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Bluon Energy Limited

FINED £105,000

Monetary Penalty Notice

TEL: 0343 005 9576

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www.tpsservices.co.uk

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www.tpschecker.co.uk

TPS API
www.tpsapi.com

I Want That Ltd
Kemp House
152-160 City Road
London, EC1V 2NX

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DATA PROTECTION ACT 1998

SUPERVISORY POWERS OF THE INFORMATION COMMISSIONER

MONETARY PENALTY NOTICE

To: Bluon Energy Ltd

Of: Ideas House, Eastwood Close, London, E18 1BY

Introduction

1. The Information Commissioner ("the Commissioner") has decided to issue Bluon Energy Limited ("BEL") with a monetary penalty under section 55A of the Data Protection Act 1998 ("DPA") in the sum of £105,000. This Monetary Penalty Notice ("Notice") is in relation to a serious contravention of regulations 21 and 24 of the Privacy and Electronic Communications (EC Directive) Regulations 2003 ("PECR").

2. In accordance with section 55B of the DPA, BEL was previously served with a Notice of Intent dated 23 July 2026 which set out the Commissioner's provisional findings. Having considered BEL's representations submitted on 14 August 2026, the Commissioner is satisfied that a monetary penalty remains an appropriate sanction.

3. This Notice explains the Commissioner's decision.

Legal framework

4. BEL, whose registered office is given above (Companies House Registration Number: 14820106) 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.

5. 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.

6. 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."

7. 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."

8. Regulation 24 of PECR provides:

"(1) Where a public electronic communications service is used for the transmission of a communication for direct marketing purposes the person using, or instigating the use of, the service shall ensure that the following information is provided with that communication –

…

(b) in relation to a communication to which regulation 21 [or 21A] (telephone calls) applies, the particulars mentioned in paragraph (2)(a) and, if the recipient of the call so requests, those mentioned in paragraph (2)(b).

(2) The particulars referred to in paragraph (1) are –

(a) the name of the person;
(b) either the address of the person or a telephone number on which he can be reached free of charge."

9. 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 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.

10. The TPS (and Corporate Telephone Preference Service ("CTPS")) registers are statutory registers that act as a way to let people record a general objection to receiving live direct marketing calls. Numbers on these registers can only be called if the subscriber has provided consent to receive the caller's live marketing calls.

11. Section 122(5) of the Data Protection Act 2018 ("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.[1]

12. The Commissioner has issued public guidance for organisations in relation to Direct Marketing.[2] This provides clear guidance on the circumstances under which live direct marketing calls can be conducted.

13. "Individual" is defined in regulation 2(1) of PECR as "*a living individual and includes an unincorporated body of such individuals*".

14. 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*".

15. 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.

[1] Prior to 20 August 2025, the definition of "direct marketing" had been provided for by Section 122(5) of the Data Protection Act 2018 ("DPA18"). Section 110(2)(c) Data (Use and Access) Act 2025 has since amended Regulation 2 of PECR to incorporate this definition.
[2] Direct marketing guidance | ICO; and Telephone marketing | ICO.

(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.

16. The Commissioner has issued statutory guidance under section 55C (1) of the DPA about the issuing of monetary penalties.[3] 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.[4]

17. 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.

18. The provisions of the DPA remain in force for the purposes of PECR notwithstanding the introduction of the DPA18.[5]

Background to the case

19. This notice does not purport to identify exhaustively each and every circumstance and document relating to the Commissioner's

[3] See paragraph 58(1) of Schedule 20 to the DPA18 and regulation 11 of The Data (Use and Access) Act 2025 (Commencement No. 6 and Transitional and Saving Provisions) Regulations 2026

[4] The Data Protection (Monetary Penalties) (Maximum Penalty and Notices) Regulations 2010

investigation. The circumstances and documents identified below are a proportionate summary.

