

**The Privacy and Electronic Communications (EC Directive) Regulations
2003 as amended**

Monetary Penalty Notice

Dated: 24 July 2014

**Name: Reactiv Media Limited trading as Discover Finance and
 Consumer Helpline**

**Registered Office: The Warehouse, Gas Works Lane, Elland, West
 Yorkshire HX5 9HJ**

Statutory framework

1. This monetary penalty notice is issued by virtue of regulation 21 of the Privacy and Electronic Communications (EC Directive) Regulations 2003 ("PECR") as amended by the Privacy and Electronic Communications (EC Directive) (Amendment) Regulations 2004 and by the Privacy and Electronic Communications (EC Directive) (Amendment) Regulations 2011 ("PECR 2011").
2. Reactiv Media Limited, whose registered office is given above (Companies House Registration Number: 06252030) is the person stated in this Notice of Intent to have used a public electronic communications service to make unsolicited calls for the purpose of direct marketing contrary to regulation 21 of PECR.
3. PECR came into force on 11 December 2003 and revoked the Telecommunications (Data Protection and Privacy) Regulations 1999. PECR adopted Part V entitled, 'Enforcement', and Schedules 6 and 9 of

the Data Protection Act 1998 (the "Act"). By virtue of regulation 31(2) of PECR the Information Commissioner (the "Commissioner") was made responsible for the enforcement functions under PECR.

4. On 26 May 2011, PECR 2011 amended regulation 31 of PECR to adopt sections 55A to E of the Act and introduced appropriate adaptations to those sections.
5. Under sections 55A and 55B of the Act the Commissioner may, in certain circumstances, where there has been a serious contravention of the requirements of PECR, serve a monetary penalty notice on a person requiring the person to pay a monetary penalty of an amount determined by the Commissioner and specified in the notice but not exceeding £500,000.
6. The Commissioner has issued statutory guidance under section 55C (1) of the Act about the issuing of monetary penalties (the "Guidance"). The Guidance was approved by the Secretary of State and laid before Parliament. The Guidance was amended to take the changes to PECR into account and was published on 30 January 2012 on the Commissioner's website. It should be read in conjunction with the Data Protection (Monetary Penalties)(Maximum Penalty and Notices) Regulations 2010 and the Data Protection (Monetary Penalties) Order 2010.

Power of Commissioner to impose a monetary penalty

7. Section 55A of the Act as adopted by PECR 2011 states:-

"(1) The Commissioner may serve a person with a monetary penalty notice 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) the contravention was of a kind likely to cause substantial damage or substantial distress, and
- (c) 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 –

(i) that there was a risk that the contravention would occur, and

(ii) that such a contravention would be of a kind likely to cause substantial damage or substantial distress, but

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

Background

8. Reactiv Media Limited trading as Discover Finance and Consumer Helpline (“RML”) is a business engaged in making telephone calls to consumers for the purpose of direct marketing.
9. OFCOM is the Office of Communications established by section 1 of the Office of Communications Act 2002 to facilitate the regulation of communications. Under regulation 26 of PECR, OFCOM 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 (the “TPS”) is a limited company set up by OFCOM to carry out this role. Businesses who wish to carry out direct marketing by telephone can subscribe to the TPS for a fee and then receive monthly a list of numbers on that register.
10. It is a fundamental requirement of PECR, and well-known in the direct marketing industry, that a consumer’s consent must have been notified to the company before it makes direct marketing telephone calls to that consumer if the consumer is registered with the TPS. Therefore, it is a necessary step for businesses involved in telesales to make arrangements to ensure that they do not make direct marketing calls to those consumers who have subscribed to the TPS, unless the business holds records showing that those consumers have given their informed consent to that business to receive such calls.

11. To that end, it is also a necessary step for a business involved in direct marketing to register with the TPS, to ensure that the business has access to a monthly update of the TPS list which is updated as consumers apply to be registered. Furthermore, the business should hold a 'suppression list' of those consumers who have informed it directly that they do not wish to receive direct marketing calls.
12. The Commissioner's office identified RML at position 20 of the TPS Top 20 most complained about organisations for the month of December 2012. On further investigation, it was discovered that in the months of November and December 2012 that RML had responded to the TPS complaints on the basis that they had prior consent from the recipients of the calls and that evidence was available if required.
13. On 16 January 2013, the Commissioner's office sent a letter to RML explaining (among other things) that the amendments to the regulations contained in PECR enabled the Commissioner to issue monetary penalty notices up to £500,000. The letter also stated that the company was the subject of a number of complaints to the TPS and asked the following questions:
 - What is the source of their marketing information?
 - If information is obtained directly from customers, how do they ensure that they have consented to receiving marketing calls?
 - If information is obtained from third parties what checks are carried out to confirm 'third party opt-ins'?
 - Is the information screened against the TPS register?
 - Do they operate an internal suppression list?
 - What is the process that they have in place to run any marketing lists against the TPS register and any in-house suppression list?
 - Could they offer any explanation of the number of complaints made to the TPS?
 - Can they provide copies of their training procedures to inform staff about lawful contact with customers?
 - Can they provide copies of any policies and procedures regarding contact with customers and their responsibilities under PECR?

