

**DATA PROTECTION ACT 1998**

**SUPERVISORY POWERS OF THE INFORMATION COMMISSIONER**

**MONETARY PENALTY NOTICE**

To: **AFK Letters Co Ltd**

Of: **124 City Road, London, England, EC1V 2NX**

1. The Information Commissioner ("the Commissioner") has decided to issue **AFK Letters Co Ltd ("AFK")** with a monetary penalty under section 55A of the Data Protection Act 1998 ("DPA"). The penalty is in relation to a serious contravention of regulation 21 of the Privacy and Electronic Communications (EC Directive) Regulations 2003 ("PECR").
2. This notice explains the Commissioner's decision.

**Legal framework**

3. AFK, whose registered office is given above (Companies House Registration Number: 13473414) is the organisation stated in this notice to have used a public electronic communications service for the purpose of making unsolicited calls for the purposes of direct marketing contrary to regulation 21 of PECR.
4. Regulation 21 applies to the making of unsolicited calls for direct marketing purposes. It means that if a company wants to make calls promoting a product or service to an individual who has a telephone

number which is registered with the Telephone Preference Service Ltd ("TPS"), then that individual must have notified the company that they do not object to receiving such calls from it.

5. Regulation 21 paragraph (1) of PECR provides that:

*"(1) A person shall neither use, nor instigate the use of, a public electronic communications service for the purposes of making unsolicited calls for direct marketing purposes where-*

- (a) the called line is that of a subscriber who has previously notified the caller that such calls should not for the time being be made on that line; or*
- (b) the number allocated to a subscriber in respect of the called line is one listed in the register kept under regulation 26."*

6. Regulation 21 paragraphs (2), (3), (4) and (5) provide that:

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

*(3) A person shall not be held to have contravened paragraph (1)(b) where the number allocated to the called line has been listed on the register for less than 28 days preceding that on which the call is made.*

*(4) Where a subscriber who has caused a number allocated to a line of his to be listed in the register kept under regulation 26 has notified a caller that he does not, for the time being, object to such calls being made on that line by that caller, such calls may be made by*

*that caller on that line, notwithstanding that the number allocated to that line is listed in the said register.*

*(5) Where a subscriber has given a caller notification pursuant to paragraph (4) in relation to a line of his—*

*(a) the subscriber shall be free to withdraw that notification at any time, and*

*(b) where such notification is withdrawn, the caller shall not make such calls on that line.”*

7. Under regulation 26 of PECR, the Commissioner is required to maintain a register of numbers allocated to subscribers who have notified them that they do not wish, for the time being, to receive unsolicited calls for direct marketing purposes on those lines. The Telephone Preference Service Limited (“TPS”) is a limited company which operates the register on the Commissioner’s behalf. Businesses who wish to carry out direct marketing by telephone can subscribe to the TPS for a fee and receive from them monthly a list of numbers on that register.
8. Section 122(5) of the DPA18 defines direct marketing as “*the communication (by whatever means) of advertising or marketing material which is directed to particular individuals*”. This definition also applies for the purposes of PECR (see regulation 2(2) PECR & Schedule 19 paragraphs 430 & 432(6) DPA18).
9. “Individual” is defined in regulation 2(1) of PECR as “*a living individual and includes an unincorporated body of such individuals*”.

10. A "subscriber" is defined in regulation 2(1) of PECR as *"a person who is a party to a contract with a provider of public electronic communications services for the supply of such services"*.

11. Section 55A of the DPA (as applied to PECR cases by Schedule 1 to PECR, as variously amended) states:

*"(1) The Commissioner may serve a person with a monetary penalty if the Commissioner is satisfied that –*

*(a) there has been a serious contravention of the requirements of the Privacy and Electronic Communications (EC Directive) Regulations 2003 by the person,*

*(b) subsection (2) or (3) applies.*

*(2) This subsection applies if the contravention was deliberate.*

*(3) This subsection applies if the person –*

*(a) knew or ought to have known that there was a risk that the contravention would occur, but*

*(b) failed to take reasonable steps to prevent the contravention.*

12. The Commissioner has issued statutory guidance under section 55C (1) of the DPA about the issuing of monetary penalties that has been published on the ICO's website. The Data Protection (Monetary Penalties) (Maximum Penalty and Notices) Regulations 2010 prescribe that the amount of any penalty determined by the Commissioner must not exceed £500,000.

13. PECR were enacted to protect the individual's fundamental right to privacy in the electronic communications sector. PECR were subsequently amended and strengthened. The Commissioner will

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

14. The provisions of the DPA remain in force for the purposes of PECR notwithstanding the introduction of the DPA18: see paragraph 58(1) of Schedule 20 to the DPA18.

