

# ICO enforcement overview

In this overview, we took stock of ICO enforcement and penalty notices that were released following the entry into force of the GDPR (2018). The analysis was carried out by relying on publicly available data – namely, ICO transparency reporting on their enforcement action.<sup>1</sup>

Results show that the ICO overwhelmingly focused on data protection breaches in the context of

- direct marketing communications (unsolicited emails, nuisance calls, or otherwise contacting data subjects lacking a suitable legal basis for doing so)
- data security (data breaches or lack of technical/organisational measures in place)

Indeed, 23 out of 35 enforcement notices, and 11 out of 15 penalty notices, were issued against data processing activities related to direct marketing. Further 7 enforcement notices and 1 penalty notice were issued against failures to secure personal data. The remaining notices were issues against SAR failures, unlawful processing, and non-payment of the data protection fee.

## Observations

1. Direct marketing and data security make the overwhelming majority of ICO actions since the entry into force of the GDPR (79%);
2. There are only two cases where the ICO investigated data marketing or data security issues, and enforced against “more complex” data protection issues than unsolicited communications or data breaches. This is the case of Experian and Ticketmaster UK Limited;
3. Investigations into data analytics for political purposes resulted, within our selected sample, in actions which targeted fairly simple issues such as nuisance calls or unsolicited texts.

Overall, it ICO actions appear to be focusing on rather straightforward breaches of the law. This pattern seem to be true even when the ICO engaged into more complex investigations (such as in the case of data analytics for political purposes).

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<sup>1</sup> Source: <https://ico.org.uk/action-weve-taken/enforcement/>

## Supporting Data – Summary

Source: <https://ico.org.uk/action-weve-taken/enforcement/>

Type of notices		Direct Marketing	Data Security	SAR failure	Lawful basis	Others
Penalty	35	23	7	0	2	3
Enforcement	15	11	1	2	1	0
Prosecution	3	0	0	0	0	3
Total	53	34	8	2	3	3

## Supporting Data – Breakdown

Date	Target	Type	Object	Details
2021/01/14	motor industry employee	Prosecution	Data misuse, Lawful basis	
2020/12/16	Pownall Marketing Limited	Penalty	Direct marketing	Unsolicited communications
2020/12/09	Pension House Exchange Limited	Penalty	Direct marketing	Unsolicited communications
2020/12/04	OSL Financial Consultancy Limited	Penalty	Direct marketing	Unsolicited communications
2020/11/13	Ticketmaster UK Limited	Penalty	Data security	Breach of security requirements
2020/10/30	Marriott International Inc	Penalty	Data security	Data breach
2020/10/29	Reliance Advisory Limited	Penalty	Direct marketing	Unsolicited communications
2020/10/27	Experian Limited	Enforcement	Direct marketing	Unsolicited communications, illegal profiling, breach of transparency requirements
2020/10/16	British Airways	Penalty	Data security	Data breach
2020/10/08	Studios MG limited	Enforcement	Direct marketing	Unsolicited communications
2020/10/08	Studios MG Limited	Penalty	Direct marketing	Unsolicited communications
2020/09/24	Digital Growth Experts limited	Enforcement	Direct marketing	Unsolicited communications
2020/09/24	Digital Growth Experts Limited	Penalty	Direct marketing	Unsolicited communications
2020/09/12	Koybo Laboratories ltd	Penalty	Direct marketing	Unsolicited communications
2020/09/10	CPS Advisory Ltd	Penalty	Direct marketing	Unsolicited communications
2020/08/12	Koybo Laboratories ltd	Enforcement	Direct marketing	Unsolicited communications
2020/08/03	Rain Trading ltd	Penalty	Direct marketing	Unsolicited communications
2020/07/02	Decision Technologies ltd	Penalty	Direct marketing	Unsolicited communications
2020/03/27	Black Lion Marketing Ltd	Penalty	Direct marketing	Unsolicited communications

2020/03/13	town clerk	Prosecution	FOI request failure	
2020/03/04	Cathay Pacific Airways Limited	Penalty	Data security	Data breach
2020/03/02	CRDNN limited	Enforcement	Direct marketing	Unsolicited communications
2020/03/02	CRDNN limited	Penalty	Direct marketing	Unsolicited communications
2020/01/09	DSG Retail Limited	Penalty	Data security	Data breach
2019/12/20	Doorstep Dispensaree ltd	Enforcement	Data security, Sensitive data	Breach of security requirements
2019/12/20	Doorstep Dispensaree ltd	Penalty	Data security, Sensitive data	Breach of security requirements
2019/09/17	Superior Style Home Improvements Ltd	Enforcement	Direct marketing	Unsolicited communications
2019/09/17	Superior Style Home Improvements Ltd	Penalty	Direct marketing	Unsolicited communications
2019/09/02	Making It Easy ltd	Penalty	Direct marketing	Unsolicited communications
2019/08/12	Hudson Bay finance ltd	Enforcement	SAR failure	
2019/08/02	Making It Easy ltd	Enforcement	Direct marketing	Unsolicited communications
2019/07/19	Life at Parliament View	Penalty	Data security	Data breach
2019/06/25	Metropolitan Police Service	Enforcement	SAR failure	
2019/06/24	EE Limited	Penalty	Direct marketing	Unsolicited communications
2019/06/13	Smart Home Protection Ltd	Penalty	Direct marketing	Unsolicited communications
2019/05/10	HM Revenues and Customs	Enforcement	Lawful basis, Biometric data	
2019/05/07	Hall and Hanley ltd	Penalty	Direct marketing	Unsolicited communications
2019/04/16	Avalon Direct ltd	Enforcement	Direct marketing	Unsolicited communications
2019/04/16	Avalon Direct ltd	Penalty	Direct marketing	Unsolicited communications
2019/04/11	Bounty UK ltd	Penalty	Lawful basis, Data brokering, Credit reference	
2019/04/10	True Visions Productions	Penalty	Lawful basis	
2019/03/19	Vote Leave Limited	Penalty	Direct marketing	Unsolicited communications
2019/02/07	Magnacrest Limited	Prosecution	Failure to comply with ICO enforcement notice	
2019/02/01	GoSkippy Insurance	Enforcement	Direct marketing	Unsolicited communications
2019/02/01	Leave EU group	Penalty	Direct marketing	Unsolicited communications
2019/02/01	Leave EU group	Penalty	Direct marketing	Unsolicited communications
2019/02/01	GoSkippy Insurance	Penalty	Direct marketing	Unsolicited communications
2019/01/31	Alistar Legal Services	Enforcement	Direct marketing	Unsolicited communications
2019/01/31	Alistar Legal Services	Penalty	Direct marketing	Unsolicited communications

2019/01/22	NWR limited	Enforcement	Direct marketing	(Unsolicited communications – page taken down)
2018/11/28	Unknown company (finance sector)	Penalty	Non payment of data processing fee	
2018/11/28	Unknown company (manufacturing sector)	Penalty	Non payment of data processing fee	
2018/11/28	Unknown company (business sector)	Penalty	Non payment of data processing fee	