

MONETARY PENALTY NOTICE

Home Improvement Marketing Ltd

28 August 2025

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DATA PROTECTION ACT 1998

SUPERVISORY POWERS OF THE INFORMATION COMMISSIONER

MONETARY PENALTY NOTICE

To: Home Improvement Marketing Ltd

Of: Prospect House, Llanddewi Velfrey, Narbeth, Wales, SA67 7PA

Introduction

1. The Information Commissioner ("the Commissioner") has decided to issue Home Improvement Marketing Ltd ("HIML") with a monetary penalty under section 55A of the Data Protection Act 1998 ("DPA") in the sum of £300,000. This Monetary Penalty Notice ("Notice") is in relation to a serious contravention of regulations 19 and 24 of the Privacy and Electronic Communications (EC Directive) Regulations 2003 ("PECR").
2. In accordance with section 55B of the DPA, HIML was previously served with a Notice of Intent dated 27 May 2025 which set out the Commissioner's provisional findings. HIML failed to make any representations to the Commissioner's provisional findings, and the Commissioner is satisfied that a monetary penalty remains an appropriate sanction.
3. This Notice explains the Commissioner's decision.

Legal framework

4. HIML, whose registered office is given above (Companies House Registration Number: 14756152) is the organisation stated in this notice to have instigated the use of an automated calling system for the purpose of making recorded direct marketing calls contrary to regulations 19 and 24 of PECR.

5. Regulation 19 of PECR provides that:

"(1) A person shall neither transmit, nor instigate the transmission of, communications comprising recorded matter for direct marketing purposes by means of an automated calling system except in the circumstances referred to in paragraph (2).

(2) Those circumstances are where the called line is that of a subscriber who has previously notified the caller that for the time being he consents to such communications being sent by, or at the instigation of, the caller on that line.

(3) A subscriber shall not permit his line to be used in contravention of paragraph (1).

(4) For the purposes of this regulation, an automated calling system is a system which is capable of—

(a) automatically initiating a sequence of calls to more than one destination in accordance with instructions stored in that system; and

(b) transmitting sounds which are not live speech for reception by persons at some or all of the destinations so called."

6. Regulation 24 of PECR provides:

"(1) Where a public electronic communications service is used for the transmission of a communication for direct marketing purposes the person using, or instigating the use of, the service shall ensure that the following information is provided with that communication –

(a) in relation to a communication to which regulations 19 (automated calling systems) and 20 (facsimile machines) apply, the particulars mentioned in paragraph (2)(a) and (b);

...

(2) The particulars referred to in paragraph (1) are –

(a) the name of the person;

(b) either the address of the person or a telephone number on which he can be reached free of charge."

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

8. The Commissioner has issued public guidance for organisations in relation to Direct Marketing.² This provides clear guidance on the strict nature of automated marketing calls and the need for the person to have specifically consented to receive that type of call from the caller.

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.

² Direct marketing guidance | ICO; and Telephone marketing | ICO.

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 DPA 2018³: 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. Recital 32 of the UK 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"*.
11. "Individual" is defined in regulation 2(1) of PECR as *"a living individual and includes an unincorporated body of such individuals"*.
12. 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"*.

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

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

⁴ ICO - Information Commissioner's guidance about the issue of monetary penalties prepared and issued under section 55C (1) of the Data Protection Act 1998

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

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. This Monetary Penalty Notice does not purport to identify exhaustively each and every circumstance and document relevant to the Commissioner's investigation. The circumstances and documents identified below are a proportionate summary.
18. HIML is registered with Companies House (Companies House Number: 14756152) and was incorporated on 24 March 2023. The registered office address is Prospect House, Llanddewi Velfrey, Narberth, Wales, SA67 7PA and it has one active director, Mathew Terry. The nature of HIML's business is listed as 'agents specialised in the sale of other particular products.'
19. HIML was investigated as part of a wider operation set up by the Commissioner to assess and analyse complaint trends in relation to the energy and home improvements sector.
20. From the 31 May 2023 to 31 August 2023, it was found that HIML used an overseas call centre, 1 in 4 BPO, which made 2,449,380 automated calls, on behalf of HIML, resulting in 274 complaints to the Commissioner and the TPS.
21. The Commissioner first became aware of the unsolicited marketing activity following a review of complaints made directly to the Commissioner and the TPS, during which the caller was using various

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

trading names such as 'Energy Hub, 'Energy Saving Team' or stated they were a 'local energy advisor' in the area.

