in a way which is consistent with the Regulations' overall aim of ensuring high levels of protection for individuals' privacy rights.

16. The provisions of the DPA remain in force for the purposes of PECR notwithstanding the introduction of the DPA18.⁶

Background to the case

17. The investigation period for the purpose of this investigation is April 2023 to June 2024.
18. Mr Chand is a self-employed lead generator based in South Wales who has been working in the direct marketing industry since 2010.
19. Since 2010, Mr Chand has been a registered director of seven limited companies:
- Compensation Claims Direct Ltd (15 December 2010 - 31 July 2012)
 - Consumer Claims Ltd (9 August 2011 - 19 September 2011)
 - Consumer Marketing Solutions Limited (24 November 2011 - 9 July 2013)
 - Platinum Home Designs Ltd (24 February 2012 - 27 January 2014)
 - Databook Ltd (4 March 2014 - 19 August 2014)
 - Bombay Bites Takeaway Ltd (30 April 2019 - 28 February 2023)
 - Blue Box Pictures Ltd (10 November 2023 – 15 April 2025)
20. Mr Chand has come to the attention of the Commissioner on a number of occasions since 2014, including:

⁶ See paragraph 58(1) of Schedule 20 to the DPA18.

- During an investigation in 2014 into unsolicited text messages relating to accident claims. During the execution of a search warrant as part of this investigation, items seized included payslips for Mr Chand. The investigation led to an enforcement notice being issued to All Claims Marketing Ltd.
- During another investigation in 2018 into unsolicited text messages relating to accident claims. Mr Chand was one of the contact names provided by the telecoms provider for the company involved, [REDACTED]
[REDACTED]

Marketing messages from 'The Debt Relief Team'

21. Mobile users can report the receipt of unsolicited marketing text messages to Mobile UK's spam reporting service by forwarding the message to 7726 (spelling out "SPAM"). Mobile UK is an organisation that represents the interests of mobile operators in the UK. The Commissioner is provided with access to the data on complaints made to the 7726 service and uses this data to identify breaches of PECR.
22. Between April 2023 and July 2023, over 7,000 complaints were received by the 7726 spam reporting service about unsolicited text messages promoting debt solutions.
23. The messages did not contain a website address or any information as to the identity of the sender but invited recipients to 'reply YES' to find out more. The following is an example of one of the messages:
 - *"finding it hard to pay your Debts/Bills see if you can apply to write them off and freeze interest/ charges reply YES."*

24. Several recipients replied 'YES' to the messages in an attempt to identify the sender of the messages and the source of their data. They subsequently received phone calls from a company calling themselves 'The Debt Relief Team' which they reported to the Commissioner or the Telephone Preference Service.

25. The following are examples of the comments made by complainants in relation to the marketing calls from 'The Debt Relief Team':

- *"The male call agent was calling from a loud call centre and said he was ringing from The Debt Relief Team. He said he was calling as I had shown interest in debt management help, I enquired whether it was off the back of the text message I received last week, and he said yes.*

He asked if I had any debts ranging from £2,000 to £6,000, I said I wasn't sure maybe £1,500 but I would have to check.

I asked if they could send me anything by post or email and enquired as to who would be providing the service. He said that it wasn't their company, they were just collating the information and it would be passed to another organisation. I said, 'oh, so you're like a lead generator', he said 'precisely.'

I asked if they had a Companies House number or a landline that I could call as the calls weren't going through when I dialled the mobile number. He said that he would call me back from the landline but didn't and called me back from [REDACTED] He said calls from the landline weren't going through and asked to check my number which I said was correct.

He said there was a technical issue with the mobile number which explained why calls weren't going through and would get advice from his manager. He tried to put me on hold but failed and explained to his manager that I was interested. However, I remained sceptical and I was asking questions about the company.

He then provided the website [REDACTED] but then spelled out helpclearmydebts.com."

- "The call agent said I had expressed interest in consolidating my debts. I said I had but the last person who called was going to provide some further information about the company. I asked for the company name, address, and companies house number. He said they were calling from The Debt Relief Team which I said was just trading name and again asked for the CH number and address.*

He put me on hold briefly and confirmed the company was based at [REDACTED] M23 [REDACTED]

He asked if I was interested or whether he was just wasting his time, I responded no, and the call was terminated."

