

Filed on behalf of the Defendant/Applicant

Name of Witness: Keeley Louise Parry

No. of Statement: 1

Date: 23 October 2025

Exhibits: KLP1

CLAIM NO: KB-2025-001120

IN THE HIGH COURT OF JUSTICE

KING'S BENCH DIVISION

MEDIA AND COMMUNICATIONS LIST

B E T W E E N:

The Good Law Project Ltd

Claimant/Respondent

AND

Reform UK Party Limited

Defendant/Applicant

KLP1

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 April 2025

Public Authority: Department for Health and Social Care
Address: 39 Victoria Street
London
SW1H 0EU

Decision (including any steps ordered)

1. The complainant has requested statistical information about suicides. The above public authority ("the public authority") relied on sections 38 (health and safety), 36 (effective conduct of public affairs) and 41 (breach of confidence) of FOIA to withhold the information.
2. The Commissioner's decision is that section 38 of FOIA is engaged and that the balance of the public interest favours maintaining the exemption. The public authority's handling of the request breached sections 10 and 17 of FOIA.
3. The Commissioner does not require further steps to be taken.

Foreword

4. Because of the nature of the information requested and the reasons why it has been withheld, this decision notice necessarily devotes a considerable amount of time to discussing suicide statistics and data on suicides. However, the Commissioner recognises that behind these statistics are real lives that have been lost and real families and friendship groups who have lost loved ones. The use of these terms does not imply any disrespect or attempt to trivialise a very serious matter.

Background

5. This request relates to a report carried out by Professor Sir Louis Appleby, the public authority's adviser on suicide prevention. It was published in July 2024.
6. In December 2020, the High Court handed down a judgement in *Bell & Anor v The Tavistock And Portman NHS Foundation Trust* [2020] EWHC 3274 (Admin). Its ruling was that children under the age of 16 were incapable of giving informed consent for treatment with puberty-blocking drugs and that, whilst children over the age of 16 may be capable, this should only be done with the supervision of the court.
7. That judgement was reversed just over six months later by the Court of Appeal.
8. Subsequent to those rulings, claims began circulating on social media suggesting that the High Court ruling had led to a "surge" or "explosion" in the rates of suicide among patients of the Tavistock and Portman NHS Trust (England's main Gender Identity Service at that time). In particular, the organisation calling itself the "Good Law Project" claimed that the "outcome" of the court's decision was a "huge increase in deaths of young trans people". A specific allegation was made that there was only one recorded suicide of a patient in the three years prior to the High Court judgement, but 16 in the three years afterwards.
9. Professor Sir Louis was asked to examine the data, to determine whether the evidence supported the claims being made by campaigners.
10. Professor Sir Louis found that the available data did not support the claims that were being made. Looking at data from 2018/19, 2019/20 and 2020/21 and comparing it to data from 2021/22, 2022/23 and 2023/24, he noted that there had been five suicides among patients in the earlier period, compared to seven in the later period. He did not consider this to be statistically significant, given that trends from small numbers were always prone to fluctuation. Looking just at under-18s (the cohort most affected by the rulings), the figures were identical in both periods (three).
11. However, Professor Sir Louis also noted that the data were presented for NHS years, which run from April through to the following March. Consequently, the High Court ruling fell part way through a year, making before-and-after comparison more different. The patients who died had been at various points throughout the care system, with multiple social and clinical risk factors.

12. The conclusion of the report was that the available data did not support the general claim of a "surge" in suicides and particularly did not support the claim of 16 suicides in three years following the High Court ruling. Professor Sir Louis also criticised what he referred to as the "insensitive, distressing and dangerous" manner in which the matter was discussed and reported, noting that:

"Suicide should not be a slogan or a means to winning an argument. To the families of 200 teenagers a year in England, it is devastating and all too real.

"The claims that have been placed in the public domain do not meet basic standards for statistical evidence. To be reliable, evidence should be objective, unbiased and open to independent scrutiny. It should admit uncertainty.

"Campaign groups are often selective about evidence - there is nothing wrong with this until it becomes misleading and potentially harmful. The evidence put into the public domain for an "explosion" of suicides is not unbiased nor has it been independently verified. There seems to be no suicide expertise behind the claims."