20. BEL was incorporated on 21 April 2023, with the business's registered office being Ideas House, Eastwood Close, London, England, E18 1BY. BEL has two active directors, Mark Glen Lee and Charlie Lingwood.

21. BEL first came to the attention of the Commissioner in July 2024 following a review of complaints submitted via the ICO reporting tool about calls from [redacted], made by a company using the trading names Greentech Solar, Green Line Solar, and Solar Diagnostics Checks. The complaints indicated that the caller was offering to conduct a free survey for solar panels. Complaints included:

- *"They wanted to send an engineer out free of charge to do a diagnostic report on my solar panels."*

- *"I am not interested in solar panels and do not want to be contacted by sales personnel."*

- *"Despite having been on the TPS register for years, we frequently get cold calls for solar maintenance. This is very irritating. This was the first call [sic] today, and we have had two others and it is not yet lunchtime."*

22. The Commissioner carried out open-source research, which identified a website for BEL, which states that the company has over 10 years' experience specialising in the installation, maintenance and repair of solar PV systems.

23. BEL's website states that it has a team of experienced technicians and engineers who provide reliable solutions tailored to each customer's individual needs.

24. Following a review of the TPS and ICO online reporting tools, the Commissioner identified additional complaints for telephone number [redacted], including:

- *"They wanted to survey my house for solar panels. My elderly mother is frail and when I get a phone call on the home phone, I always feel sick in case she has collapsed as I only get calls from her care home on this number"*

- *"[redacted] said I needed to register my solar panels as they were over ten years old. This is not the case and anyway she had no permission to call me. She called twice the day before on 13th Nov. I said I was with TPS. She said that did not count as it was an action that was needed."*

- *"The person said I was due an annual survey for solar panels. I said I wasn't consented to unsolicited phonecards she was very bossy and persistent. I said I was registered with TPS, and she said no need to be rude, so I told the person I would report the call. It was annoying and distressing."*

- *"Free inspection of solar system. [redacted] was aggressive and pushy. Told him I had not consented to this call. He told me that I had consent when I signed up for my FIT payments. I told him this was not true. I also said I was on the TPS whuch [sic] he ignored. I told him I was getting distressed by the call and his attitude. I asked for*

the company name again and he refused to give it to me. He said the ICO would / could not do anything to them."

25. On 7 June 2024, the Commissioner issued a third-party information notice ("3PIN") to [redacted] ("[redacted]") to obtain subscriber details, in relation to [redacted] that featured in the complaints. On 18 July 2024, [redacted] stated that the telephone number was allocated to [redacted] ("[redacted]").

26. On 30 July 2024, a follow-up 3PIN was issued to [redacted], which responded on 2 August 2024 stating that the telephone number specified by the complainants was allocated to a subscriber named Bluon Energy Ltd. An invoice sent from [redacted] to BEL was also provided.

27. On 13 January 2025, a further 3PIN was issued to [redacted] to obtain further subscriber details. On 30 January 2025, [redacted] a responded saying the subscriber details belonged to [redacted].

28. On 3 February 2025, a follow-up 3PIN notice was issued to [redacted], which responded that the telephone number was allocated to an account in the name of Think Renewables Ltd ("TRL"), a company who Charlie Lingwood is also the director of. [redacted] stated that the invoice for TRL was paid by BEL. [redacted] also advised that they were only able to access limited call detail records (CDRs) for the client.

29. Included in [redacted]'s response was a list of 62 allocated telephone numbers; 42 of these numbers had been included in [redacted]'s initial response of 2 August 2024, when they advised that the numbers were allocated to BEL.

30. Further enquiries were made with [redacted] on 4 March 2025 requesting contact details for the subscriber, including the name of the payee associated with the account. On 15 April 2025, [redacted] responded stating that the payee records were held in the name of Bluon Energy Ltd and that the first invoice for this customer dated from 1 December 2023. Partial CDRs were provided but [redacted] advised that if further assistance was required, the Commissioner should contact [redacted].

