

DATA PROTECTION ACT 1998

SUPERVISORY POWERS OF THE INFORMATION COMMISSIONER

MONETARY PENALTY NOTICE

To: Coastal Windows & Conservatories (UK) Limited

Of: Unit 8 Silverhills Building, Silverhills Road, Decoy, Industrial E, Newton Abbot, Devon, TQ12 5LZ

1. The Information Commissioner ("the Commissioner") has decided to issue Coastal Windows & Conservatories (UK) Limited ("**CWC**") 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. CWC, whose registered office is given above (Companies House Registration Number: 03973690) 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. CWC is a home improvement company that provides installation services in relation to various home improvement products, including windows, doors and conservatories. CWC were incorporated on 14 April 2000 and are registered at Companies House under registered number 03973690.
16. CWC came to the attention of the Commissioner as part of investigations into complaints in relation to the green energy and home improvements sector.
17. The Commissioner and the TPS received a number of complaints about unsolicited marketing calls being made to TPS registered numbers. Examples of the complaints received are:

"Every time they call I have to explain that I will never use them so to [sic] stop calling, this makes me very wound up and angry".

"No consent to contact me, it's very annoying that businesses still feel this is the best way to find customers".

18. As a result, on 7 March 2023, the Commissioner sent a third party information notice ("**3PIN**") to telecom provider [REDACTED]

requesting the subscriber details for the calling line identifier ("**CLI**") of 01803424017 that featured in the complaints.

19. On 31 March 2023, [REDACTED] responded and confirmed that CWC was the subscriber for the CLI of 01803424017. [REDACTED] also provided details of a second CLI that was allocated to CWC, 01803424026.
20. The Commissioner undertook additional research into CWC, including a review of its own website and other open source research into complaints.
21. As such, on 3 April 2023, the Commissioner sent CWC an initial investigation letter detailing his concerns and seeking information about CWC's compliance with PECR. CWC had 21 days to provide its response.
22. In absence of a response from CWC, the Commissioner sent two further letters to CWC on 26 April 2023 and 4 May 2023.
23. On 4 May 2023, [REDACTED] supplied the Commissioner with the call detail records ("**CDRs**") for January 2023 – March 2023 inclusive. This showed that during this three month period, CWC made a total of 49,592 calls, 30,876 of which were to numbers registered on the TPS register and 15 registered with the Corporate Telephone Preference Service ("**CTPS**").
24. Also on 4 May 2023, CWC responded to the Commissioner and explained that the delay in responding was because the Commissioner's email had been sent to the wrong department. CWC confirmed that they had updated their contact details on the Commissioner's register. CWC requested copies of the Commissioner's

original email and attachments and stated that these had not been received.

25. On 5 May 2023, the Commissioner resent his original email to CWC and requested a response by 26 May 2023.
26. On 25 May 2023, CWC responded to the Commissioner and provided the following documents: a summary of the dialling rules for calling agents to follow; a 'do not call' list; an "*Evidence of calls*" PowerPoint presentation containing details of complaints; CWC's responses to the Commissioner's questions set out in the initial investigation letter; and a call training script. CWC also provided a document called "*Rules Summary.docx*", although this was a copy of the dialling rules for calling agents with a different document name.
27. The Commissioner conducted a review of the documents provided by CWC and noted that the dialling rules for calling agents states:
 - If a customer has asked not to be called for any reason, they must be added to the 'do not call' list;
 - Calls should not be made to individuals registered with the TPS and CTPS; and
 - "*Generally*" CWC relies on opt-in consent via door-to-door canvassing or a web enquiry.
28. The 'do not call' list contained 999 telephone numbers but there were no other details, such as the date the numbers were added to the list.
29. On slide two of the "*Evidence of calls*" PowerPoint, there are two call recordings; one from 2022 and another from 2023. During the call in 2022, CWC were calling to see if the customer wanted any work doing. When the customer said no, the call ended. During the call in 2023, the customer asked if she should know who CWC are to which the agent

explained they are offering quotes for work in the next 12 months. The customer stated it was cold calling. The agent did not suggest that the customer had provided consent through door-to-door canvassing or web enquiry at any point.