Request and response

13. On 19 July 2024, referring to the report, the complainant requested information of the following description:

"In relation to his summary, please let me know:

1. Out of the 12 total suicides, how many occurred before April 2020?
2. Out of the 12 total suicides, how many occurred on or after April 2020?
3. Out of the 6 suicides involving individuals under 18, how many occurred before April 2020?
4. Out of the 6 suicides involving individuals under 18, how many occurred on or after April 2020?
5. Is the numeric answer to (3) greater than the answer to (4)?"

14. On 16 August 2024, the public authority responded. It denied holding the requested information.

15. The complainant requested an internal review on 7 September 2024. The public authority sent the outcome of its internal review on 16 October 2024. It revised its position. It now accepted that it held the information in question, but it now wished to rely on section 38 of FOIA

to withhold it. A further exchange of correspondence failed to resolve matters.

16. During the course of the Commissioner's investigation the public authority informed him that it wished to rely additionally on sections 36 and 41 of FOIA.

Reasons for decision

17. Section 38 of FOIA allows a public authority to withhold information whose disclosure may endanger the health (including mental health) or the safety of any individual.
18. In its internal reviews, the public authority put forward two principle arguments: firstly, that putting the statistics into the public domain would endanger the mental health of the families of the deceased; secondly, that presenting the data in the format requested by the complainant would increase suicide risk because the data would not be in the format recommended by the Samaritans' Guidelines for Reporting Suicide.
19. In his initial letter to the public authority, the Commissioner expressed scepticism that the exemption would apply, given that the data being asked for was essentially already published in Professor Sir Louis' report. Any harm that might be thought to flow from disclosure would, logically have already occurred.
20. However, in its submission, the public authority provided some more detail about why presenting the data in the manner sought by the complainant would cause issues. As well as providing some background evidence regarding the sensitivity of the underlying issue, the public authority explained that presenting the information this way would split the six years of data examined by Professor Sir Louis into unequal blocks of two and four years – rather than the two three-year blocks he used.
21. The public authority pointed out that reporting data from a two year block was contrary to the Samaritans' guidance and would therefore increase suicide risk.
22. The public authority also expressed concern that reporting the data in this way would increase the risk that various campaign groups would manipulate the results to suit their own agenda. The debate around appropriate treatment for those with gender dysphoria – particularly young people – is one that is highly contentious and one where extreme views are often expressed. Releasing this information could add further

fuel to that debate in a manner that could be harmful to young people who were already in a vulnerable situation.

23. The public authority maintained that disclosure would impact the mental health of families of the deceased. It recognised that these families would have already felt some impact from Professor Sir Louis' report, but that they would feel an additional and more severe impact if disclosure led to the data being mis-represented. This concern would be amplified by the fact that, in identifying a two-year block of data, individuals would become more identifiable as, all other things being equal, it should be expected that reducing a time parameter is likely to reduce the size of the dataset.
24. The complainant argued that the public authority's arguments were exaggerated and did not meet the legislative thresholds. He did not accept that disclosure would breach the Samaritans' guidance but that, even if it did, the guidance had no force of law and the public authority was not bound to follow it.

The Commissioner's view

25. In the Commissioner's view, the exemption is engaged.
26. Whilst it is not immediately obvious that a relatively simple statistical manipulation could have profound consequences, the Commissioner has been persuaded that there is a real possibility of it occurring here.
27. In particular, the Commissioner is satisfied, for reasons that will be explained below, that publishing the data in the format the complainant has requested would increase the risk of suicide.
28. The Commissioner does not accept the public authority's other suggestion that disclosure meets the legislative test for "endangering" the mental health of families of the deceased. This is for three reasons.
29. Firstly, the cohort most likely to be affected (because their loved ones should be most easily-identified) are those who would be in the newly-created two year block – but these are also the deaths that occurred longest ago (between four and six years at the point of the request). That is not to suggest that the impact of losing a loved one cannot continue beyond a certain date. It is merely to acknowledge that this group have had more time to come to terms with their loss and, where appropriate, to seek support.
30. Secondly, the debate over the appropriate treatment of gender dysphoria has been ongoing for a number of years and, whilst government policy now appears reasonably settled, there are still groups who disagree – and do so vociferously.