- "Debt Management. However they were unable to give me a legal entity or working website and said that they had obtained my details from [REDACTED] and gave the email address [REDACTED] however this doesn't work. I have asked them not to call me several times as well as being registered with the TPS. I sent an email to the email address given [REDACTED] but it was undeliverable as the address doesn't exist?"*

26. Information requests to [REDACTED] and [REDACTED] revealed that the text messages had been sent from the [REDACTED] area, using unregistered pre-pay SIM cards that had been topped up using vouchers purchased from [REDACTED] Filling Station in Llanelli and [REDACTED] in Port Talbot.
27. [REDACTED] also confirmed that the [REDACTED] accounts used to make the follow up calls had been topped up using vouchers purchased from [REDACTED] Filling Station in Llanelli, [REDACTED] in Port Talbot and [REDACTED] in [REDACTED]. The Commissioner is satisfied that the same people were responsible for both the calls and the text messages.
28. Call detail records provided by [REDACTED] revealed that some of the leads generated by the calls had been transferred to an FCA authorised debt solutions provider, [REDACTED].
29. On 16 August 2023, the Commissioner opened an investigation into [REDACTED] as it was suspected that [REDACTED] had been using third party lead generators to make calls and send text messages in breach of PECR.
30. During the course of the [REDACTED] investigation, it came to light that leads had been referred to [REDACTED] by [REDACTED].
31. On 8 November 2023, as a result of the information provided by [REDACTED] the Commissioner opened an investigation into [REDACTED].
32. The director of [REDACTED] [REDACTED] [REDACTED] informed the Commissioner that the calls had been made by Mr Chand, who was a self-employed lead generator for [REDACTED].

Marketing messages relating to 'ECO4 Grant Scheme Wales'

33. Open source research on one of the phone numbers used by Mr Chand in his dealings with [REDACTED] identified several social media advertisements from November 2023 which promoted free boilers and free heating from a company calling themselves 'ECO4 Grant Scheme Wales'.
34. Searches of the 7726 spam reporting service identified over 6,000 complaints between November 2023 and April 2024 about text messages containing similar wording to the social media advertisements posted by 'ECO4 Grant Scheme Wales'. The following is an example of one of the messages:
- *"ECO4 funding is now live in your area you have pre-qualified for FREE energy saving grants to help with increased Energy costs to Apply now reply Yes"*
35. Information requests to [REDACTED] and [REDACTED] revealed that the text messages were sent from the [REDACTED] and Llanelli area, using unregistered pre-pay SIM cards topped up using vouchers purchased from a [REDACTED] convenience store in Llanelli. Open source research indicates that this store is owned and run by the same individual as [REDACTED] Filling Station in Llanelli (as described in sections 26 and 27 above).

Investigations into Daniel George Bentley and ESL Consultancy Services Ltd

36. As part of separate investigations into Mr Daniel George Bentley ("Mr Bentley") and ESL Consultancy Services Ltd ("ESL"), relating to other unsolicited text messages promoting debt solutions and short-term

loans, the Commissioner executed search warrants on 14 June 2023 and 5 December 2023. ICO officers seized a number of devices, including:

- A laptop containing bank statements showing payments to Mr Bentley [REDACTED] from 'B CHAND' (believed to be Mr Chand), [REDACTED] [REDACTED] and [REDACTED] [REDACTED]
- Another laptop containing spreadsheets of personal data which appeared to have originated from or been provided to Mr Chand. The file names included '200k debt bharat.csv', 'All Bharat SMS Responses.csv' and '160123 160 Debt Response Bharat.csv'. Two of these spreadsheets included the mobile phone number of an ICO officer who had received calls from 'The Debt Relief Team' after responding to an unsolicited text message about debt solutions. These spreadsheets appear to reveal that Mr Bentley had provided spreadsheets of personal data to Mr Chand and vice versa; and
- Devices containing Skype messages between Mr Bentley and Leanne Richardson ("Ms Richardson"), one of the directors of ESL. In a conversation dated 30 September 2023, Mr Bentley informed Ms Richardson that he had received one million data records from Mr Chand. Ms Richardson advised Mr Bentley to "just be careful as that data isn't opted in."

