

**DATA PROTECTION ACT 1998**

**SUPERVISORY POWERS OF THE INFORMATION COMMISSIONER**

**MONETARY PENALTY NOTICE**

To: Service Box Group Limited

Of: Suite 11, Floor 1, Sheridan House, Western Road, Hove, BN3 1DD

1. The Information Commissioner ("the Commissioner") has decided to issue Service Box Group Limited ("SBG") 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. SBG, whose registered office is given above (Companies House Registration Number: 10664393) is the organisation stated in this notice to have instigated the use of 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. SBG was incorporated on 10 March 2017 and its registered address is Suite 11, Floor 1, Sheridan House, Western Road, Hove, BN3 1DD. SBG provides a repair service and protection plan for household white goods with its nature of work listed as 'Repair of household appliances and home and garden equipment' with Companies House (Companies House Number: 10664393).
16. SBG are registered as a data controller with the Commissioner under registration number ZA247247.
17. The current directors of SBG are James Alexander Kedian ("Mr. Kedian"), Jonathan Colin Pavey ("Mr. Pavey") and Jordan Steven Rooke ("Mr. Rooke").
18. SBG has been investigated as part of a wider operation set up by the Commissioner, concerned with unsolicited telephone calls made to vulnerable individuals about white goods maintenance and warranty products.
19. On 08 February 2023, the Commissioner received a complaint regarding SBG made by a person with the Power of Attorney for their elderly relative. The complainant advised that their vulnerable, 90 year

old relative had been contacted by SBG and had set up a direct debit payment with SBG for appliance coverage on their kitchen appliances. The elderly relative confirmed to the complainant that they did not want the appliance cover provided by SBG.

20. Following the complaint received on 08 February 2023, the Commissioner searched for other complaints against SBG. The Commissioner found seven TPS complaints and four complaints made to the Commissioner through the ICO's Online Reporting Tool.
21. On 14 February 2023, a third party information notice ("3PIN") was issued to [REDACTED] in relation to a calling line identifier ("CLI") used in relation to the complaints investigated. On the same day, [REDACTED] replied to the Commissioner and advised the CLI was allocated to the reseller account [REDACTED] ("[REDACTED]"). Following this response from [REDACTED], a 3PIN was sent via email to [REDACTED].
22. On 15 February 2023, [REDACTED] responded to the Commissioner and advised the CLI was registered to SBG. [REDACTED] provided the Commissioner with the details of a further 109 CLIs allocated to SBG, alongside a call detail record ("CDR") of outbound calls made by SBG between 1 August 2022 to 31 January 2023 (the "Investigation Period").
23. Analysis of these CDRs indicated that during the Investigation Period, SBG made a total of 148,296 calls. Of those 148,296 calls, 24,837 were connected calls. Of the connected calls, 13,461 calls were made to individuals registered with the TPS for over 28 days.
24. On 27 February 2023, the Commissioner sent an initial investigation letter to SBG seeking further information about SBG's compliance with PECR. The information sought included the full list of connected

marketing calls made during the Investigation Period. The Commissioner also provided SBG with a copy of the complaints received during the Investigation Period for SBG to provide comments on.

25. On 17 March 2023, SBG provided a response to the Commissioner. SBG confirmed a total of 21,159 marketing calls were made during the Investigation Period. SBG further advised the Commissioner that they obtained data from multiple sources, including: Digital traffic from affiliates (SBG confirmed they had 106 affiliates), Data providers (SBG purchased data from six suppliers, all of whom are ICO registered), point of sale relationships, and organic enquiries via SBG's website and inbound line.

26. SBG also provided a list of all suppliers used which included [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] SBG confirmed the relationship with [REDACTED]  
[REDACTED] was terminated on 22 January 2023.