31. On 16 April 2025, a 3PIN was issued to [redacted] requesting CDRs, including clarification of the subscriber information.

32. On 6 May 2025, [redacted] provided the CDRs for the subscriber along with a list of allocated numbers, stating:

> *"it looks like all these numbers are allocated to a Charlie Lingwood, and unfortunately this is all the information we have available to us with respect to end user details."*

33. The Commissioner analysed the CDR's and screened the numbers against the TPS, showing that between April 2024 and April 2025, 194,379 calls to TPS-registered numbers were made from an account linked to Charlie Lingwood and paid for by BEL. This resulted in 61 complaints to the ICO and TPS reporting tools.

34. On 3 July 2025, the Commissioner sent an initial investigation letter, along with a spreadsheet of complaints, to BEL. The letter also outlined Regulations 21 and 24 of PECR and the Commissioner's powers.

35. On 24 July 2025, a response letter was received from [redacted], who advised that they had been instructed by BEL and were responding on BEL's behalf. The correspondence included supporting documentation, such as invoices, a data protection policy, a first-call script, and a training guide relating to that script.

36. On 24 July 2025, BEL's legal representative also provided a response which explained the business model BEL used to make the calls. They stated that the customer began with a confirmation call to ensure that the customer had agreed to the appointment. BEL then carried out a series of checks to confirm the customer's interest and eligibility. BEL's legal representative asserted that BEL did not make any marketing calls to advertise these services.

37. In the same response, BEL's legal representative stated that BEL purchased data from various third parties, including [redacted] and [redacted]. The data supplied by these third parties included referrals for prospective customers who require services offered by BEL.

38. BEL told the Commissioner that it did not operate a marketing list but instead made calls to customers who had agreed in advance to a telephone appointment and who already had a requirement for, or wished to discuss, its services. As such, BEL did not screen against the TPS on the basis that express permission had been granted for the telephone number to be called before any call was made.

39. The Commissioner also requested in the initial investigation letter dated 24 July 2025 that BEL provide evidence that the subscribers had

not, at that time, objected to receiving such calls from BEL. BEL provided no such evidence.

40. On 12 September 2025, BEL's legal representative stated that BEL had taken the following remedial measures in response to the Commissioner's investigation:

- Ceasing calls to numbers obtained from any third-party source where consent or opt-in had not been verified or evidenced by the third party supplying the data.

- Initiating a review of all third-party data sources and requesting written confirmation of consent, along with evidence of consent or opt-in for data already provided.

- Providing staff with refresher training on data protection obligations and consent handling.

- Contracting a TPS-checking service to check all numbers provided by third party suppliers against the TPS list.

41. On 12 September 2025, BEL's legal representative stated that no express contracts were in place with [redacted] or [redacted]. This is because contracts were agreed verbally and included an understanding between the parties that all data provided by [redacted] and [redacted] to BEL would be provided only where the consent of the party to whom the data pertained had been given.

42. On 24 November 2025, BEL's legal representative responded to the Commissioner's enquiries regarding the source of the data, the privacy

policy, and the opt-in statements used. They stated that the data BEL used had been obtained from [redacted].

43. The Commissioner found that [redacted] sourced solar leads via a separate website URL. By providing consent there, users subscribed to a discount club offering savings across a variety of services and products. Information was shared with several third parties, including [redacted]. BEL did not appear to be included in the list of third parties.

44. The Commissioner also received further responses from BEL's legal representatives on 12 September 2025 and 24 November 2025 stating that the telephone numbers attributed to BEL had been incorrectly added to its account by [redacted].

45. According to BEL's legal representative responses, the director of [redacted] consulted Charlie Lingwood regarding recommended service providers. Mr Lingwood subsequently contacted [redacted], with whom BEL had an existing relationship, to assist in setting up an account for [redacted].