Search warrant executed on Mr Chand and evidence found

37. On 11 June 2024, the Commissioner executed a search warrant on Mr Chand's home address, which is referred to above. Mr Chand was

present during the execution of the warrant.

38. Mr Chand denied sending text messages, but admitted making lead generation calls for [REDACTED] using leads from an Indian call centre. Mr Chand stated that the calls ceased after the ICO wrote to [REDACTED] in November 2023.
39. Mr Chand also admitted purchasing a small number of leads from Mr Bentley.
40. Mr Chand claimed that he was not involved in green energy lead generation. However, ICO officers noted during the search that a green energy call script was on open display at the property.
41. During the execution of the search warrant, the Commissioner took possession of Mr Chand's personal mobile phone.
42. Following the forensic analysis of the phone seized during the search, the Commissioner was able to identify various relevant materials.
43. This relevant material included:
 - a. Over 1,200 WhatsApp messages between Mr Chand and two employees of [REDACTED] Filling Station nicknamed [REDACTED] and [REDACTED] Top Up Guy'. Mr Chand was using his personal bank account to purchase [REDACTED] top-up vouchers from these employees via WhatsApp. Over 1,000 top-up vouchers were purchased in this way between 25 September 2020 and 30 May 2024. These included 390 top-up vouchers purchased between 2 December 2023 and 30 May 2024;

b. WhatsApp conversations between Mr Chand and Mr Bentley
which included:

- i. Messages sent between Mr Bentley and Mr Chand which indicate that Mr Chand was using a SIM farm to send text messages from his home address in September 2022, which included the following advice from Mr Bentley:

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

- ii. Messages indicating that, in January 2023, Mr Bentley was sending text messages on behalf of Mr Chand, using data provided by Mr Chand and top-ups purchased from [REDACTED]

[REDACTED] Filling Station in Llanelli; and

- iii. Messages indicating that Mr Chand was planning to use a mobile number for the follow up calls because he was having problems converting SMS responses into leads;

c. Messages between Mr Chand and [REDACTED]
[REDACTED] in relation to the debt lead generation campaign. This included a call script headed "DEBT RELIEF TEAM" and messages

on the device containing the term "The Debt Relief Team";

- d. WhatsApp conversations between Mr Chand and [REDACTED] [REDACTED] showing that [REDACTED] was purchasing SIM cards and top-up vouchers for Mr Chand, as well as conversations between late October and mid-November 2023 about generating leads for the ECO4 grant scheme, which [REDACTED] [REDACTED] described as "*big money*";
- e. WhatsApp conversations between Mr Chand and [REDACTED] of [REDACTED] including:
 - i. A conversation that took place on 15 September 2023, the same day the Commissioner sent the initial investigation letter to [REDACTED] in which Mr Chand and [REDACTED] appear to discuss potential "excuses" they can use in response to the Commissioner's letter;
 - ii. A conversation that took place on 29 November 2023 which discussed how to respond to the Commissioner's initial investigation letter to [REDACTED]. In this conversation, Mr Chand appears to encourage [REDACTED] to lie to the Commissioner in response to the letter; an extract from Mr Chand's messages reads: "*Ok pal say you had employee who was sourcing leads from off shore centre with out you knowing to get more commission but you sacked him when you found out*";
- f. Evidence that Mr Chand created a WhatsApp group named "DMP LEADS", with members including Mr Chand, [REDACTED] and [REDACTED]