27. SBG also stated that:

*"The data subjects who are passed over to us are all consumers who have said they are interested in speaking to Service Box about a product and have given consent to be transferred over. The recent TPS complaints have come from the data suppliers calling consumers to create live transfers to send to Service Box. The centres are dialling data where they have consent to call them from a previous call or they have made (info has been attached). Service Box have now made the choice that any centres creating live transfer leads now have to cleanse their data against a software system that screens against any*

*TPS/DNC's/Current Clients. Regardless of the centres having consent to call the consumers on TPS we are making this cleanse of data prior to dialling a compulsory procedure. This will stop any TPS complaints arising from the data suppliers dialling out to generate leads for Service Box."*

28. The Commissioner questioned SBG regarding the complaints dated 27 February 2023, SBG advised the Commissioner *"Calls were not made to these consumers by Service Box. The calls were made by ICO registered third parties, who generate interested consumers to pass over to Service Box. Those data subjects were transferred to Service box by the data providers"*.
29. The Commissioner enquired with SBG regarding their processes in place to screen marketing lists against the TPS register and in-house suppression list. SBG advised the Commissioner *"Service Box only dials consumers who are either current customers, or previous customers. The previous customers have given consent to service box to contact them therefore in the past year no external lists have been purchased."*
30. On 30 May 2023, the Commissioner sent further enquiries to SBG. The Commissioner asked which telecoms supplier is used by SBG for the numbers provided to the Commissioner, for SBG to provide the names of all 106 affiliates used to drive traffic to the SBG website, the processes followed by the data providers used by SBG to drive traffic to SBG, and if SBG has in place a vulnerable person policy.
31. On 31 May 2023, SBG provided a response to the Commissioner and advised that [REDACTED] was the telecoms supplier which provides all SBG's CLIs which were highlighted to the Commissioner.



32. On 20 June 2023, the Commissioner contacted SBG and raised further questions in relation to the complaints received and SBG's direct marketing practices.

33. On 26 June 2023, SBG provided a response to the Commissioner's latest enquiries. SBG advised the Commissioner:

*'Our CRM checks for contact number and name, but historically, when customers were transferred over to us from the data suppliers, the calls would come through showing the data supplier's CLI, not the customer's CLI. Therefore, the system's duplicate check was unable to detect duplicate customers unless our agent checked this manually when setting up the plan. As explained, the process was changed around January 2023, and required all data suppliers to present the customer's CLI when transferring through an interested prospect. They are now required to scrub daily against the TPS, our existing customers, DNC, and anyone that was contacted and showed they were not interested in the last 90 days via any supplier.'*

SBG also stated:

*'Data suppliers are able to contact TPS registered consumers if they have a valid opt-in and chain of consent. Service Box would regularly request opt-ins and chain of consent from each supplier for random consumers that were transferred to Service Box, to ensure suppliers were adhering to the ICO's guidelines. We now have our own centralised screening system where each supplier is required to upload their calling file daily. This scrubs against the TPS, our existing customers and DNC's.'*

34. On 29 June 2023, the Commissioner met with SBG to conduct a Compliance meeting and for SBG to provide the Commissioner with further details on SBG's marketing policies and practices. SBG advised

the Commissioner that SBG conduct regular spot-checks on their data providers to ensure their compliance with data protection requirements.

35. During the meeting of 29 June 2023, SBG confirmed they no longer used [REDACTED] or [REDACTED] as data providers. SBG confirmed they have implemented a centralised scrubbing system to screen numbers against the TPS register and the do-not contact list. SBG confirmed the changes were put in place eight weeks prior to the meeting of 29 June 2023. Following the meeting between SBG and the Commissioner, SBG provided the Commissioner with a list of parameters it provides to its data providers. SBG's parameters are: 1. No one aged 75+; 2. Non-TPS; and 3. No existing customers.
36. On 07 July 2023, SBG provided the Commissioner with further documents to assist with the Commissioner's investigations. SBG advised the Commissioner that, as of this date, the active data suppliers for SBG were: [REDACTED]  
[REDACTED] and [REDACTED] SBG also advised [REDACTED] and [REDACTED] were in the process of being on-boarded as data suppliers.
37. SBG also provided the Commissioner with seven call recordings and documentation to demonstrate their opt-in procedures regarding consent for direct marketing.
38. On 02 August 2023, SBG provided the Commissioner with the consent forms which were completed by SBG's data providers.
39. On 29 August 2023, the Commissioner sent an end of investigation letter to SBG.