The letter gave RML the opportunity to provide information to assist the Commissioner in his decision as to what action to take and required a response within 21 days.

14. The Commissioner's office received a letter in response dated 8 February 2013 which had been delayed due to a problem with the postal system. The letter stated that RML had been the victims of a fraudulent scam with unknown individuals purporting to be RML or Discover Finance. The Commissioner's office was referred to RML's website which contained a warning to members of the public to be vigilant and report the scam to the police. RML also asked the Commissioner's office for further details of the complaints so that they could investigate this matter further.
15. The Commissioner's office sent a letter to RML dated 2 April 2013 acknowledging RML's explanation regarding a scam but asking for clarification bearing in mind their responses to the TPS which clearly accepted that the calls were made by RML. The letter also requested the full list of telephone numbers used by RML for marketing purposes. A response was required within 28 days of the date of this letter.
16. During this time, a third party information notice was served on a telecommunications provider in relation to a calling line identification number 01422387713 ("CLI"). This CLI was at position 9 of the November monthly threat assessment compiled by the Commissioner's office. On 11 April 2013, a response was provided by the telecommunications provider identifying RML as the allocated subscriber of this line together with a further breakdown of over 300 CLI's allocated to RML.
17. The Commissioner's office then received a letter from RML dated 7 May 2013 explaining that they were finding it difficult to link the case reference number ("ENF048113") to the TPS complaints. They further explained that when RML receive a complaint on the TPS website, they tick the box showing that RML have prior consent and that evidence is available should it be required. However, all the details of the case then disappear from the TPS website so that RML are unable to establish what ENF048113 relates to from the TPS website.
18. The Commissioner's office sent a letter in response to RML dated 10 May 2013 explaining that the case reference number is simply a reference number used by the case management system to identify individual cases. Further, that the TPS system is not linked to that of the Commissioner's office.
19. A breakdown of the TPS complaints between November 2012 and February 2013 was also provided to RML which clearly identified the company's response that they had prior consent from the recipients of the calls and that evidence was available if required. RML were then requested to provide full responses to the letters from the Commissioner's office dated 16 January 2013 and 2 April 2013 within 21 days failing which an

Information Notice may be served.

20. The Commissioner's office received a letter from RML dated 6 June 2013 explaining that they had received the breakdown of the TPS complaints between November 2012 and February 2013. However, RML explained that they were unable to locate the opt-in details from just the name and asked for a breakdown including all of the relevant telephone numbers. RML stated they would then respond immediately with the opt-in information they hold for each record.
21. The Commissioner's office sent a further letter to RML dated 11 June 2013 attaching the requested breakdown of the complainant's telephone numbers. This letter gave a deadline for a full response to all of the outstanding questions by 25 June 2013.
22. RML sent a letter to the Commissioner's office dated 20 June 2013 enclosing a table with a box containing a stamped opt-in time and date for each customer from an unknown source. RML did not explain where they obtained the so-called opt-ins or respond to the specific questions asked by the Commissioner's office in their letters dated 16 January 2013 and 2 April 2013.
23. Between 13 November 2012 and 31 December 2013, (the "period of complaint") the TPS received **481 (four hundred and eighty one)** complaints from individuals registered with them who had received unsolicited direct marketing calls from RML. The TPS referred all those complaints to RML and also notified the Commissioner.
24. Attached at Annex 2 is a spread sheet detailing the 481 complaints made by individual subscribers to the TPS. This list includes the subscriber's name and telephone number together with the date and time of the call (under the headings, 'complaint date' and 'complaint time') and the date that the complaint was processed by the TPS. In all cases, by virtue of the fact that the subscribers have placed their number on the TPS "do not call list", the company has breached Regulation 21(1)(b) of PECR by calling those numbers.
25. RML responded to 55 out of the total 481 TPS complaints with 'opt-in' dates and times which are either after the date and time of the call or on the same date. In the Commissioner's view, this is a large number of responses for it simply to be an inputting error on behalf of RML.
26. During the period of complaint, the Commissioner's office also received **120 (one hundred and twenty)** complaints from individuals who had received unsolicited direct marketing calls from RML. One of these

complaints was a complaint on the Commissioner's case management system and 119 were received via the Snap Survey on-line reporting tool. These complaints were all made by individual subscribers who were registered with the TPS.