30. On slide three, there was another call recording from 2023. When the agent stated he was calling from CWC, the customer said she was not interested and ended the call. This customer was called an hour later due to *"an error in the [REDACTED] system"* and was subsequently added to the 'do not call' list.
31. In relation to slide four, CWC stated that this complainant was contacted in 2020 when a quotation appointment was booked, however, the call recording was not provided to the Commissioner at this time. CWC stated that the complainant did not answer CWC's call that led to the complaint.
32. In its response to the Commissioner's questions set out in the initial investigation letter, CWC stated:
 - There were three additional CLIs used by CWC (01803220992, 01803299937, and 01626354438);
 - CWC used three different trading names during the calls (*"Coastal Windows & Conservatories"*, *"Coastal Windows"* and *"Coastal"*)
 - CWC made 56,045 marketing calls over the period of 1 January 2023 to 3 April 2023, of which 21,620 connected;
 - CWC had two main sources of customer enquiries, which are door-to-door canvassing or *"inbound"* enquiries *"all of which are obtained directly from customers"*;
 - TPS screening will be turned on *"to ensure compliance moving forward"*;

- CWC does not conduct email, automated call or SMS marketing campaigns; and
 - CWC used the Commissioner's direct marketing guidance.
33. In response to the Commissioner's question as to how CWC ensures individuals have notified it that they do not object to receiving marketing calls, CWC stated *"by filling out the enquiry form on our website they are agreeing to our privacy policy"* and *"if a customer provides their information to our door canvassers, they are then provided with a T card that summarises our privacy policy and where to find it"*.
34. As an explanation for the number of complaints received, CWC stated that the [REDACTED] system had not been working as it should have done but that this was corrected by [REDACTED] engineers on 10 May 2023. CWC also stated *"it is clear from our most recent [REDACTED] training/review [that when [REDACTED]] made changes to our software... [REDACTED] made errors which has ended us here. I believe [that] now these have been amended and new processes put in place we will have no problems in the future. We would however welcome any advice/help to ensure we remain compliant or areas you feel we could improve"*.
35. The call training script read *"we are currently offering free no obligations quotes on Windows, Doors, Conservatories, fascia soffits and guttering and kitchens, do you think you think you may be interested in any of these later this year?" [sic]*. As with the call recordings, this suggests that CWC are not calling in respect of a specific request for a quote, which would have likely been the case had the customer spoken to a door-to-door canvasser or completed an online enquiry.

36. On 26 May 2023, the Commissioner acknowledged CWC's response and provided a link to his direct marketing and PECR guidance.
37. On 1 June 2023, the Commissioner wrote to CWC again to request evidence of the opt-in consent obtained by each of the complainants, an explanation for the additional complaints received by the Commissioner and the TPS, whether CWC purchases any data, why the call script and call records do not refer to a specific request for work considering this would have been provided on the online form or to a door-to-door canvasser, how long a potential customer could expect to receive a call from CWC after opting in and how long their data is retained. The Commissioner also asked to be provided with the connected outbound call records for calls between 1 January 2023 to 1 June 2023 inclusive ("**Contravention Period**"). CWC had until 22 June 2023 to respond.
38. On 21 June 2023, CWC responded to the Commissioner attaching the connected outbound call records for the Contravention Period, which detailed 27,898 calls. Of these 27,898 connected calls made by CWC, 18,275 were made to TPS registered numbers and five connected with CTPS registered numbers (collectively equating to 65%).
39. CWC stated they were unable to find details of the two complainants in its dialler records so they were unable to trace them back against the customer database, and that CWC do not retain paper copies of opt-in consents. Screenshots of what appeared to be CWC's database were provided but they did not include any details in respect of a complainant opting in to receive calls, other than a lead date of 23 September 2020. CWC also provided a screenshot of the information that is provided to potential customers by door-to-door canvassers. This states that CWC collect the individual's full name, address and telephone number and explains how and why this data is used

- (including reference to direct marketing purposes). An email address was also provided for individuals to contact to opt-out of receiving future marketing communications.
40. CWC also responded that the calls were not necessarily in relation to a specific request for a quote *"as the dialler system does not show the agents details like this"*. CWC stated that customer data is retained until the customer asks to opt-out and added *"it is not persistent calls they receive [sic]"*.
41. On 7 July 2023, the Commissioner wrote to CWC again to obtain additional information relating to the complaints received by the TPS, the call recording it referenced but had not supplied and the due diligence undertaken on suppliers. CWC had until 28 July 2023 to respond.
42. On 19 July 2023, CWC provided the missing call recording in which the complainant queried how CWC had obtained their details. The agent advised that they had either made an enquiry with CWC or CWC had purchased their data. The agent was unsure what data may have been purchased or what method was used to source the data, as this information did not appear on their screen.
43. CWC stated it would be unfair to assume that CWC purchases data *"based on the response of an employee who is dialling from an automatic dialling system"*. CWC stated that it is an approved installer for certain third parties and customers can fill in a form on these third parties' websites, which would then be passed to CWC as an *"inbound enquiry"* and not a data purchase.