40. On 30 August 2023, SBG informed the Commissioner of business decisions taken by SBG to reduce their ongoing sales processes considerably. SBG also advised the Commissioner that SBG had ended their relationships with all overseas data providers and hotkey centres as of 07 August 2023.
41. On 27 September 2023, the Commissioner contacted SBG to request the CLIs called by the hotkey providers.
42. On 03 October 2023, SBG provided the CLIs of the numbers called by each hotkey provider. The Commissioner screened the 7,319 CLIs provided by SBG on this date against the TPS register.
43. The Commissioner considered only CLIs which were used during the Investigation Period. Further, the Commissioner removed any CLIs registered within 28 days of any calls being made. Therefore, a date of 1 July 2022 was selected and any CLIs registered within 28 days of that date were filtered out. Although this was 31 days from the start of the contravention date, the Commissioner used this date for ease of calculation and erred on the side of SBG.
44. Following the above formula, The Commissioner is satisfied that 5,361 calls were made to individuals registered with TPS for the purposes of direct marketing as defined by section 122(5) DPA18.
45. The Commissioner has made the above findings of fact on the balance of probabilities.
46. The Commissioner has considered whether those facts constitute a contravention of regulation 21 of PECR by SBG and, if so, whether the conditions of section 55A DPA are satisfied.

**The contravention**

47. The Commissioner finds that SBG contravened regulation 21 of PECR.
48. The Commissioner finds that the contravention was as follows:
49. Between 01 August 2022 and 31 January 2023, SBG instigated the use of a public telecommunications service for the purposes of making 5,361 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 11 complaints being made to the TPS and the Commissioner.
50. The Commissioner is also satisfied for the purposes of regulation 21 that these 5,361 unsolicited direct marketing calls were made to subscribers who had registered with the TPS at least 28 days prior to receiving the calls, and who for the purposes of regulation 21(4) had not notified SBG or the third parties working at SBG's instigation that they did not object to receiving such calls
51. 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.

52. 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.
53. 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.
54. The evidence that SBG provided to the Commissioner during the investigation indicated that valid notifications had not been obtained. SBG did not appear to have adequately considered the customer journey in relation to PECR and had not asked pertinent questions or, until recently, put processes in place to ensure compliance.
55. The Commissioner has gone on to consider whether the conditions under section 55A DPA are met.

### **Seriousness of the contravention**

56. The Commissioner is satisfied that the contravention identified above was serious. This is because there have been multiple breaches of regulation 21 by SBG arising from the organisation's activities between 01 August 2022 and 31 January 2023 and this led to 5,361 unsolicited direct marketing calls being made at the instigation of SBG, to subscribers who were registered with the TPS and who had not

provided notification that they were willing to receive such calls, and 11 complaints being made as a result.

57. The evidence shows third party lead generators, at the instigation of SBG, were calling vulnerable/at risk individuals. In total seven TPS complaints and four complaints to the Commissioner were received which related to calls made, within the contravention period. All seven TPS complaints and two of the Commissioner complaints refer to the individuals being described as vulnerable/at risk. There is evidence that some of the vulnerable/at risk complainants were called multiple times and when direct debits had been set up and cancelled, further calls were made by SBG and further direct debits were set up.
58. The Commissioner is therefore satisfied that condition (a) from section 55A (1) DPA is met.