27. The following are examples of four complaints received by the Commissioner via the Snap Survey among the 120 referred to in paragraph 26 above:

- "I have been receiving calls from RML saying that they are a consumer helpline for some reason. I have never...heard of them. They have been calling for over three weeks now, every day or every other day. When I have received the call I have advised as of day one that I am on the preferential callers list and for them to take me off of their calling list. Today after many days of asking to speak to a supervisor did the caller pass me to one, the supervisor is named [REDACTED] so I was told and he has said he would remove my number, as every other person that had called has advised me before him. This is now fast becoming a nightmare as sometimes they call both in the morning as well as the evening. I have advised them that I am disabled and that these calls are just making my situation worse as I have no peace. I beg of you to please find out why I am receiving these calls and for them to please stop calling my home. Thank you."
- "They called on my mobile number. This is a work mobile number for the fire service and I am employed at [REDACTED]. The sarcastic tone used when I advised that I had no loans was what annoyed me, and also the questioning which was assumptive and aggressive. The script was designed to back people in to a corner and I was annoyed as I know that my elderly parents would find this a difficult call to answer."
- "I am receiving up to six calls, such as this one, a day. I have severe breathing difficulties (a condition I have had since childhood) and it now takes considerable effort to reach the handset and talk on the phone. Not only that, I want the line kept clear in case of emergencies. I have signed up to the TPS, so why is this happening?"
- "This call was received by my mother who has dementia and it caused her distress. She is registered with the TPS."

28. The total number of complaints about RML made by individual subscribers to both the TPS and the Commissioner during the period of complaint is **601 (six hundred and one)**.
29. In conclusion, RML's statement that unknown individuals purporting to be RML were responsible for these complaints is not supported by the information provided by the complainants to the TPS and the Commissioner. Further, RML have responded to 167 out of the 481 TPS complaints on the basis that they rely on prior consent that has not been evidenced. In addition, the information received from the complainants via the Snap Survey suggests that RML do not always identify themselves and provide a free method of contact when requested in contravention of regulation 24 of PECR. By not providing this information RML are preventing individuals from exercising their rights.

Grounds on which the Commissioner proposes to serve a monetary penalty notice

Regulation 21 of PECR

30. The relevant provision of PECR is Regulation 21 paragraph (1)(a) and (b) which provides that,

"..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."

Regulation 21 paragraphs (2)(3)(4) and (5) provide :-

- "(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."

Definitions

- 31. The term "person" applies to limited companies as well as individuals. It is defined in Schedule 1 of the Interpretation Act 1978 as follows:
 - " 'Person' includes a body of persons corporate or unincorporate".
- 32. The following are defined in Regulation 2 (1) of PECR :
 - (a) The term "public electronic communications service" is defined as having the meaning given in section 151 of the Communications Act 2003 which states that it means any electronic communications service that is provided so as to be available for use by members of the public.
 - (b) The term, "individual" is defined as, "a living individual and includes an unincorporated body of such individuals;"
 - (c) The term, "subscriber" is defined as, "a person who is a party to a contract with a provider of public electronic communications services for the supply of such services;"
 - (d) The term "call" is defined as "a connection established by means of a telephone service available to the public allowing a two-way communication in real time;"
 - (e) The term, "direct marketing" is defined in the Act at section 11 as "the communication (by whatever means) of any advertising or marketing material which is directed to particular individuals."

33. 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 TPS, then that individual must have given their consent to that company to receive such calls.

The contravention

34. The Commissioner is satisfied that on various dates during the period of complaint, RML used, or instigated the use of a public telecommunications service for the purposes of making **601** 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 OFCOM in accordance with regulation 26, contrary to regulation 21(1)(b) of PECR.
35. The Commissioner is also satisfied for the purposes of regulation 21 that the **601** complaints were made by subscribers who had registered with TPS at least 28 days prior to receiving the calls and they had not given their prior consent to RML to receive calls.
36. Therefore the Commissioner is satisfied that RML has acted in contravention of regulation 21.

