

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

Monetary Penalty Notice

Dated: 22 September 2014

**Name: Kwik Fix Plumbers Limited previously known as Boiler Shield
Limited**

**Registered Office: C/o Downs & Co, 21-25 North Street, Bromley,
BR1 1SD**

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. Kwik Fix Plumbers Limited previously known as Boiler Shield Limited, whose registered office is given above (Companies House Registration Number: 08233955) is the person stated in this Monetary Penalty Notice 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. Kwik Fix Plumbers Limited previously known as Boiler Shield Limited (the "Company") is a business engaged in making telephone calls to subscribers 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 a monthly list of numbers on that register.
10. It is a fundamental requirement of PECR, and well-known in the direct marketing industry, that a subscriber's consent must have been notified to the Company before it makes direct marketing telephone calls to that subscriber if the subscriber 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 subscribers who are registered with the TPS, unless the business holds records showing that those subscribers 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 subscribers apply to be registered. Furthermore, the business should hold a "suppression list"

of those subscribers who have informed it directly that they do not wish to receive direct marketing calls.

12. The Commissioner's office identified the Company at position 3 of the TPS Top 20 most complained about organisations for the month of November 2013. On further investigation, it was discovered that a number of complaints were from or on behalf of subscribers who were either elderly and/or suffering from Dementia/Alzheimer's disease. This was supported by complaints posted on the website at www.whocallsme. It was also discovered that Croydon Trading Standards had received complaints about the Company's business practices.
13. On 14 January 2014, the Commissioner's office sent a letter to the Company 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 the Company 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 27 January 2014. The Company explained that they were seeking advice on how to ensure that the marketing lists they purchase from third parties were

screened against the TPS register and their in house suppression list. The Company also confirmed that they did not have any evidence of consent from the subscribers they had called. Further, that the Company had recently upgraded to an automatic dialler system which had been reloaded with all the previously acquired data that had not been screened against the TPS. Finally, the Company admitted that they did not have any policies and procedures or training in place for their staff regarding contact with customers and their responsibilities under PECR.

15. Between 1 July 2013 and 31 March 2014, (the "period of complaint") the TPS received **184 (one hundred and eighty four)** complaints from individuals registered with them who had received unsolicited direct marketing calls from the Company. The TPS referred all those complaints to the Company and also notified the Commissioner.
16. Attached at Annex 2 is a spread sheet detailing the 184 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 numbers on the TPS "do not call list", the Company has breached Regulation 21(1)(b) of PECR by calling those numbers.
17. During the period of complaint, the Commissioner's office also received **30 (thirty)** complaints from individuals who had received unsolicited direct marketing calls from the Company. They were received via the Snap Survey on-line reporting tool. These complaints were all made by individual subscribers who were registered with the TPS.
18. The following are examples of six complaints received by the Commissioner via the Snap Survey among the 30 referred to in paragraph 17 above:
 - My mother is 88 years old and lives alone. She is not easily confused but gets stressed by phone calls and letters. On 16 August 2013, she received a phone call from an individual from the Company who said that her boiler insurance was due for renewal. My mother told him that she did not have any boiler insurance but he was insistent that it had to be renewed. She eventually provided her credit card number. When I visited my mother she was distraught about the whole incident. When it was established that the Company had taken £149.99 out of her account, she also felt foolish.

- On 2 October 2013, I was telephoned by an individual from the Company stating that my boiler breakdown cover was about to expire but it could be renewed over the phone. I stated that I already had boiler breakdown cover with another company. He explained that my other contract was for boiler servicing and that this was for boiler breakdown. I therefore agreed to pay the sum of £149.99 by credit card. I then discovered that my agreement with the other company did in fact include boiler breakdown so I asked the Company to cancel the agreement with immediate effect and to refund the monies paid in full. Initially, £100.00 was refunded but £49.99 was retained as an administration charge. After extensive communications with the Company they eventually refunded the balance of £49.99. I am 69 years old and take blood pressure and cholesterol medication. I have found this process to be extremely frustrating, exhausting and debilitating. During this period I experienced frequent chest pains, my sleep patterns were severely disrupted and my appetite was adversely affected.
- My mother is 85 years old and suffering from early state Alzheimer's. On 14 October 2013, she received a call from an individual from the Company informing her that her boiler was due for a service and asking whether she had insurance cover. My mother said that all her affairs were looked after by me and that her boiler was due to be serviced the following Friday by the boiler manufacturer. The caller then pretended to be from the boiler manufacturer asking for payment before the annual visit. My mother then gave the Company her card details and £199 was debited from her account. I contacted the Company and they subsequently agreed to refund £149 whilst retaining £50 for administration charges. The deduction from my mother's account caused her to go overdrawn in October 2013.
- My mother is 86 years old. She lives alone and is easily confused. I had registered my mother's telephone number with the TPS but the Company still called her every couple of weeks claiming that her contract for boiler insurance was about to expire. My mother has never had a contract with the Company. During a call on 11 November 2013, they managed to persuade her to provide her credit card details. They then tried to deduct £149.99 from her debit card account. Fortunately, my mother's bank blocked the transaction and phoned her to let her know. My mother was extremely distressed by the incident. She was confidently leading an independent life until then and largely managing her own affairs but she now feels much less able to do so.