### **Background to the case**

15. AFK is a company which writes letters to companies in order to seek refunds and compensation for its customers.
16. AFK first came to the attention of the Commissioner following the receipt of several complaints that had been made from individuals who had received unsolicited marketing calls by AFK. Such complaints had been made to the Commissioner and also the TPS.
17. Examples of some of the complaints that were made about AFK are extracted below:

*"I was annoyed at the company for promising I would not be called again back in January 2023 but 7 months later they are calling yet again. I want to know where my number was taken from as I've had several of these kind of calls and need it removing from the list that's being sold around these companies."*

*"Ignored the TPS  
Pushy attitude  
Scam caller"*

*"Ignored the TPS"*



*Ask for someone who does not live here  
Scam caller"*

*"... claimed she had information showing I might be due a refund in relation to my solar panels as the supplier had gone bust (which isn't true.) She knew my name. I asked her where the information came from, she said she did not know but if I wanted to progress with them the next person would tell me. I explained I had not consented to such call which was an intrusion and asked her to remove me from the list."*

18. On 1 August 2023, in response to the Commissioner's third party information notice, [REDACTED] provided the Commissioner with call dialler records ("CDRs") for the period between January 2023 – September 2023, in respect of the telephone numbers used to call the complainants. Such records identified AFK as the end user.

19. On 3 August 2023, the Commissioner conducted online research using AFK's website. Notably, section 2 of AFK's privacy notice states that AFK the following:

*"We and/or our third party marketing partners may use the personal information you send to us for our marketing purposes, if this is in accordance with your marketing preferences. You can opt-out of our marketing emails at any time".*

20. However, the extract from AFK's privacy notice copied at paragraph 19 above does not refer to marketing calls, only the ability for individuals to opt-out of emails.

21. Moreover, the contact page on AFK's website includes a form in which users can provide their name, email address, phone number and a

message. It does not clearly stipulate how AFK will make contact and there is no consent box in respect of future marketing or the use of the individuals' personal data.

22. On 4 August 2023, the Commissioner sent AFK an initial investigation letter which explained there were concerns about its marketing activities and asked a series of questions in order to obtain further information. The letter requested that AFK respond within 21 days (i.e. by 25 August 2023).
23. On 24 August 2023, the Commissioner received an email from [REDACTED] [REDACTED], which informed the Commissioner that they were instructed to act on behalf of AFK and requested an extension to 22 September 2023 in order to respond to the Commissioner's initial investigation letter.
24. On 22 September 2023, via its legal representative, AFK provided a response to the initial investigation letter. This letter provided the calling line identifiers used by AFK and stated that: (i) between the period of 1 January 2023 – 4 August 2023, AFK had made 57,925 marketing calls, 34,458 of which had connected; (ii) AFK obtains its data from a *"limited number of sources, one being direct contact from the client via... the 'Contact Us' page on AFK's website"*; (iii) upon initial contact from the client, AFK asks the client if they consent to receiving marketing calls and that a record of the response is made; (iv) AFK destroys subscriber details after three months and so it was unable to provide the records relating to the subscribers that have made a complaint; (v) AFK does not have any records in relation to its third party contracts or supplier due diligence, although it *"acknowledges [its] failures in this regard and has put in place measures"* to correct this; (vi) the calls that resulted in the complaints were the result of *"administrative errors"* that occurred following AFK's change in dialler

system in January 2023, although this was said to have *"since been rectified and as such all numbers registered with [the] TPS have now been removed from the dialler system"*.

25. The response letter dated 22 September 2023 also provided copies of three calling scripts for calls at different stages of AFK's customer relationships. None of the purported consent statements in the script related to future marketing, as was suggested in AFK's response letter, nor do they explain how AFK ensured that the recipient did not object to their initial call.
26. In addition, AFK also provided the Commissioner with other documentation which included AFK's Due Diligence Procedure, a *"TPS Training Guide"* and a *"PECR Manual for New Staff"*. All three of these documents demonstrated that AFK is aware of its obligations under PECR and the UK GDPR, particularly the rules around contacting TPS registered subscribers and its requirement to screen data it purchased prior to instigating the calls. Had AFK's process for monitoring TPS registrations been followed, AFK should have identified the purported error with the new dialler system earlier without the need for the Commissioner to intervene. Two other documents were provided to the Commissioner, which were AFK's *"Data Protection Manual for New Staff"* and the *"GDPR Manual for New Staff"*, although neither contained any notable information.
27. On 10 October 2023, the Commissioner sent an email to AFK requesting further information, including the details of AFK's data sources and associated documentation, screenshots of consent statements or call scripts to show what information is given to individuals when they provide their personal data and further explanation of the *"administrative errors"* that occurred when AFK changed its dialler provider and the remedial action that was taken.