22. The initial company that the Commissioner focused his investigation on was Eco Friendly Energy (EFE). The director of EFE was Mathew Terry, the same individual who, concurrently, was the director of HIML. During the investigation, the Commissioner established that EFE had instigated 6,701,716 automated calls between July 2022 and June 2023. This resulted in 217 complaints to the ICO and TPS reporting tools.
23. On 23 November 2023, Mathew Terry resigned as Director of EFE Ltd and placed the company into creditor's voluntary liquidation (CVL).
24. The Commissioner continued to receive a significant volume of complaints regarding automated calls promoting energy products and services to individuals who stated they had not consented to receive such calls. The identity of the organisation making these calls could not be traced to a legitimate company by the callers, in breach of regulations 19 and 24 of PECR.
25. Several complainants stated they were receiving multiple recorded calls a day, one individual explained that the recorded software responds based on a recipient's answers and there was no option to opt-out of further calls. The following is a sample of the complaints received via the TPS and ICO reporting tool:
 - *"Caller said she was a local energy saving assessor and wanting to do a free assessment on my property and asked if I was the owner. As soon as I said I was not interested and asked her to remove my details from her database she just hung up. We have*

had similar calls previously. The caller had a local accent which I think is being used to fool people."

- *"Something to do with energy bills. The caller was very abrupt and talked over me when I was trying to find out how she'd got my number."*
- *"A person called Helen said she was an energy advisor for the area. She refused to say which company. The caller refused to respond when challenged that my number was TPS registered."*
- *"Stated to be a home heating or energy advice adviser. Asking me if my property has had an energy assessment. I've had these calls before - I think I even recognise the woman's voice. She hung up as soon as I asked if she was aware of the TPS."*
- *"Offering a free home energy assessment leading to a solar panel installation. This is, at least, the sixth call I have received from this organisation, and I have asked them to cease calling each time. It is increasingly annoying."*
- *"Energy, when asked if it was a cold call they hung up. I am getting multiple calls from everywhere every week. I have changed my number but still get calls."*
- *"Confirming I was the homeowner and claiming to be acting on behalf of the government to help homeowners with energy saving. I started to say that I was registered with TPS, and the line went dead."*
- *"Asking me to confirm my postcode and to see if I can have an engineer assess my home's energy efficiency and may [sic] be have solar panels installed. I'm apparently entitled to services at no cost."*
- *"Very bad quality robocall with clipping of voice clips that were played, talking of a home energy assessment, female voice."*

26. On 26 February 2024, a third party information notice was issued to the Communication Service Provider (CSP), [REDACTED] ([REDACTED]), requesting a list of accounts registered in Mathew Terry's name including any accounts where he was named as the point of contact.
27. On 28 March 2024, [REDACTED] stated they had details of three accounts related to Mathew Terry which were held in the names of Hi Marketing, Eco Friendly Energy Ltd (formally named as 1 in 3) and 1 in 4 BPO.
28. On 14 March 2024, ICO officers executed a search warrant under Schedule 9 of the Data Protection Act 1998 (granted at Swansea Court by a Circuit Judge) at the home address of Mathew Terry, who was present at the time, to obtain further evidence in relation to HIML and its compliance with PECR.
29. During the execution of the warrant, the Commissioner seized several electronic devices including a silver Apple laptop which belonged to Mathew Terry. Forensic analysis was conducted on the device which identified the following documents:
 - An employment contract for telemarketing agents employed by HIML, dated 28 April 2023.
 - A call script for HIML, dated 14 May 2023 for solar leads.
 - An invoice from 1 in 4 BPO to HIML dated 19 June 2023 for 275 'bites' invoiced at £5,500.
 - The terms and conditions for 'hotkey appointments' supplied by HIML dated 25 May 2023.
 - A word document titled 'Introduction to PECR' dated 27 June 2023 detailing the rules on direct marketing and PECR including the potential consequences of breaching the regulations.
30. Forensic analysis of the computer equipment seized identified several documents relevant to the investigation. These included:

- Email correspondence between Mathew Terry and [REDACTED], the Sales Director of HIML. The contents included a draft response to staff employed by HIML, notifying them of redundancies and that the final day of trading would be 23 August 2023.
- Further correspondence with Mathew Terry's accountants, [REDACTED], on 8 September 2023, stating he had intentions of liquidating HIML, Green Spark Solar Ltd and EFE.

31. During the execution of the warrant, the Commissioner also seized a black iPhone 14 which belonged to Mathew Terry. Forensic analysis of the device identified the following evidence:

- Several [REDACTED] groups created to arrange new business ventures, including groups titled 'Hi Marketing Bites, Hi Marketing GSS, 1 in 4 BPO, Green Spark Solar Sales Team and GSS Installs.' Analysis of the message threads showed that Mathew Terry would instruct his telemarketing staff based in Pakistan to call specific postcodes to generate leads, using a predictive dialler.
- A [REDACTED] message thread with Mathew Terry and [REDACTED] (a longstanding employee from EFE), showing several messages sent between March and April 2023, with the intention to arrange a registered office for HIML, along with ordering office equipment and recruiting telesales agents.
- An email titled 'Homeowner Data' dated 13 June 2023 which was sent by [REDACTED] to Mathew Terry. [REDACTED] stated in the email, *"we have around 500,000 survey records of homeowners in the UK and 1 million records that have been generated online. These are opted in under legitimate interest for third party telemarketing with a full audit trail on each record."*
- Messages that showed Mathew Terry had access to 20 million numbers but was exploring other avenues to obtain additional

data. This included contracting freelancers to scrape data from the [REDACTED] which he said would give him access to around 20-30 million records, at a value of £200,000 to £300,000.

32. On 25 April 2023, Mathew Terry sent a [REDACTED] message to [REDACTED], Sales Director of [REDACTED]. An extract of the conversation is provided below:

Mathew Terry: *"Also I have a small U.K. office opening next month. I'll need 5-6 agents on [REDACTED] please. How do we get set up?"*

[REDACTED]: *"Under same banner or diff."*

Mathew Terry: *"Hi Marketing is the company name."*

33. On 19 June 2023, Mathew Terry sent a [REDACTED] message to a group called '1 in 4 BPO', asking for an invoice to be sent to Hi Marketing for 'bites.' An extract of the conversation is provided below:

Matthew Terry: *"Please send an invoice to Hi Marketing from the 1in4 email account to mathew@himarketing.uk.*

For bites Monday 19th June to Friday 23rd June

275x bites @ £20 each

Total £5500"

34. On 21 May 2023, Mathew Terry sent a message to the same [REDACTED] group expressing disappointment in the lack of leads generated, stating: *"Disappointing day yesterday. Volume only 61% of target. Conversion rate on our end was only 9%. Hopefully the new agents are settling in - and today we can make improvements. I know it will take a while for the group to settle down."*
35. On 25 May 2023, Mathew Terry and an employee of 1 in 4 BPO had the following discussion regarding issues acquiring telephone numbers

after receiving complaints. An extract of the conversation is provided below:

Mathew Terry: "████████ what are your thoughts on the way ██████████ are."

Mathew Terry: "They are saying they won't provide CLI to 1 in 3 due to complaints."

Mathew Terry: "Very quickly, 1 in 4 will be in the same position."

████████: "We have provided a UK company details to them this is why they are not willing to provide us CLI due to complaints."