44. CWC also provided screenshots of the records of the complainants that the Commissioner had referred to in his correspondence. These screenshots include the lead date, however, one of these is "26 October 2009" and the other states "Residential" so it is not clear what the lead date is. The screenshots did not detail the source of the lead or how the complainants had provided consent.

45. CWC provided screenshots of the websites of third parties [REDACTED] and [REDACTED]. [REDACTED] website collects customer telephone numbers and email addresses, and contains a consent statement which reads:

"Simply submit this form and we'll pass your details to up to 3 local recommended installers who may be in touch should you require a no obligation quote".

46. [REDACTED] website collects customer names, email addresses, telephone number and contains a consent statement which reads:

"Please tick the box to confirm that you agree for the information you have provided to be passed to one of our approved installers in your local area, they will then contact you to discuss your door design".

47. On 16 August 2023, the Commissioner submitted a further 3PIN to [REDACTED] requesting the CDRs for 1 April 2023 to 1 June 2023 inclusive.

48. On 24 August 2023, [REDACTED] provided the Commissioner with the CDRs requested.

49. On 20 September 2023, the Commissioner sent a further email to CWC seeking clarification of his earlier statement that the data rules in the [REDACTED] system were not working properly.
50. CWC responded on 27 September 2023 and provided the Commissioner with screenshots of email exchanges between CWC and [REDACTED] on 11 May 2023, 2 June 2023 and 6 June 2023. The emails sought to set up a call to discuss issues relating to customers being called too soon, the CDRs for the Contravention Period that [REDACTED] provided to the Commissioner and leads being recycled too early (such as *"a lead marked as not interested yesterday coming back today"*).
51. On 29 September 2023, the Commissioner informed CWC that the investigation had concluded and he would now consider whether enforcement action was appropriate. The Commissioner informed CWC that if they had any relevant evidence, or information regarding their policies, procedures and training programmes, which had not yet been supplied to the Commissioner then they should do so within the next seven days. No response was received from CWC.
52. The Commissioner is satisfied that 18,280 connected calls were made for the purposes of direct marketing as defined by section 122(5) DPA18.
53. The Commissioner has made the above findings of fact on the balance of probabilities.
54. The Commissioner has considered whether those facts constitute a contravention of regulation 21 of PECR by CWC and, if so, whether the conditions of section 55A DPA are satisfied.

The contravention

55. The Commissioner finds that CWC contravened regulation 21 of PECR.
56. The Commissioner finds that the contravention was as follows:
57. During the Contravention Period, CWC used a public telecommunications service for the purposes of making 18,280 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 eight complaints being made to the TPS, CTPS and/or the Commissioner.
58. The Commissioner is also satisfied for the purposes of regulation 21 that these 18,280 unsolicited direct marketing calls were made to subscribers who had registered with the TPS and/or CTPS at least 28 days prior to receiving the calls, and who for the purposes of regulation 21(4) had not notified CWC that they did not object to receiving such calls.
59. For such notification to be valid under regulation 21(4), the individual must have taken a clear and positive action to override their TPS and CTPS 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.

60. 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.
61. 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.
62. The Commissioner has gone on to consider whether the conditions under section 55A DPA are met.

Seriousness of the contravention

63. The Commissioner is satisfied that the contravention identified above was serious. This is because there have been multiple breaches of regulation 21 by CWC arising from the organisation's activities during the Contravention Period, and this led to 18,280 unsolicited direct marketing calls being made to subscribers who were registered with the TPS and/or CTPS and who had not notified CWC that they were willing to receive such calls, and eight complaints being made as a result.
64. Further, a significant percentage (65%) of the 27,898 connected calls were made to those registered with the TPS and/or CTPS.