The Commissioner also asked AFK for their comments on the additional eight complaints which had been received by the Commissioner and the TPS in August and September 2023, including how the complainants' data and consent was collected. In total, the Commissioner had received eight unique complaints and the TPS had received 13 complaints.

28. On 30 October 2023, AFK responded to the Commissioner stating that the employee who was responsible for sourcing the data no longer worked at AFK. AFK informed the Commissioner that it obtained data from a *"combination of sources"*, including via enquiries via its website and telephone.
29. In regards to the *"administrative errors"* which are said to have occurred during AFK's change in dialler provider, AFK explained that this stemmed from migration issues and a temporary lack of familiarity among its staff members with the new platform, which resulted in *"unintentional breaches of data protection guidelines and, in some cases, inaccuracies in customer records"*. AFK further explained that once these errors were identified after the transition to the new dialler provider, AFK *"immediately took steps to rectify the situation..., investigated [it] to understand the extent and nature of the breaches [and] implemented immediate corrective measures which included staff training... data auditing, and addressing any inaccuracies in customer records"*.
30. AFK failed to respond to all of the Commissioner's questions nor did they provide a clear explanation or evidence in respect of AFK's data purchases or that the complainants did not object to receiving a call from AFK.

31. On 2 November 2023, the Commissioner emailed AFK to request a response to the remaining questions raised in his email on 10 October 2023, along with more comprehensive information regarding AFK's data purchases and the system error.
32. As no response was received, the Commissioner sent AFK a further email on 7 December 2023 and again on 20 December 2023. AFK was given until 14 December and 10 January 2024 respectively to respond.
33. On 10 January 2024, the Commissioner received a notification from AFK's legal representative seeking an extension until 24 January 2024 in order to provide AFK's response, which the Commissioner subsequently agreed.
34. On 24 January 2024, AFK requested a further extension of an additional 48 hours in order to respond to the Commissioner's previous enquiries, and then another extension until 29 January 2024.
35. On 6 February 2024, the Commissioner received AFK's substantive response. AFK provided a bundle of documents which contained AFK's supplier due diligence documentation which had been completed in respect of [REDACTED] on 20 June 2022. AFK stated that all of the data it had purchased during the period between 1 January 2023 and 29 September 2023 ("Contravention Period") was from [REDACTED].
36. The documentation provided described [REDACTED] as a specialist in Telephone Surveys into the UK consumer market from its call centre in [REDACTED] and a call centre in [REDACTED] for bespoke campaigns. [REDACTED] was registered with the Commissioner under the registration [REDACTED], however, this lapsed on 24 February 2023.

37. [REDACTED] states that it outsources its TPS screening to [REDACTED] and that it screens *"all data which leaves the buildings"*. The documentation provided also contained generic statements that [REDACTED] is compliant with all legislation, including PECR, and that it only supplies data which is a *"maximum of 6 months from survey"*. Additionally, none of the consent statements provided and call sponsor details name AFK.
38. In its response, AFK's legal representative stated that AFK was encouraged to use [REDACTED] services as its privacy notices referenced a number of reputable companies, which made it believe that the data it purchased was compliant and legitimately sourced. However, as a result of its review of the due diligence documents, AFK has since ceased its relationship with [REDACTED], which it claims has also made it difficult requesting copies of the call scripts from [REDACTED].
39. AFK informed the Commissioner that it used data for between three to six months from the date of purchase, after which it is destroyed.
40. AFK also provided the Commissioner with further clarification of the *"administrative errors"* that occurred during AFK's change in dialler provider. AFK explained that it believes that the calls were made whilst its employees were getting familiar with the new system and failing to transfer the *"non-call"* data (e.g. where the individual has withdrawn their consent or upon the expiry of the six month storage period) to the non-call list on the dialler system.
41. AFK further informed the Commissioner that it only became aware of the internal problem upon receipt of the TPS complaints and that it subsequently conducted an internal review of the matter, which involved a review of the relevant data, training process and telephone calls. This review lead to AFK implementing remedial action, including

weekly training courses for its employees on the new dialler system, weekly meetings and further internal reviews.