- I also had my own experience with the Company. They rang me on 21 November 2013 on my home number which I had registered with the TPS. They knew my name (but had an out-of-date address) and tried the same tactic as they had tried with my mother, telling me that my boiler cover had expired and that they were calling to renew it. When I asked the caller for her name she hung up. I called the Company later to enquire where they got my name and telephone number from. Their reply was "data mining". When I pressed them, they claimed that the boiler manufacturers tell them when warranties are due to expire on boilers. I do not believe that claim to be true.
- A statement of a complainant (in relation to her late mother) is attached to this Monetary Penalty Notice at Annex 3.

19. The total number of complaints about the Company made by individual subscribers to both the TPS and the Commissioner during the period of complaint is **214 (two hundred and fourteen)**.

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

Regulation 21 of PECR

20. 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

- 21. 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”.
- 22. 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."

23. 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

24. The Commissioner is satisfied that on various dates during the period of complaint, the Company used, or instigated the use of a public telecommunications service for the purposes of making **214** 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.

25. The Commissioner is also satisfied for the purposes of Regulation 21 that the **214** complaints were made by subscribers who had registered with the TPS at least 28 days prior to receiving the calls and they had not given their prior consent to the Company to receive calls.

26. Therefore the Commissioner is satisfied that the Company has acted in contravention of Regulation 21.

Serious (S55A (1) (a))

27. 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. The complainant's demographic profile also suggests that the majority of the subscribers called by the Company in contravention of Regulation 21 of PECR are elderly and vulnerable.

28. There are also a considerable number 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 which demonstrates a complete disregard for PECR on the part of the Company.

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

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

30. The Commissioner is satisfied that the contravention is of a kind likely to cause substantial distress as required by section 55 (1)(b) because of the large numbers of individuals who have complained about these unsolicited calls and because of the nature of some of the complaints they gave rise to.
31. 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.
32. 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".
33. 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

34. Any company engaged in making telephone calls to subscribers for the purpose of direct marketing should be aware of the law surrounding this activity. In the Commissioner's view, the Company 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 the

Company 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)).

35. The following facts are indicative of the fact that the Company 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 Company's business 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.
 - The Company has been aware of its obligations under PECR since at least 14 January 2014 when the Commissioner first raised his concerns with them.
 - The volume of complaints received from the TPS should have made the Company 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 the Company at least 184 times regarding complaints.
 - Complaints continued to be received by the TPS and the Commissioner even after the Commissioner's letters.
 - Complainants asked the Company to stop calling them but despite this the Company continued to do so.
36. The volume and nature of the complaints received from the TPS regarding the marketing calls should have indicated to the Company that they were continually breaching PECR.
37. The fact that the Company 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 the Company knew of the risk of contraventions. The Company 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.
38. The Commissioner is therefore satisfied that section 55A(3) of the Act applies in that during the period of complaint the Company 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))

39. The Company's business is reliant upon direct marketing to subscribers. It is a fundamental requirement of PECR that TPS registered numbers have to be suppressed and that consent is required from subscribers who are TPS registered before marketing calls can be made to them.
40. Although the Company subsequently provided a staff training manual which was poorly written and inadequate, the complaints received by the TPS and the Commissioner and posted on the website at www.whocallsme suggest that staff still do not know how to contact subscribers lawfully and comply with PECR. The Company should have been able to demonstrate that they had effective systems in place to prevent the breaches of PECR.
41. The Commissioner is therefore satisfied that section 55A (3)(b) of the Act applies in that during the period of complaint the Company 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

42. Nature of the contravention:

- Unsolicited marketing calls to subscribers many of whom were either elderly and/or suffering from Dementia/Alzheimer's disease
- Some of the complainants said that despite informing the caller that they did not want to receive calls they nevertheless continued to receive them
- The Company failed to provide adequate company information

43. Effect of the contravention:

- There were repeated invasions of privacy and distress for individuals who were elderly and vulnerable
- Individuals were deprived of their rights under DPA/PECR

44. Behavioural issues:

- Callers made false and misleading statements in order to persuade subscribers to purchase insurance products unnecessarily

45. Impact on the Company:

- The Company 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

46. Behavioural issues:

- The Company has not featured in the TPS Top 20 since November 2013
- There is evidence of some engagement with the TPS
- The Company has now provided guidance to staff on making calls although this is poorly written and inadequate

47. Impact on the Company:

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

Other considerations

48. 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

49. A notice of intent was served on the Company dated 23 July 2014. The Commissioner has not received any written representations from the

Company in response to the notice of intent. In the circumstances, 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

50. 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 **£90,000** (Ninety thousand pounds) is reasonable and proportionate given the particular facts of the case and the underlying objective in imposing the penalty.

Payment

51. The monetary penalty must be paid to the Commissioner's office by BACS transfer or cheque by 23 October 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

52. If the Commissioner receives full payment of the monetary penalty by 22 October 2014 the Commissioner will reduce the monetary penalty by 20% to £72,000 (Seventy two 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

53. 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 22 October 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

54. 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 the Company 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 22nd day of September 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 22 October 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).