██████████ as well as two individuals from a Zimbabwe call centre;

g. Evidence that on 23 November 2023, Mr Chand registered the domain name "eco4grantscheme.com", with assistance from ██████████. Mr Chand also asked ██████████ to set up several email addresses associated with this domain;

h. Evidence that on 6 December 2023:

i. Mr Chand created a WhatsApp group named 'ECO4 GRANTS' whose members included Mr Chand, ██████████ and ██████████ as well as two individuals from an Indian call centre. ██████████ provided the Indian call centre with two hotkey numbers to transfer calls to the team in Llanelli. One of these numbers was the same number that appeared in the social media advertisements for 'ECO4 Grant Scheme Wales'; and

ii. ██████████ sent Mr Chand a copy of a call script to be used by the Indian call centre which introduced the company as "the eco 4 grants team" and claimed the property pre-qualified for a free grant;

i. Evidence that Mr Chand was sending texts relating to the ECO4 grant scheme from Mr Chand's home address with assistance from ██████████ and ██████████. Notably, on 18 December 2023, Mr Chand asked ██████████ to pick up a £10 ██████████ top-up voucher on his way over to ██████████. Mr Chand explained that he had already been to Llanelli to get the SIM cards and was going to do a "big blast" to "try and get appointments filled". On 12 January 2024, Mr Chand asked ██████████ to get him another 25-30 SIM

cards as he had a blast going out the following day. The evidence suggests that Mr Chand was following Mr Bentley's advice (see section 43(b.i) above) and running the SMS blasts in cycles to maximise the number of messages that could be sent per SIM card;

j. A number of spreadsheets relating to the ECO4 grant scheme SMS marketing campaign:

i. Some of these spreadsheets contained outbound SMS messages. For example: *"Get FREE Energy efficiency upgrades to your Property at [REDACTED] has now qualified for Eco4 funding! To find out more Reply Yes";*

ii. Spreadsheets containing responses received from individuals. For example, responses included:

"Who are you ? Where did you get my number?"

"STOP MESSAGING AND RINGING ME!!! THIS IS HARASSMENT!!!"

"Not my property. Where did you get my name from? This is the 2nd or 3rd text. Please stop contacting me!"

"I suggest you purchase more up to date information, as I haven't lived at that postcode for almost 10 years"

"Stop txting and calling me this is a private number and ive already explained this to who ever calls me and if u carry on with the phone calls and messages I'm going to go to

my solicitors and pursue a court case”;

- k. Invoices that show that Mr Chand was supplying leads to two companies in South Wales ([REDACTED] and [REDACTED] [REDACTED]) using the company name [REDACTED] [REDACTED] was charging the companies between £250 and over £7,000 per lead;
- l. Extensive WhatsApp correspondence between Mr Chand and [REDACTED] [REDACTED], director of [REDACTED]
 - i. This correspondence suggests that Mr Chand and his colleagues were working for [REDACTED] on a self-employed basis, having been advised by the company's accountant that this would reduce their tax bills.
 - ii. As well as dealing with clients and invoices, [REDACTED] also provided personal data to Mr Chand for use in direct marketing campaigns. In the correspondence, [REDACTED] did not appear to have been concerned about the legitimacy of this data;
 - iii. In September and October 2020, [REDACTED] offered to provide Mr Chand with body shop repair data and a marketing suppression list but asked him to “keep it quiet”;
 - iv. In August and September 2023, [REDACTED] and Mr Chand discussed how to respond to enquiries from the ICO and requests from data subjects for the source of their data;

- v. On 14 August 2023, [REDACTED] forwarded Mr Chand a message he had sent to a client who had received a letter from the ICO:

"Hi Pal, I have a mate who has a firm in India, he can supply us with a Company name, email address, contact point and number, they will reply to any contact made to them by any governing body and validate that it was a test if needs be, or to simply say to them we are not governed by the ICO and have no time for your emails."; and

- vi. On 26 September 2023, [REDACTED] requested Mr Chand's assistance in responding to a subject access request received by a client:

"Forgot to say think [REDACTED] needs your Indian dead end route on a DSAR issue, I told him its 250.00".

- vii. On 14 February 2024, [REDACTED] provided Mr Chand with several spreadsheets containing homeowner data, loan decline data and council records. It appears that some of this data was already two or three years old.