████████: "The way I'm going to deal with them not providing UK company details."

Mathew Terry: "But they wouldn't provide CLI at all without a UK company."

████████: "I'm dealing with a local center [sic]."

36. On 18 August 2023, Mathew Terry sent a ██████████ message to the same message group stating: "I have decided that the best way to grow 1 in 4 is to merge with 1 in 3. You've both done a great job providing Solar bites to Hi Marketing and Green Spark Solar. However, I have decided to close those two businesses, which means we now have to send bites to paying clients. We won't be doing solar anymore, and 1 in 4's agents don't have enough experience of foam to sell to clients yet, without support."
37. Following the search warrant, the Commissioner sent an initial investigation letter to Mathew Terry on 23 May 2024. The letter outlined regulation 19 and 24 of PECR and included a spreadsheet of complaints.

38. On 4 June 2024, Mathew Terry responded to the Commissioner's initial investigation letter. In relation to HIML, Mathew Terry advised that the company received initial leads from marketing calls made by overseas call centres, then telemarketing staff would make follow up calls to individuals who were qualified to book appointments. Mathew Terry stated he was unable to determine the volume of calls made to generate leads for the companies.
39. In this same response, Mathew Terry stated HIML had stopped trading in August 2023, whilst his other company, Green Spark Energy Ltd, continued to trade. However, he had resigned from Green Spark Energy Ltd as he no longer wished to be involved in the spray foam insulation industry.
40. Mathew Terry informed the Commissioner that he never set out to be an owner of two call centres, he had no strategic plan to operate the businesses overseas to evade the ICO and/or TPS rules and that he had no idea that automated calls were "*against the regulations*". However, the Word document found on the 'Silver Apple Laptop' showed that Mathew Terry had knowledge of the consequences of breaching PECR.
41. Mathew Terry stated to the Commissioner that despite 1 in 4 BPO and 1 in 3 BPO ceasing trading in March and May 2024 respectively, he had no means of stopping others from using the 'avatar' recording. Mathew Terry stated that whilst he was not aware of it currently being used, he said it was and had been accessible to former employees of his, based in the Philippines and Pakistan.
42. Mathew Terry also told the Commissioner that the data used to generate leads for HIML was sourced from [REDACTED] as well as overseas vendors operating via [REDACTED].

However, he was unable to provide copies of contracts or invoices for the data supplied; only in respect of data obtained from [REDACTED], which was previously supplied to the Commissioner in relation to EFE.

43. According to Mathew Terry, due diligence checks were not conducted into the data providers, and he was unable to evidence consent, stating simply, *"no consent was obtained."*
44. The Commissioner found that the evidence obtained showed HIML was part of a highly organised network of companies managed by Mathew Terry, where he conspired, with others, to use overseas call centres which made millions of automated calls on behalf of his UK companies.
45. The Commissioner also found that, despite Mathew Terry still being an active director of HIML, he made an application on the 22 August 2024 to strike HIML off the register and dissolve the company.
46. Call detail records provided by [REDACTED] to the Commissioner showed that over the contravention period, 2,449,380 automated calls were made by 1 in 4 BPO in contravention of regulation 19, whilst concealing the identity of the instigators, in contravention of regulation 24. The evidence obtained from the search warrant included invoices and [REDACTED] messages which showed that calls were instigated by HIML to generate leads. This was also corroborated by Mathew Terry.
47. HIML instigated the contravening automated calls, and no evidence was provided by HIML to demonstrate that the calls were made in compliance with PECR.

48. Regulation 19 is clear that transmitting or instigating the transmission of automated calls for direct marketing purposes is prohibited unless valid consent has been obtained, and the caller is properly identified. HIML failed to obtain valid consent and failed to provide proper identification.
49. The ICO's Direct Marketing Guidance states, "organisations must have consent to make automated marketing calls. General consent for marketing, or even consent for live calls, is not enough. The consent must specifically cover automated marketing calls."
50. The Commissioner is satisfied that the 2,449,380 automated calls were all made for the purposes of direct marketing as defined by section 122(5) DPA18.
51. The Commissioner has made the above findings of fact on the balance of probabilities.
52. The Commissioner has considered whether those facts constitute a contravention of regulations 19 and 24 of PECR by HIML and, if so, whether the conditions of section 55A DPA are satisfied.