46. Following receipt of this response, the Commissioner made further enquiries with [redacted], which stated that BEL had been incorrectly billed for [redacted].

47. BEL provided the Commissioner with a copy of an email dated 9 September 2025 between Charlie Lingwood and [redacted], which suggested that BEL had introduced [redacted] to a former employee of BEL, [redacted], who had set up his own company, [redacted], and required telephone services from [redacted]. It was stated

that telephone numbers intended for [redacted] were added to BEL's account in error.

48. On 19 January 2026, a 3PIN was issued to [redacted] requesting copies of any correspondence between [redacted], [redacted], and BEL.

49. [redacted] responded to the Commissioner, confirming that they had originally opened an account for [redacted], but due to an administration error, the numbers were never transferred to [redacted]'s account.

50. On 23 February 2026, an email was sent to [redacted] advising that the Commissioner had reviewed the response but remained concerned that [redacted] had seemingly provided the Commissioner with incorrect information in response to a 3PIN and that [redacted] only appeared to retract this position following subsequent correspondence with BEL. To date, [redacted] has not provided sufficient documentation to substantiate its revised position, including any correspondence relating to the telephone numbers in question which would evidence who originally requested them.

51. On 12 March 2026, [redacted] stated that the meeting between BEL and [redacted] had been arranged to discuss BEL's account, and during this meeting [redacted] was introduced to [redacted], who was in the process of setting up a marketing company. [redacted] told the Commissioner that BEL advised that it wished to transfer the majority of its handsets and numbers from its account to an account in the name of [redacted], as it no longer required these services.

52. [redacted] stated that it had been agreed with [redacted] that he would take over the handsets and numbers. However, the transfer did not take place, and [redacted] stated that it only became aware of this when Charlie Lingwood later notified them.

53. The Commissioner noted that, the proposed account transfer from BEL to [redacted] appeared to coincide with the Commissioner's initial 3PIN sent to [redacted] on 30 July 2024. [redacted]'s response on 2 August 2024 identified BEL as the subscriber for several telephone numbers. According to subsequent exchanges with [redacted], the transfer was intended to take place on 22 August 2024, only 20 days after those subscriber details were provided to the Commissioner identifying BEL as the account holder.

54. BEL informed the Commissioner that [redacted] had approached BEL as a marketing consultant. However, during the investigation, the Commissioner received a copy of an email dated 9 September 2025, sent by Charlie Lingwood, who described [redacted] as a former employee of BEL.

55. BEL also informed the Commissioner that, as part of their arrangement with [redacted], BEL permitted him to use its resources, including certain telephone numbers, to enable him to provide services to the company. Under the agreement, [redacted] was expected to supply approximately 30 leads per week.

56. The Commissioner's investigation established that between 16 February 2024 and 11 October 2024, [redacted] generated leads as a contractor/sole trader, for which BEL paid him a total of £29,581.35.

57. BEL explained that a similar arrangement continued after [redacted] incorporated [redacted]. The only change was that invoices were issued by [redacted] rather than by [redacted]; it was agreed that [redacted] would be paid approximately £120 per lead.

58. The Commissioners investigation established that between 26 September 2024 and 6 December 2024, [redacted] generated 327 prebooked solar leads, for which BEL paid the company a total of £41,270.

59. As part of the Commissioner's enquiries, BEL was asked to provide copies of contracts, due diligence documents, compliance questionnaires, or any onboarding assessments conducted in relation to [redacted] or [redacted] prior to engaging their services. In its response dated 24 November 2025, BEL stated the following:

- [redacted] were not instructed to make calls on behalf of BEL.

- BEL did not have any oversight of or involvement in the call activity conducted by [redacted].

- There was no written agreement governing how leads were to be generated; and

- BEL did not perform any monitoring on [redacted] once their services were engaged.

60. According to the responses provided to the Commissioner, BEL made numerous attempts to contact [redacted] in order to obtain records of consent, but to no avail.