31. Whether the withheld information is disclosed or not, this debate is likely to continue and various interest groups are, despite Professor Sir Louis' warning, likely to report statistical data irresponsibly in future. The fact that the report came into being in the first place demonstrates that unverifiable information already can and will be misused to promote agendas. Families of the deceased – and especially of those whose deaths will fall into the two year block – already have to deal with such challenges. It seems doubtful that a release of official statistics will have a significant marginal impact against this backdrop.
32. Finally the Commissioner is not persuaded that any effect on the families is likely to be more significant than that which might have been caused by Professor Sir Louis' report. Professor Sir Louis was very careful to report only aggregated data and over two three-year periods (as well as acknowledging the limitations of the data), but it nevertheless remains the case that families and friends will still be able to identify their loved ones because they know which of the three-year blocks the death would have been recorded in.
33. Given that disclosure must "endanger" the mental health of the individuals concerned to attract the exemption, the Commissioner considers that any impact needs to go beyond distress.
34. Whilst he accepts that it may well be unpleasant and distressing for people to have to be reminded about the loss of a loved one – particularly if they feel that person's death is being exploited for political purposes – he is not persuaded, given the combination of factors identified above that the families are already dealing with, that the marginal impact of disclosure would be so severe as to endanger the mental health of a family member or close friend of the deceased. That is not to minimise or disregard the grief they feel, merely to apply the legislative test the Commissioner is required to apply.
35. The Commissioner turns next to the Samaritans' guidance.
36. The Commissioner accepts that the guidance is just that: guidance. It has no statutory or regulatory basis. No one can be punished for not following it.
37. Nevertheless, the Commissioner considers that the guidance should carry considerable weight in this case. Not because of any legal authority, but because of its worth in assessing suicide risk.
38. The Samaritans are a charitable organisation aimed at providing support to people going through emotional distress – particularly those having thoughts about suicide. They therefore clearly have considerable

expertise when it comes to suicide risk and the Commissioner should be slow to disregard their advice.

39. Not only has the guidance been published by an organisation with expertise on such matters, but it is based on considerable evidence.
40. There is a body of evidence supporting a phenomenon known as "suicide contagion." This occurs where a particular suicide (or attempt) serves as a model for subsequent suicidal behaviour. This can cause others to over-identify with that individual or their circumstances and therefore try to imitate their behaviour. Research indicates that, where details of the event are made public, or where the story is romanticised or sensationalised, that can increase attempts.
41. One study found an average increase of 13% in suicides in the two months following media coverage of a high profile suicide. Another showed that, where stories reported a specific method used by a high profile individual, that was followed by a 30% increase in deaths using that method.
42. Conversely, where deaths or attempts are covered sensitively, there is some evidence that this can actually reduce the risk of suicide.
43. The guidance is therefore aimed at educating and encouraging media outlets to think about how they cover stories involving suicide so as to minimise the risk to people already in vulnerable situations.
44. The guidance is made available for free. Whilst there are various signposts within the document to the Samaritans' services, there are no inducements to make donations. The Commissioner is therefore of the view that the Samaritans derive no income, either directly or indirectly, from this guidance which might undermine its integrity or independence.
45. The Commissioner therefore considers that reporting that does not conform to the Samaritans guidance does carry an increased risk of encouraging suicide.
46. He has reached this view not because he is bound to do so, but because:
 - the guidance is issued by an organisation with considerable authority and expertise in this matter; and
 - there is no evidence of anything that might undermine the integrity of that guidance; and
 - the guidance sets out a clear evidential basis for concluding that the reporting of stories of suicide can impact suicide risk; and