The contravention

53. The Commissioner finds that HIML has contravened regulations 19 and 24 of PECR.
54. The Commissioner finds that the contravention was as follows:
55. Between 31 May 2023 and 31 August 2023, HIML instigated the transmission of 2,449,380 automated marketing calls to subscribers

without their prior consent contrary to regulation 19 of PECR. This resulted in 274 complaints being made to the TPS and the Commissioner.

56. HIML provided no evidence that it obtained consent from subscribers to make these communications.
57. The Commissioner is therefore satisfied for the purposes of regulation 19(2) that in respect of these 2,449,380 automated direct marketing calls, HIML had not been notified by subscribers that they consented to receiving such communications.
58. Automated marketing calls can only be made to people who have previously notified the caller that they consent to such communications being sent by, or at the instigation of, the caller. Consent must be freely given, specific and informed, and involve a deliberate and positive indication signifying the individual's agreement.
59. The Commissioner has issued guidance on what constitutes 'valid consent'.⁷
60. For consent to be valid it is required to be "freely given", therefore, people must have genuine choice and control over whether or not to consent to the direct marketing. It follows that if consent to marketing is a condition of subscribing to a service, the organisation will have to demonstrate how the consent can be said to have been given freely.
61. Consent is also required to be "specific" as to the type of marketing communication to be received, and the organisation that will be sending it.

⁷ What is valid consent? | ICO

62. 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 prominent, 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 “similar organisations”, “partners”, “selected third parties” or other similar generic descriptions.
63. Consent must also be “unambiguous”, therefore it must be obvious that someone has consented to the direct marketing activity, and there must be a clear affirmative action to indicate that they have provided their consent.
64. In this case the Commissioner is satisfied that HIML did not have the consent of the subscribers to whom it had instigated the transmission of 2,449,380 automated direct marketing calls. Further, the Commissioner is satisfied that HIML made no attempts to seek such consent.
65. Further, HIML failed, as required by regulation 24 of PECR, to provide the recipient of the calls with the particulars specified at regulation 24(2) of PECR.
66. The Commissioner has gone on to consider whether the conditions under section 55A DPA were met.

Seriousness of the contravention

67. The Commissioner is satisfied that the contravention identified above was serious. This is because there have been multiple breaches of

regulations 19 and 24 by HIML arising from the organisation's activities between 31 May 2023 to 31 August 2023, and this led to 2,449,380 automated direct marketing calls being made to subscribers for whom HIML did not hold valid consent, with 274 complaints being made as a result.

68. The Commissioner is clear that companies must not make or instigate the making of unsolicited automated calls to any individual unless they have prior consent. This consent must be valid by being fully informed, freely given and specific. Furthermore, the automated calls should include a company name, contact address or freephone number. HIML failed to obtain specific consent and used generic trading names in the automated calls which meant individuals couldn't identify who called them.
69. The Commissioner is therefore satisfied that condition (a) from section 55A (1) DPA is met.

Deliberate or negligent

70. The Commissioner has considered whether the contravention identified above was deliberate. In the Commissioner's view, this means that HIML's actions which constituted that contravention were deliberate actions (even if HIML did not actually intend to contravene PECR).
71. The Commissioner considers that in this case HIML did deliberately contravene regulations 19 and 24 of PECR.
72. This finding is made on the following bases:
- HIML instigated the transmission of automated calls using overseas call centres to generate leads, while using an avatar system which

hid the identity of the caller and the business who they called on behalf of.

- Telephone numbers used by 1 in 4 BPO were being consistently blocked by network providers following complaints and yet they persisted and took steps to try and avoid being identified.