Serious (S55A (1) (a))

37. The Commissioner is satisfied that these contraventions of regulation 21 of PECR are serious as required by Section 55A(1)(a) because they are on-going and often repeated despite requests for suppression and the caller being informed that numbers are TPS registered.
38. There is also a considerable volume of complaints received across multiple platforms which should be seen as only a representative proportion of actual contraventions because the recipients of these calls do not always complain. The contraventions have continued despite concerns being raised by the Commissioner's office and the Direct Marketing Commission ("DMC") which demonstrates a complete disregard for PECR on the part of RML.
39. Some individuals have received calls from both of RML's trading names of Discover Finance and Consumer Helpline under the same guises and without any acknowledgment that the calls are unsolicited.

40. Therefore the Commissioner is satisfied that the case meets the seriousness threshold.

Likely to cause substantial damage or substantial distress (S55A (1) (b))

41. The Commissioner is satisfied that the contravention is of a kind likely to cause substantial damage or substantial distress as required by section 55 (1)(b) because of the large numbers of individuals who have complained about these unsolicited calls and the nature of some of the complaints they gave rise to.
42. Although the distress in every individual complainant's case may not always have been substantial, the cumulative amount of distress suffered by the large numbers of individuals affected, coupled with the distress suffered by some individuals, some receiving multiple calls means that overall the level was substantial.
43. When looking at the meaning of "substantial" in terms of the levels of distress, the Commissioner has had regard to section 2, page 14 of his Guidance. This says that the Commissioner considers that "if damage or distress that is less than considerable in each individual case is suffered by a large number of individuals the totality of the damage or distress can nevertheless be substantial".
44. The Commissioner is satisfied that the above evidence shows not only that the unsolicited marketing calls are of a kind "likely to cause substantial distress" as required by section 55, but that in fact they have, in the case of some particular individual complainants, actually done so.

Deliberate

45. Any company engaged in making telephone calls to consumers for the purpose of direct marketing should be aware of the law surrounding this activity. In the Commissioner's view, RML acted deliberately in using or instigating the use of a public telecommunications system for the purposes of making unsolicited calls for direct marketing purposes. There is evidence provided by some of the complainants to suggest that RML were aware they were contravening regulation 21 of PECR but continued with this unlawful practice.

Knew or ought to have known that there was a risk that the contravention would occur and that it would be of a kind likely to cause substantial damage or distress (S55A (3)(a)(i) and (ii)).

46. The following facts are indicative of the fact that RML knew or ought to have known there was a risk of contravention and that it would be of a kind likely to cause substantial distress.
- Due to the nature of the business of RML and the fact that it relied heavily on direct marketing, and the fact that the issue of unsolicited calls was widely publicised by the press as being a problem, it is reasonable to suppose that they should have been aware of their responsibilities in this area and aware that there was a high risk of contravention.
 - RML has been aware of its obligations under PECR since at least 16 January 2013 when the Commissioner first raised his concerns with it. In addition, the DMC published a report on their website on 18 April 2012 highlighting that RML's marketing practices were in breach of clause 14.6 of the DMA code of practice.
 - The volume of complaints received from TPS should have made RML aware of the risk of a contravention and that such a contravention would be of a kind likely to cause substantial distress. The TPS contacted RML 474 times regarding complaints.
 - Complaints continued to be received by the TPS and the Commissioner even after the Commissioner's letters.
 - Complainants asked RML to stop calling them but despite this RML continued to do so.
47. The volume and nature of the complaints received from TPS regarding the marketing calls should have indicated to RML that they were continually breaching PECR.
48. The fact that RML knew that people were complaining about calls they were receiving and that the recipients of those calls had not therefore agreed to receive them shows that RML knew of the risk of contraventions. RML therefore ought to have known that it was only a matter of time before substantial distress to recipients of the calls was likely to be caused.
49. The Commissioner is therefore satisfied that section 55A(3) of the Act applies in that during the period of complaint RML knew or ought to have known that there was a risk that the contravention would occur, and that such a contravention would be of a kind likely to cause substantial distress.

Failed to take reasonable steps to prevent the contravention (S55A (3) (b))

50. RML's business is reliant upon direct marketing to consumers. It is a fundamental requirement of PECR that TPS registered numbers have to be suppressed and that consent is required from consumers who are TPS registered before marketing calls can be made to them.
51. RML has provided no evidence of any formal policies and procedures in place for the staff to follow to ensure they know how to comply with PECR. RML should have been able to demonstrate that they had effective systems in place to prevent the breaches of PECR.
52. The Commissioner is therefore satisfied that section 55A (3)(b) of the Act applies in that during the period of complaint RML failed to take reasonable steps to prevent the contravention.