61. The Commissioner is satisfied that the 194,379 calls were all made for the purposes of direct marketing as defined by section 122(5) DPA18.

62. The Commissioner has made the above findings of fact on the balance of probabilities.

63. The Commissioner has considered whether those facts constitute a contravention of regulations 21 and 24 of PECR by BEL and, if so, whether the conditions of section 55A DPA are satisfied.

The contravention

64. The Commissioner finds that BEL has contravened regulations 21 and 24 of PECR.

65. The Commissioner finds that the contravention was as follows:

66. Between 1 April 2024 to 30 April 2025, BEL instigated the use of a public telecommunications service for the purposes of making 194,379 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 61 complaints being made to the TPS and the Commissioner.

67. The Commissioner is also satisfied for the purposes of regulation 21 that these 194,379 unsolicited direct marketing calls were made to subscribers who had registered with the TPS at least 28 days prior to receiving the calls, and who for the purposes of regulation 21(4) had not notified BEL that they did not object to receiving such calls.

68. For such notification to be valid under regulation 21(4), the individual must have taken a clear and positive action to override their TPS registration and indicate their willingness to receive marketing calls from the company. The notification should reflect the individual's choice about whether or not they are willing to receive marketing calls. Therefore, where signing up to use a product or service is conditional upon receiving marketing calls, companies will need to demonstrate how this constitutes a clear and positive notification of the individual's willingness to receive such calls.

69. 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.

70. 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.

71. BEL sourced data from lead generators whose practices do not meet the lawful consent requirements under PECR. Added to this, BEL was not named as a recipient of the data in any privacy policies or opt-in

statements relied on by the data suppliers. This would mean that individuals could not provide valid consent to receive direct marketing from BEL.

72. Further, BEL failed, as required by regulation 24 of PECR, to provide the recipient of the calls with the particulars specified at regulation 24(2) of PECR.

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

Seriousness of the contravention

74. The Commissioner is satisfied that the contravention identified above was serious. This is because there have been multiple breaches of regulations 21 and 24 by BEL arising from the organisation's activities between 1 April 2024 to 30 April 2025, and this led to 194,379 unsolicited direct marketing calls being made to subscribers who were registered with the TPS and who had not notified BEL that they were willing to receive such calls, and 61 complaints being made as a result.

75. BEL was unable to demonstrate that the 61 complainants had agreed to receive marketing calls from the organisation. This is serious, as potentially vulnerable individuals were not informed that their data would be shared or used by BEL.

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

Deliberate or negligent

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

78. The Commissioner does not consider that BEL deliberately set out to contravene PECR in this instance.

79. The Commissioner has gone on to consider whether the contravention identified above was negligent. This consideration comprises two elements:

80. Firstly, he has considered whether BEL 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 because BEL relied on direct marketing due to the nature of its business and should reasonably have sought to familiarise itself with the relevant legislation. for the following reasons:

81. The Commissioner has also published detailed guidance for companies carrying out marketing explaining their legal requirements under PECR.[6] 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 / CTPS, unless the subscriber has specifically notified the company that they do not object to receiving such calls. In case organisations remain unclear on

[6] Guide to Privacy and Electronic Communications Regulations | ICO

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 via the ICO website.

82. BEL had previously been investigated by [redacted] in relation to using high pressure sales techniques on vulnerable individuals and this ought to have served as a reminder to ensure its business practices were compliant with legal obligations.

83. It is therefore reasonable to suppose that BEL should have been aware of its responsibilities in this area.

84. Secondly, the Commissioner has gone on to consider whether BEL failed to take reasonable steps to prevent the contravention. Again, he is satisfied that this condition is met.

85. The Commissioner's direct marketing guidance makes clear that organisations acquiring and 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).[7] It is not acceptable to rely on assurances given by third party suppliers without undertaking proper due diligence.