73. For the above reasons, the Commissioner is satisfied that this contravention was deliberate.
74. Further and in the alternative, the Commissioner has gone on to consider whether the contravention identified above was negligent. This consideration comprises two elements:
75. Firstly, he has considered whether HIML 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. Matthew Terry was well aware of PECR, as another one of his companies was also under investigation by the Commissioner.
76. The Commissioner has also published detailed guidance for companies carrying out marketing explaining their legal requirements under PECR.⁸ 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. In particular it states that organisations can only make, or instigate, automated marketing calls to subscribers if that subscriber has specifically consented to receiving them. 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

⁸ Guide to Privacy and Electronic Communications Regulations | ICO

communications about previous enforcement action where businesses have not complied with PECR are also readily available via the ICO website.

77. It is therefore reasonable to suppose that HIML should have been aware of its responsibilities in this area.
78. Secondly, the Commissioner has gone on to consider whether HIML failed to take reasonable steps to prevent the contravention. Again, he is satisfied that this condition is met.
79. The Commissioner's direct marketing guidance makes clear that organisations acquiring 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. The Commissioner concluded that there was no evidence that HIML carried out any such due diligence
80. There is no evidence that HIML took reasonable steps to ensure it was acting in compliance with PECR. Matthew Terry had previously been investigated by the Commissioner and was therefore aware of the steps needed to be taken to comply with PECR. Furthermore, the evidence obtained during the search warrant from Matthew Terry's digital devices illustrates his knowledge of the regulations and the risks involved in the activity that HIML was engaged in.
81. Given the volume of calls and complaints, it is clear that HIML failed to take reasonable steps.

⁹ Using marketing lists | ICO

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

The Commissioner's decision to issue a monetary penalty

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

- There is sufficient evidence to suggest that the director, Matthew Terry attempted to mislead the Commissioner during previous investigations.
- During a prior investigation involving one of his other companies, the director assured the Commissioner that any compliance issues had been resolved. The evidence indicates that this was not the case.
- Material obtained from Matthew Terry's digital devices contained evidence of conversations in which he actively discussed ways in which ICO regulations could be circumvented.

84. The Commissioner did not identify any mitigating factors in this case.

85. 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.

86. The latter has included the issuing of a Notice of Intent, in which the Commissioner set out his preliminary thinking. The Commissioner has received no representations from HIML.

87. The Commissioner is accordingly entitled to issue a monetary penalty in this case.
88. The Commissioner has considered whether, in the circumstances, he should exercise his discretion so as to issue a monetary penalty.
89. The Commissioner has attempted to consider the likely impact of a monetary penalty on HIML but has been unable to do so as HIML failed to provide financial representations in response to the Notice of Intent. The Commissioner considers in the circumstances that a penalty remains the appropriate course of action.
90. The Commissioner's underlying objective in imposing a Monetary Penalty Notice is to promote compliance with PECR. The making or instigating of automated 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 making automated marketing calls in compliance with PECR.
91. 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.

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

The amount of the penalty

93. Taking into account all of the above, the Commissioner has decided that a penalty in the sum of **£300,000 (three 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

94. The monetary penalty must be paid to the Commissioner's office by BACS transfer or cheque by **30 September 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.
95. If the Commissioner receives full payment of the monetary penalty by **29 September 2025** the Commissioner will reduce the monetary penalty by 20% to **£240,000 (two hundred and forty thousand pounds)**. However, you should be aware that the early payment discount is not available if you decide to exercise your right of appeal.
96. 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.

97. Any notice of appeal should be received by the Tribunal within 28 days of the date of this Notice.

98. Information about appeals is set out in the Annex.

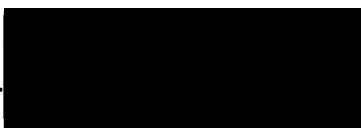
99. The Commissioner will not take action to enforce a monetary penalty unless:

- 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.

100. 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 28th day of August 2025

Signed.....

A black rectangular box redacting the signature of Andy Curry.

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

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)).