44. Details of the 390 vouchers referenced at section a) above were sent to [REDACTED] with a third party information notice requiring [REDACTED] to provide the mobile numbers topped up using these vouchers. [REDACTED] provided 383 mobile numbers.
45. Searches of the 7726 spam reporting service for these 383 mobile numbers identified that 19,138 complaints had been received about SMS messages from these numbers between 3 December 2023 and 2

October 2024. 99% of these complaints related to messages about ECO4 or energy saving grants.

46. On 17 October 2024, a third party information notice was issued to ■■■ requiring them to provide call records for the 383 mobile numbers. The call record information provided by ■■■ showed that, between 3 December 2023 and 3 July 2024, a total of 966,449 SMS messages were sent from these 383 mobile numbers.
47. The call records also showed that nine mobile numbers were used to send SMS messages on the day that ICO officers entered Mr Chand's home to execute a search warrant, as described in section 37 above. The messages were sent via a mobile phone mast in Llanelli, starting at 12:33 on 11 June 2024, two hours after ICO officers left Mr Chand's address in ■■■■■■■■■■
48. The Commissioner has made the above findings of fact on the balance of probabilities.
49. The Commissioner has considered whether those facts constitute a contravention of regulations 22 and 23 of PECR by Mr Chand and, if so, whether the conditions of section 55A DPA are satisfied.

The contravention

50. Having considered the representations made by Mr Chand, the Commissioner is satisfied that Mr Chand has contravened regulations 22 and 23 of PECR.
51. The Commissioner finds that the contravention was as follows:

52. The Commissioner finds that between 3 December 2023 and 3 July 2024 there were 966,449 direct marketing SMS messages received by subscribers. The Commissioner finds that Mr Chand transmitted or instigated the transmission of those direct marketing messages, contrary to regulation 22 of PECR. This resulted in the Commissioner identifying that 19,138 complaints were received via the 7726 spam reporting service in respect of these messages.
53. Mr Chand, as the sender or instigator of the direct marketing, is required to ensure that he 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.
54. In this instance, Mr Chand used data that had been sourced from third parties. Mr Chand showed no effort to ensure that consent had been properly obtained and there is no evidence that Mr Chand had gained consent for the direct marketing that took place. This is evidenced by the number of complaints received via the 7726 spam reporting service, as well as the evidence obtained from the search warrant.
55. The Commissioner's PECR guidance says *"You should be very careful when relying on consent obtained indirectly (consent originally given to a third party). You must make checks to ensure that the consent is valid and specifically identifies you. Generic consent covering any third party is not enough."*⁷
56. There is no evidence that the SMS messages sent by Mr Chand were solicited or that the recipients had notified Mr Chand that they had consented to receiving such SMS messages.

⁷ Electronic and telephone marketing | ICO

57. Mr Chand also failed to identify himself or his company in the text messages and instead sought to conceal his identity by using hundreds of unregistered pre-pay SIM cards.
58. The Commissioner concludes that Mr Chand knowingly and deliberately used data for which valid consent had not been provided, for the use of unsolicited direct marketing.
59. The Commissioner is therefore satisfied from the evidence he has seen that Mr Chand did not have the necessary valid consent for the 966,449 direct marketing messages received by subscribers.
60. The Commissioner is further satisfied that the actions of Mr Chand have contravened regulation 23 of PECR by having taken steps to conceal the true identity of the sender of the messages.
61. The Commissioner has gone on to consider whether the conditions under section 55A DPA are met.

Seriousness of the contravention

62. The Commissioner is satisfied that the contravention identified above was serious. This is because between 3 December 2023 and 3 July 2024, a confirmed total of 966,449 direct marketing messages were sent by or sent at the instigation of Mr Chand. These messages contained direct marketing material for which subscribers had not provided valid consent.
63. This resulted in 19,138 complaints to the 7726 spam reporting service.

64. The contravention is serious due to the volume of messages sent and the number of complaints received, as detailed above. The Commissioner further considers that this figure is likely to represent only a small fraction of the actual contravention volume, as it is based on a seven month period for which call records are available, rather than the 15 month period covered by the Commissioner's investigation.
65. The Commissioner is therefore satisfied that condition (a) from section 55A(1) DPA is met.