**Deliberate or negligent contraventions**

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

62. Firstly, He has considered whether SBG 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, for the following reasons:
- SBG was incorporated in March 2017 (all three current Directors were appointed in March 2018) and has been operating for over six years as a well-established organisation and should have been aware of its obligations under data protection legislation;
  - SBG were contacted by the TPS raising concerns about complaints made by individuals (who were vulnerable/at risk), this contact would have raised immediate concerns with SBG about their marketing and compliance with PECR;
63. 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.
64. Where it is able to identify the organisation making the calls, it is standard practice of the TPS is to contact that organisation on each occasion a complaint is made. The Commissioner has evidence that SBG would have been sent a notification from the TPS for each of the complaints being made in this case. That there were seven complaints made to the TPS alone over the period of the contravention should

have made SBG aware of the risk that such contraventions may occur and were indeed occurring.

65. It is therefore reasonable to suppose that SBG should have been aware of its responsibilities in this area.
66. Secondly, the Commissioner has gone on to consider whether SBG failed to take reasonable steps to prevent the contravention. Again, he is satisfied that this condition is met.
67. The Commissioner's direct marketing guidance makes clear that organisations acquiring/utilising 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. During the Commissioner's investigation, SBG failed to provide evidence that adequate checks had been conducted.
68. Reasonable steps in these circumstances may also have included
  - Requiring third party data providers providing live transfer leads to cleanse their data against the TPS/DNC/Current client lists.
  - Taking immediate action when contacted by the TPS which could have included immediately pausing contracts with third party lead generators who SBG had evidence were calling individuals, registered with the TPS, who had not, for the time being, agreed to being called by the third party lead generator at the instigation of SBG.



- Effective due diligence with third party lead generators including requiring evidence that third party lead generators were screening individuals against the TPS register before making the initial marketing survey calls.

69. Given the volume of calls and complaints, it is clear that SBG failed to take those reasonable steps.

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

### **The Commissioner's decision to issue a monetary penalty**

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

- There is evidence that suggests third party lead generators, at the instigation of SBG, were targeting a demographic group which would contain a higher proportion of vulnerable individuals than other demographics.
- A significant proportion (73%) of the total connected calls were made to numbers registered with the TPS for 28 days or longer.

72. The Commissioner did not identify any relevant mitigating factors.

73. 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.

74. 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 SBG on this matter.
75. The Commissioner is accordingly entitled to issue a monetary penalty in this case.
76. The Commissioner has considered whether, in the circumstances, he should exercise his discretion so as to issue a monetary penalty.
77. The Commissioner has considered the likely impact of a monetary penalty on SBG. 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.
78. 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.
79. 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.

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

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

81. Taking into account all of the above, the Commissioner has decided that a penalty in the sum of £40,000 (Forty Thousand pounds) is reasonable and proportionate given the particular facts of the case and the underlying objective in imposing the penalty.

### **Conclusion**

82. The monetary penalty must be paid to the Commissioner's office by BACS transfer or cheque by 13 September 2024 at the latest. The monetary penalty is not kept by the Commissioner but will be paid into the Consolidated Fund which is the Government's general bank account at the Bank of England.
83. If the Commissioner receives full payment of the monetary penalty by 12 September 2024 the Commissioner will reduce the monetary penalty by 20% to £32,000 (Thirty-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.

84. There is a right of appeal to the First-tier Tribunal (Information Rights) against:
- (a) the imposition of the monetary penalty  
and/or;
  - (b) the amount of the penalty specified in the monetary penalty notice.
85. Any notice of appeal should be received by the Tribunal within 28 days of the date of this monetary penalty notice.
86. Information about appeals is set out in Annex 1.
87. The Commissioner will not take action to enforce a monetary penalty unless:
- the period specified within the notice within which a monetary penalty must be paid has expired and all or any of the monetary penalty has not been paid;
  - all relevant appeals against the monetary penalty notice and any variation of it have either been decided or withdrawn; and
  - the period for appealing against the monetary penalty and any variation of it has expired.
88. In England, Wales and Northern Ireland, the monetary penalty is recoverable by Order of the County Court or the High Court. In Scotland, the monetary penalty can be enforced in the same manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.

Dated the 13 day of August 2024.

Signed



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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)).