



**First-Tier Tribunal  
General Regulatory Chamber  
(Information Rights)**

**Appeal reference: EA/2021/0111/GDPR**

**Between**

**Mark Lawrence Arcangel**

**Appellant**

**and**

**Information Commissioner**

**Respondent**

**TRIBUNAL: JUDGE LYNN GRIFFIN**

**DECISION**

**Upon hearing the Appellant at a case management hearing on 21 May 2021 and having read the written submissions of the Appellant and the Respondent**

**These proceedings are struck out pursuant to rule 8(2)(a) Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 because the Tribunal does not have jurisdiction in relation to them.**

**REASONS**

1. The Tribunal has received an appeal from Mr Arcangel. He made a complaint to the Respondent about data protection concerns on 3 August 2020 and has appealed the outcome of that complaint to this Tribunal.
2. The Tribunal identified this case as one to which the Fast Track Protocol applied. Thus, it was listed for a case management hearing on 21 May 2021 via the cloud video platform. Mr Arcangel attended by telephone. The Respondent was not represented.
3. At that hearing I explained to Mr Arcangel that one of the issues I would be considering was whether the Respondent and the Tribunal had the jurisdiction to consider his case; this is an issue raised in the Response to the appeal.

4. On the basis of what Mr Arcangel told the Tribunal, I find as a fact that
  - a. He is resident in the Philippines and has been at all material times
  - b. The data protection concerns he has arise out of alleged non-consensual access to his personal records held by his employer
  - c. His employer is a company based in the United States of America
  - d. The alleged data breach occurred either in the United States of America or in the Philippines
  - e. There was no part of the events that happened in the United Kingdom of Great Britain and Northern Ireland.
  - f. His personal data was not processed in the UK or the European Union or by a controller not established in the Union, but in a place where Member State law applies by virtue of public international law.
  - g. He had written to the Respondent as he had seen their website and they do not specify any restrictions on region or place
  - h. He had not found out about the Respondent until more than 3 months after his last correspondence with his employer
5. Mr Arcangel submitted that it would be unfair to strike out his request as the ICO exists to deal with these type of issues. If that were to happen the “service” advertised on their website would not be accurate.
6. The Tribunal can only adjudicate on proceedings over which it has jurisdiction.
7. Having considered the facts in the light of the territorial scope of the Data Protection Act 2018 and GDPR I have concluded that the Tribunal has no power [jurisdiction] to consider the application from Mr Arcangel.
8. Accordingly, I must strike out the proceedings pursuant to rule 8(2)(a).

**Tribunal Judge Lynn Griffin**

**Dated:** 24 May 2021