Aggravating features the Commissioner has taken into account in determining the amount of a monetary penalty

53. Nature of the contravention:
- Some of the complainants said that despite informing the caller that they did not want to receive calls they nevertheless continued to receive them
 - RML failed to provide adequate company information
54. Effect of the contravention:
- There were repeated invasions of privacy and distress for individuals
 - Individuals were deprived of their rights under DPA/PECR
55. Behavioural issues:
- Minimal engagement with the ICO and no requested information provided including evidence of consent
56. Impact on RML:
- RML is a private organisation within a competitive direct marketing industry where continuous breaches of PECR could create an unfair advantage.

Mitigating features the Commissioner has taken into account in determining the amount of the monetary penalty

57. Behavioural issues:

- There is evidence of some engagement with the TPS
- RML has not featured in the TPS Top 20 since October 2013

58. Impact on RML:

- There is a potential for damage to reputation of RML which may affect future business.

Other considerations

59. The Commissioner's underlying objective in imposing a monetary penalty is to promote compliance with the 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 a business and currently engaging in these practices. This is an opportunity to reinforce the need for businesses to ensure that they are only telephoning consumers who want to receive the calls.

Notice of Intent

60. A notice of intent was served on RML dated 7 October 2013. The Commissioner received written representations from the 'Group Developmental Director' of RML in a letter and enclosures dated 16 June 2014. The Commissioner has considered the written representations made in relation to the notice of intent when deciding whether to serve a monetary penalty notice. In particular, the Commissioner has taken the following steps:

- reconsidered the amount of the monetary penalty generally, and whether it is a reasonable and proportionate means of achieving the objective which the Commissioner seeks to achieve by this imposition;
- ensured that the monetary penalty is within the prescribed limit of £500,000; and
- ensured that the Commissioner is not, by imposing a monetary penalty, acting inconsistently with any of his statutory or public law duties and that

a monetary penalty notice will not impose undue financial hardship on an otherwise responsible person.

Amount of the monetary penalty

61. The Commissioner considers that the contravention of PECR is **serious** and that the imposition of a monetary penalty is appropriate. Further that a monetary penalty in the sum of **£50,000** (Fifty thousand pounds) is reasonable and proportionate given the particular facts of the case and the underlying objective in imposing the penalty.

Payment

62. The monetary penalty must be paid to the Commissioner's office by BACS transfer or cheque by 27 August 2014 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.

Early payment discount

63. If the Commissioner receives full payment of the monetary penalty by 26 August 2014 the Commissioner will reduce the monetary penalty by 20% to £40,000 (Forty thousand pounds). You should be aware that if you decide to take advantage of the early payment discount you will forfeit your right of appeal.

Right of Appeal

64. There is a right of appeal to the (First-tier Tribunal) General Regulatory Chamber against:
- a. the imposition of the monetary penalty

and/or;

- b. the amount of the penalty specified in the monetary penalty notice.

Any Notice of Appeal should be served on the Tribunal by 5pm on 26 August 2014 at the latest. If the notice of appeal is served late the Tribunal will not accept it unless the Tribunal has extended the time for complying with this rule.

Information about appeals is set out in the attached Annex 1.

Enforcement

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

- the period specified in 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 RML to appeal against the monetary penalty and any variation of it has expired.
- 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 or any sheriffdom in Scotland.

Dated this 24th day of July 2014

Signed

David Smith
Deputy Information Commissioner

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) provides that a person on whom a monetary penalty notice (MPN) is served may appeal to the Tribunal against a) the issue of the MPN and b) the amount of the penalty specified in the MPN.
2. Section 55B (5) of the Data Protection Act 1998 which was adopted by Regulation 31 PECR gives any person upon whom a monetary penalty notice or variation notice has been served a right of appeal to the (First-tier Tribunal) General Regulatory Chamber (the "Tribunal") against the notice.
3. 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.
4. You may bring an appeal by serving a notice of appeal on the Tribunal at the following address:

GRC & GRP Tribunals
PO Box 9300
Arnhem House
31 Waterloo Way
Leicester
LE1 8DJ

 - a) The notice of appeal should be served on the Tribunal by 5pm on 26 August 2014 at the latest.

- 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.
5. 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.
6. 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.
7. The statutory provisions concerning appeals to the First-tier Tribunal (General Regulatory Chamber) are contained in sections 48 and 49 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)). Also Article 7 of the Data Protection (Monetary Penalties) Order 2010 (SI 2010/910), s.49 of, and Schedule 6 to, the Data Protection Act 1998 have effect in relation to appeals for PECR as they have effect in relation to appeals under the DPA, s.48(1).

ANNEX 2

The Privacy and Electronic Communications (EC Directive) Regulations 2003 as amended

Notice of Intent

Reactiv Media Limited trading as Discover Finance and Consumer Helpline

LIST OF 481 TPS COMPLAINTS