42. On 14 March 2024, the Commissioner informed AFK that he had concluded his enquiries and that he would now consider whether formal enforcement action was required.
43. The Commissioner noted that the CDRs provided by AFK were substantially lower than those provided by [REDACTED]. The CDRs provided by AFK showed that between 1 January 2023 and 4 August 2023, AFK attempted to make 57,925 calls, of which 34,458 calls were connected. However, the CDRs provided by [REDACTED] show that between 3 January 2023 and 27 July 2023, AFK attempted to make 210,068 calls, of which 168,363 were connected.
44. The Commissioner subsequently screened all calls which had a duration of longer than zero against the TPS and the Corporate TPS ("CTPS"), which showed that between 3 January and 27 July 2023, AFK made 95,131 calls to individuals who were registered with the TPS and 146 calls to individuals registered with the CTPS.
45. Based on the information provided in the CDRs provided by [REDACTED] and in the absence of more conclusive evidence, 56% of AFK's apparent connected calls were made to individuals registered with the TPS or CTPS.
46. The Commissioner has also noted that during his investigation, additional complaints had been made about AFK – four of which were made to the Commissioner directly, and one was made to the TPS.
47. The Commissioner is satisfied that the 95,277 calls were all made for the purposes of direct marketing as defined by section 122(5) DPA18.



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 21 and 24 of PECR by AFK and, if so, whether the conditions of section 55A DPA are satisfied.

### **The contravention**

50. The Commissioner finds that AFK contravened regulation 21 of PECR.
51. The Commissioner finds that the contravention was as follows:
52. Between the 1 January 2023 and 29 September 2023, AFK used a public telecommunications service for the purposes of making 95,277 unsolicited calls for direct marketing purposes to subscribers where the number allocated to the subscriber in respect of the called line was a number listed on the register of numbers kept by the Commissioner in accordance with regulation 26, contrary to regulation 21(1)(b) of PECR. This resulted in 21 complaints being made to the TPS and the Commissioner.
53. The Commissioner is also satisfied for the purposes of regulation 21 that these 95,277 unsolicited direct marketing calls were made to subscribers who had registered with the TPS or CTPS at least 28 days prior to receiving the calls, and who for the purposes of regulation 21(4) had not notified AFK that they did not object to receiving such calls.

54. For such notification to be valid under regulation 21(4), the individual must have taken a clear and positive action to override their TPS registration and indicate their willingness to receive marketing calls from the company. The notification should reflect the individual's choice about whether or not they are willing to receive marketing calls. Therefore, where signing up to use a product or service is conditional upon receiving marketing calls, companies will need to demonstrate how this constitutes a clear and positive notification of the individual's willingness to receive such calls.
55. The notification must clearly indicate the individual's willingness to receive marketing calls specifically. Companies cannot rely on individuals opting in to marketing communications generally, unless it is clear that this will include telephone calls.
56. Further, the notification must demonstrate the individual's willingness to receive marketing calls from that company specifically. Notifications will not be valid for the purposes of regulation 21(4) if individuals are asked to agree to receive marketing calls from "similar organisations", "partners", "selected third parties" or other similar generic descriptions.
57. The Commissioner has noted that AFK has been unable to provide any evidence to show that the individuals it had called who were registered with the TPS had indicated that they did not, for the time being, object to receiving such calls. This was apparently due to AFK's procedure of deleting all data three – six months after it was first used, although the Commissioner had sent AFK evidence of the complaints it had received during this timeframe which AFK should have reasonably been able to provide evidence of.

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

**Seriousness of the contravention**

59. The Commissioner is satisfied that the contravention identified above was serious. This is because there have been multiple breaches of regulation 21 by AFK arising from the organisation's activities during the Contravention Period, and this led to 95,277 unsolicited direct marketing calls being made to subscribers who were registered with the TPS or CTPS and who had not notified AFK that they were willing to receive such calls, and 21 complaints being made as a result.
60. The Commissioner is therefore satisfied that condition (a) from section 55A (1) DPA is met.

**Deliberate or negligent contraventions**

61. The Commissioner has considered whether the contravention identified above was deliberate. In the Commissioner's view, this means that AFK's actions which constituted that contravention were deliberate actions (even if AFK did not actually intend thereby to contravene PECR).
62. The Commissioner does not consider that AFK deliberately set out to contravene PECR in this instance.
63. The Commissioner has gone on to consider whether the contravention identified above was negligent. This consideration comprises two elements:

64. Firstly, he has considered whether AFK 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, since it appears that AFK has policies in place for dealing with TPS registered numbers, although such policies not being followed, which shows that AFK was aware of its obligations. Whilst AFK suggested that a former employee was responsible for purchasing the data, AFK was ultimately responsible for ensuring compliance with its legal obligations.
65. The Commissioner has also published detailed guidance for companies carrying out marketing explaining their legal requirements under PECR. This guidance explains the circumstances under which organisations are able to carry out marketing over the phone, by text, by email, by post or by fax. Specifically, it states that live calls must not be made to any subscriber registered with the TPS, unless the subscriber has specifically notified the company that they do not object to receiving such calls. In case organisations remain unclear on their obligations, the ICO operates a telephone helpline. ICO communications about previous enforcement action where businesses have not complied with PECR are also readily available.
66. It is therefore reasonable to suppose that AFK should have been aware of its responsibilities in this area.
67. Secondly, the Commissioner has gone on to consider whether AFK failed to take reasonable steps to prevent the contravention. Again, he is satisfied that this condition is met.
68. 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, that their details would be passed along for direct marketing to the specifically named organisation in the case of live calls, and that they have the necessary notifications for the purposes of regulation 21(4). It is not acceptable to rely on assurances given by third party suppliers without undertaking proper due diligence. Whilst AFK had undertaken due diligence to some extent, proper due diligence would have involved screening the data it purchased from [REDACTED] against the TPS and/or CTPS registers and, therefore, should have avoided AFK calling these individuals.

69. Reasonable steps in these circumstances may also have included delivering appropriate training to all employees who would be using the new dialler system prior to implementing it. The volume of calls made to individuals registered with the TPS or CTPS is considerable and indicates the issues went beyond teething problems of implementing the new dialler system. In addition, whilst AFK have informed the Commissioner that it has taken numerous remedial steps to improve its compliance, which should have stopped the complaints, this was not the case and the Commissioner and the TPS continued to receive these until November 2023.
70. Given the volume of calls and the additional complaints the Commissioner and the TPS received up to November 2023, it is clear that AFK failed to take those reasonable steps.
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 has taken into account the following **aggravating features** of this case:
- 56% of calls made were to TPS registered numbers.
  - Additional complaints were received following the conclusion of the investigation.
73. The Commissioner has not identified any mitigating features in this case.
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 the issuing of a Notice of Intent, in which the Commissioner set out his preliminary thinking. In reaching his final view, the Commissioner received no representations from AFK.
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 AFK but has been unable to do so given the lack of recent publicly available information. AFK is invited to make financial representations in response to this preliminary Notice.

79. The Commissioner's underlying objective in imposing a monetary penalty notice is to promote compliance with PECR. The making of unsolicited direct marketing calls is a matter of significant public concern. A monetary penalty in this case should act as a general encouragement towards compliance with the law, or at least as a deterrent against non-compliance, on the part of all persons running businesses currently engaging in these practices. This is an opportunity to reinforce the need for businesses to ensure that they are only telephoning consumers who are not registered with the TPS and/or specifically indicate that they do not object to receiving these calls.
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.
81. For these reasons, the Commissioner has decided to issue a monetary penalty in this case.

### **The amount of the penalty**

82. Taking into account all of the above, the Commissioner has decided that a penalty in the sum of **£90,000 (ninety thousand pounds)** is reasonable and proportionate given the particular facts of the case and the underlying objective in imposing the penalty.

## **Conclusion**

83. The monetary penalty must be paid to the Commissioner's office by BACS transfer or cheque by **29 April 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.
84. If the Commissioner receives full payment of the monetary penalty by **28 April 2025** the Commissioner will reduce the monetary penalty by 20% to **£72,000 (seventy two thousand pounds)**. However, you should be aware that the early payment discount is not available if you decide to exercise your right of appeal.
85. 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.
86. Any notice of appeal should be received by the Tribunal within 28 days of the date of this monetary penalty notice.
87. Information about appeals is set out in Annex 1.
88. 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.

89. 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 27<sup>th</sup> day of March 2025.

Signed



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

## **ANNEX 1**

### **SECTION 55 A-E OF THE DATA PROTECTION ACT 1998**

#### **RIGHTS OF APPEAL AGAINST DECISIONS OF THE COMMISSIONER**

1. Section 55B(5) of the Data Protection Act 1998 gives any person upon whom a monetary penalty notice has been served a right of appeal to the First-tier Tribunal (Information Rights) (the 'Tribunal') against the notice.

2. If you decide to appeal and if the Tribunal considers:-

a) that the notice against which the appeal is brought is not in accordance with the law; or

b) to the extent that the notice involved an exercise of discretion by the Commissioner, that he ought to have exercised his discretion differently,

the Tribunal will allow the appeal or substitute such other decision as could have been made by the Commissioner. In any other case the Tribunal will dismiss the appeal.

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

General Regulatory Chamber  
HM Courts & Tribunals Service  
PO Box 9300  
Leicester  
LE1 8DJ

Telephone: 0203 936 8963

Email: [grc@justice.gov.uk](mailto: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)).

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