65. The Commissioner also has concerns about CWC's practices in handling data and its lack of training policies and procedures. Specifically:
- CWC's partners do not clearly show that the individual is agreeing to receive a call from CWC specifically;
 - CWC appear to be calling individuals who may have provided consent some time ago (at least one individual was called as long ago as 2009);
 - CWC's calling agents do not refer to a specific reason for the call (such as no reference to a quote request or specific work required), meaning the call recipient is unclear that they may have, at some point, requested a quote;
 - CWC did not conduct any TPS screening prior to the Commissioner's investigation and has continued to make calls to TPS registered numbers since implementing this;
 - CWC are unable to clearly evidence the consents they have obtained for any of the calls it made to the complainants; and
 - CWC does not have any specific policies or training in respect of PECR, although it states it uses the Commissioner's direct marketing guidance.
66. The Commissioner is therefore satisfied that condition (a) from section 55A (1) DPA is met.

Deliberate or negligent contraventions

67. The Commissioner has considered whether the contravention identified above was deliberate. In the Commissioner's view, this means that CWC's actions which constituted that contravention were deliberate actions (even if CWC did not actually intend thereby to contravene PECR).

68. The Commissioner does not consider that CWC deliberately set out to contravene PECR in this instance.
69. The Commissioner has gone on to consider whether the contravention identified above was negligent. This consideration comprises two elements:
70. Firstly, he has considered whether CWC 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:
- CWC does not have any specific policies for ensuring it meets its obligations under PECR, although CWC suggested that it used the Commissioner's direct marketing guidance. Had CWC fully understood that guidance, then the breach should not have occurred;
 - As CWC conducts telephone marketing, it should be aware of the legislation surrounding its business practices; and
 - Further complaints have been received following the Commissioner's investigation, outside of the Contravention Period. CWC should have been aware of the risk at this point and should have taken extra care to ensure compliance, particularly as these calls were made after CWC claims it implemented TPS screening.
71. The Commissioner has 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.

72. It is therefore reasonable to suppose that CWC should have been aware of its responsibilities in this area.
73. Secondly, the Commissioner has gone on to consider whether CWC failed to take reasonable steps to prevent the contravention. Again, he is satisfied that this condition is met.
74. The Commissioner's direct marketing guidance makes clear that organisations 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. CWC sourced its data through door-to-door canvassing, requests via its own website and requests via two partner companies, [REDACTED] and [REDACTED]. CWC did not undertake such checks prior to making the calls and this data appear to have been used for at least 14 years since consent was provided.
75. Reasonable steps in these circumstances may also have included screening the data against the TPS and CTPS register prior to calling the individuals, reviewing any consents received and obtaining new

consent where necessary (due to lapse of time for example) and providing appropriate staff training on CWC's obligations under PECR.

76. Given the volume of calls, it is clear that CWC failed to take those reasonable steps.
77. The Commissioner is therefore satisfied that condition (b) from section 55A (1) DPA is met.

The Commissioner's decision to issue a monetary penalty

78. The Commissioner has taken into account the following aggravating features of this case:
 - Of the total number of calls made, 65% were to numbers registered with the TPS/CTPS for 28 days or longer. This is a high percentage even when compared to similar contraventions of this type.
 - The investigation has found evidence that individual's data has been retained for a number of years for marketing purposes. The panel particularly noted one instance where contact details had been retained for 13 years.
79. 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.
80. 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 CWC on this matter.

81. The Commissioner is accordingly entitled to issue a monetary penalty in this case.
82. The Commissioner has considered whether, in the circumstances, he should exercise his discretion so as to issue a monetary penalty.
83. The Commissioner has considered the likely impact of a monetary penalty on CWC. He has decided on the information that is available to him, that CWC has access to sufficient financial resources to pay the proposed monetary penalty without causing undue financial hardship [or] that a penalty remains the appropriate course of action in the circumstances of this case.
84. 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.
85. 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.

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

The amount of the penalty


87. 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

88. The monetary penalty must be paid to the Commissioner's office by BACS transfer or cheque by 17 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.
89. If the Commissioner receives full payment of the monetary penalty by 16 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.
90. 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.
91. Any notice of appeal should be received by the Tribunal within 28 days of the date of this monetary penalty notice.
92. Information about appeals is set out in Annex 1.
93. 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.
94. 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 15 day of August 2024.

Signed ... 

Andy Curry
Head of Investigations
Information Commissioner's Office
Wycliffe House
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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

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)).