Deliberate or negligent

66. The Commissioner has considered whether the contravention identified above was deliberate. In the Commissioner's view, this means that Mr Chand's actions which constituted that contravention were deliberate actions (even if Mr Chand did not actually intend thereby to contravene PECR).
67. The Commissioner considers that in this case Mr Chand did deliberately contravene regulations 22 and 23 of PECR.
68. This finding is made on the following bases:
- a. Mr Chand has been working in the direct marketing industry since 2010 and has been aware of the Commissioner and the requirements of PECR for at least a decade.
 - b. Mr Chand was a shadow director of All Claims Marketing Ltd, which was issued with an enforcement notice by the Commissioner in 2014 following an investigation into unsolicited text messages regarding accident claims.

- c. Mr Chand obtained data from various sources, including [REDACTED] [REDACTED] and Mr Bentley, and made no attempt to ensure that this data was up-to-date or that the data subjects had consented to receiving unsolicited direct marketing text messages from him or his company.
 - d. Moreover, Mr Chand failed to identify himself or his company in the text messages and instead sought to conceal his identity by using hundreds of unregistered pre-pay SIM cards and by providing false company names and addresses in the follow up calls.
 - e. Additionally, Mr Chand encouraged [REDACTED] of [REDACTED] to provide inaccurate information to the Commissioner in response to enquiries regarding 'The Debt Relief Team'.
 - f. When questioned by ICO officers on the day of the warrant, Mr Chand denied sending text messages and claimed not to be involved in green energy lead generation.
69. For the above reasons, the Commissioner is satisfied that this breach was deliberate.
70. Further and in the alternative, the Commissioner has gone on to consider whether the contravention identified above was negligent. This consideration comprises two elements:
71. Firstly, he has considered whether Mr Chand 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, as it is clear from the material obtained during the investigation, including WhatsApp

messages between Mr Chand and various associates, that Mr Chand was well aware of the risks that the unlawful direct marketing practices entailed. Additionally, Mr Chand was a shadow director of All Claims Marketing Ltd, which was issued with an enforcement notice by the ICO in 2014 following an investigation into unsolicited text messages regarding accident claims.

72. The Commissioner has published detailed guidance for those carrying out direct marketing explaining their legal obligations under PECR.⁸ 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; and highlights the difficulties of relying on indirect consent for electronic mail. The Commissioner has also published detailed guidance on consent under the UK 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 via the ICO website.
73. It is therefore reasonable to suppose that Mr Chand should have been aware of his responsibilities in this area.
74. Secondly, the Commissioner has gone on to consider whether Mr Chand failed to take reasonable steps to prevent the contraventions. Again, he is satisfied that this condition is met.

⁸ Guide to Privacy and Electronic Communications Regulations | ICO

75. The Commissioner's direct marketing guidance makes clear that organisations acquiring or utilising marketing lists from a third party must undertake rigorous checks to satisfy themselves that the personal data was obtained fairly and lawfully, and that they have the necessary specific and recent consent.⁹ It is not acceptable to rely on assurances given by third party suppliers without undertaking proper due diligence.
76. Mr Chand failed to conduct any due diligence in relation to the data being used and the direct marketing messages that were sent.
77. In the circumstances, the Commissioner is satisfied that Mr Chand failed to take reasonable steps to prevent the contraventions.
78. The Commissioner is therefore satisfied that condition (b) from section 55A(1) DPA is met.

The Commissioner's decision to issue a monetary penalty

79. The Commissioner has taken into account the following aggravating features of this case:
- Mr Chand's unlawful conduct over a considerable number of years and, as a result, being subject to or involved in several investigations by the Commissioner.
 - Mr Chand's blatant disregard of regulations and attempts to mislead the Commissioner during his investigation. For example, it is noted

⁹ Using marketing lists | ICO

that during the warrant where Mr Chand was present, Mr Chand denied any involvement in the marketing of green energy schemes. However, at the same time, a green energy call script was on open display at the property.