[7] Using marketing lists | ICO

86. BEL stated that they relied on verbal contracts, failed to conduct any due diligence into how leads were generated and failed to conduct any monitoring to ensure compliance with the regulations.

87. BEL should have been aware that there would have been a risk of the contravention as the Commissioner publishes detailed guidance for any organisation that conducts direct marketing, and fines are regularly reported in the news. There is also a widely known trade association which also publishes guidance. It is therefore reasonable to expect organisations involved in direct marketing to make sure that they have taken practical steps to understand and embed the law into their marketing processes.

88. Steps that BEL could have taken to minimise detriment and prevent the contravention include:

- Identifying who was calling (eg name of the organisation or sole trader).

- Being transparent with individuals if they enquire as to the source of their data.

- Ensuring they had clear records of who and when individuals provided notification for the organisation or sole trader to call, and this can be evidenced in the event of a complaint.

- Providing suitable training to staff to ensure they provide good customer service, recognise, and act on suppression requests, and monitor a sample of calls for quality assurance.

- Performing regular reviews of their marketing databases to ensure that data is fit for purpose and historic data is deleted in line with a retention policy.

- Monitoring and record compliance issues where necessary.

- Ensuring that an adequate privacy notice was supplied to individuals when collating personal data.

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

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

The Commissioner's decision to issue a monetary penalty

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

- The actions constituted a breach of Regulation 24 of PECR as the company instigating the calls was not identified.

- Complainants state that calls were aggressive and persistent in nature with individuals also reporting that they received multiple calls on the same day.

92. The Commissioner did not find any evidence of any mitigating features in this instance.

93. 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.

94. 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 BEL on this matter.

95. The Commissioner is accordingly entitled to issue a monetary penalty in this case.

96. The Commissioner has considered whether, in the circumstances, he should exercise his discretion so as to issue a monetary penalty.

97. The Commissioner has considered the likely impact of a monetary penalty on BEL. He has decided on the information that is available to him, that a penalty remains the appropriate course of action in the circumstances of this case.

98. 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.

99. 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.

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

The amount of the penalty

101. Taking into account all of the above, the Commissioner has provisionally decided that a penalty in the sum of **£105,000 (one hundred and five thousand pounds)** is reasonable and proportionate given the particular facts of the case and the underlying objective in imposing the penalty.

Conclusion and right of appeal

102. The monetary penalty must be paid to the Commissioner's office by BACS transfer or cheque by **30 October 2026** 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.

103. If the Commissioner receives full payment of the monetary penalty by **29 October 2026** the Commissioner will reduce the monetary penalty by 20% to **£84,000 (eighty-four thousand pounds)**. However, you should be aware that the early payment discount is not available if you decide to exercise your right of appeal.

104. 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.

105. Any notice of appeal should be received by the Tribunal within 28 days of the date of this Notice.

106. Information about appeals is set out in the Annex.

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

- the period specified within the Monetary Penalty 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.

108. 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 29th day of September 2026

Andy Curry
Head of Investigations
Information Commissioner's Office
4th Floor
No.3 Circle Square
5 Hawkshaw Street
Manchester
M1 7BL

Annex

SECTION 55 A-E OF THE DATA PROTECTION ACT 1998

RIGHTS OF APPEAL AGAINST DECISIONS OF THE COMMISSIONER

Section 55B(5) of the DPA gives any person upon whom a Monetary Penalty Notice has been served a right of appeal to the First-tier Tribunal (General Regulatory Chamber) (the "Tribunal") against the Notice.

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.

You may bring an appeal by serving a notice of appeal on the Tribunal at the following address:

General Regulatory Chamber
HM Courts and Tribunals Service
PO Box 11230
Leicester
LE1 8FQ

Telephone: 0300 123 4504
Email: grc@justice.gov.uk

The notice of appeal should be sent so it is received by the Tribunal within 28 days of the date of the Monetary Penalty Notice.

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.

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.

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.

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)).