- Mr Chand has been complicit and enabled other breaches of PECR by providing data to a network of other individuals known to the Commissioner (most notably Mr Bentley) due to their respective disregard of regulations.
- The potential harm to individuals who may be vulnerable, as responding to misleading messages about debt reduction schemes or energy saving grants could have led to financially vulnerable individuals being exposed to further financial harm.
- Mr Chand resumed his unlawful activity within hours of ICO officers leaving his address on the day of the warrant. The messages were sent from SIM cards that had been topped up using vouchers purchased by Mr Chand therefore, even if Mr Chand did not send the messages himself, he was responsible for instigating the messages.
- Mr Chand has stated in his representations that he ceased working in the direct marketing sector in June 2024. However, bank statements submitted by Mr Chand as part of his representations show that he has continued to be involved in the formation of companies, to receive commission payments for lead generation services and to make payments to data suppliers and former colleagues.

80. The Commissioner was unable to identify any mitigating factors in this matter.

81. 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.
82. 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 Mr Chand on this matter. Where appropriate, those representations have been considered and addressed within this Notice.
83. The Commissioner is accordingly entitled to issue a monetary penalty in this case.
84. The Commissioner has considered whether, in the circumstances, he should exercise his discretion so as to issue a monetary penalty.
85. The Commissioner has considered the likely impact of a monetary penalty on Mr Chand. 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. The Commissioner does not consider that Mr Chand can be regarded as an 'otherwise responsible person' so any financial hardship caused will not be 'undue'.¹⁰
86. 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

¹⁰ Information Commissioner's guidance about the issue of monetary penalties prepared and issued under section 55C(1) of the DPA98

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.

87. 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.
88. For these reasons, the Commissioner has decided to issue a monetary penalty in this case.

The amount of the penalty

89. Taking into account all of the above, the Commissioner has decided that a penalty in the sum of **£200,000 (two hundred thousand pounds)** is reasonable and proportionate given the particular facts of the case and the underlying objective in imposing the penalty.

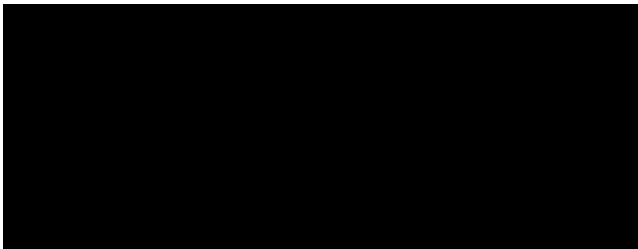
Conclusion and right of appeal

90. The monetary penalty must be paid to the Commissioner's office by BACS transfer or cheque by **17 October 2025** 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.
91. If the Commissioner receives full payment of the monetary penalty by **16 October 2025** the Commissioner will reduce the monetary penalty by 20% to **£160,000 (one hundred and sixty thousand pounds)**. However, you should be aware that the early payment discount is not available if you decide to exercise your right of appeal.
92. There is a right of appeal to the First-tier Tribunal (General Regulatory Chamber) against:
- (a) the imposition of the monetary penalty and/or;
 - (b) the amount of the penalty specified in the Monetary Penalty Notice.
93. Any notice of appeal should be received by the Tribunal within 28 days of the date of this Notice.
94. Information about appeals is set out in Annex 1.
95. The Commissioner will not take action to enforce a monetary penalty unless:
- the period specified within the Monetary Penalty 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.

96. 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 16th day of September 2025



Andy Curry
Head of Investigations
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex

SECTION 55 A - E OF THE DATA PROTECTION ACT 1998

RIGHTS OF APPEAL AGAINST DECISIONS OF THE COMMISSIONER

Section 55B(5) of the DPA gives any person upon whom a Monetary Penalty Notice has been served a right of appeal to the First-tier Tribunal (General Regulatory Chamber) (the "**Tribunal**") against the Notice.

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.

You may bring an appeal by serving a notice of appeal on the Tribunal at the following address:

General Regulatory Chamber
HM Courts and Tribunals Service
PO Box 11230
Leicester
LE1 8FQ

Telephone: 0300 123 4504

Email: grc@justice.gov.uk

The notice of appeal should be sent so it is received by the Tribunal within 28 days of the date of the Monetary Penalty Notice.

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.

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.

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.

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)).