- the guidance provides examples of actions that can increase or decrease that risk.
47. The guidance discusses a series of actions that media organisations can take when presenting stories – as well as actions to avoid. These include the use of language, particularly in headlines and what level of detail a story should go into.
48. In respect of data, the guidance says this:
- “Using ‘trend’ data within suicide stories can be problematic. Be aware that suicide rates in a single year may deviate from an overall trend. This can be especially the case if focusing on the number of suicides in small geographic areas or particular groups. **It is best to look at timeframes of three or more years to identify significant patterns.**” [emphasis added]
49. As has been explained above, providing the data in the manner the complainant has requested would mean splitting the data into one two-year block (2018/19 and 2019/20) and one four-year block comprising the remaining years. Any figures for a two-year block are unlikely to be statistically useful because of the fluctuations expected from small numbers.
50. If 200 people die from a particular form of cancer in one year, but only 199 from the same cancer the following year, the difference is only 0.5% from one year to the next. Most statisticians would regard that as essentially an unchanged. It would only become significant if replicated over a longer period. Clearly though, if the number of deaths went from 200 one year to 100 the following year, it would be significant.
51. However, if only two people die from a rare form of cancer in one year, followed by just one person the next, although the difference is, again, only one person, technically the number of deaths has “halved” from one year to the next. It could be part of a trend, but it could also be coincidence – and there is no way to differentiate using data from just two years.
52. Were the request for cancer statistics, that might not be problematic. You cannot imitate cancer. However, the request is for statistics on suicide and, as the evidence shows, unless those statistics are carefully used (in particular being wary about claiming the existence of trends based on very small amounts of data over short periods) it can have devastating real-world consequences.
53. Not only would sub-dividing the data in this way produce a two-year block, but it would be a very simple task to compare the disclosed

information with that already published to establish the exact figures for 2020/21.

54. The Commissioner is not suggesting that the complainant is the sort of person who would misuse the information they receive. However, when information is disclosed under FOIA it is released to the world at large. There would be nothing to prevent the information from falling into the hands of someone who would attempt to misuse the information for their own purposes – and that could have very real, harmful consequences. Given that the complainant made their request via whatdotheyknow.com, this is not a hypothetical argument – any response the public authority provided would be automatically published for all to see.
55. The public authority would not be able to mitigate this risk by, for example, including data from the year 2017/18, thereby creating one three- and one four-year block. That information would not fall within the scope of the request and would prevent the overall totals from summing to the figures Professor Sir Louis highlighted.
56. Given the nature of the issues that this data relates to, the Commissioner recognises that, in the event the information is misused, there is a real likelihood that any erroneous conclusions will come to the attention of groups that already have a higher risk of suicide.
57. Whilst the Commissioner is not persuaded that disclosure is more likely than not to endanger the mental health or safety of any individual, he still considers that that possibility is actual and of substance. It is more than hypothetical.
58. The Commissioner is therefore satisfied that the exemption is engaged.

Public interest test

59. Information must still be disclosed, even if it might endanger the health or safety of an individual, unless the balance of the public interest favours maintaining the exemption.
60. The Commissioner recognises that there is a public interest in understanding whether there is a statistical correlation between the reduction in access to puberty-blocking drugs and suicides among patients who received, were receiving, or wished to receive, treatment for gender dysphoria. Indeed the very fact that the original report was produced would appear to suggest that the public authority recognised that public interest.

61. Furthermore, the Commissioner recognises that there is also a public interest in testing the robustness of the statistics used in that report and how well they support its conclusion.
62. Professor Sir Louis chose to group the year 2020/21 with the two previous years – presumably on the basis that two thirds of that year had already passed before the High Court judgement was announced. There is nothing unreasonable about that on its face, but it was not the only option available that would have met the Samaritans' guidance.
63. Professor Sir Louis could, for example, have grouped that year with the two subsequent years and included data from 2017/18 in the earlier block. He could also have excluded that year altogether and simply looked at the three years prior to it beginning and the three years after it ended.
64. That is not to suggest that either of those variations would have shown a significantly different trend – particularly given the expected fluctuations in small numbers. Merely to point out that there is a public interest in ensuring robust, ethical usage of statistical information, particularly on a sensitive subject and in reassuring the public that data has not been "cherry-picked" to support a particular conclusion.
65. However, the Commissioner also recognises that disclosure could only partially address that interest, because it would not include data from earlier years. Furthermore, breaking the data down into smaller blocks that are more prone to fluctuation, increases the risk of erroneous conclusions being drawn. For example, if the data were disclosed as the complainant requested, it might indicate that Professor Sir Louis' findings were robust, even though earlier data would have suggested otherwise – or vice versa.
66. The Commissioner is also mindful that he has agreed that disclosing this information in this manner will increase the risk of suicide. Whilst he is not persuaded that this risk is exceptionally high, the consequences, if something were to happen, would be severe. He is also conscious that the group likely to be most affected is one that already includes a large number of people in vulnerable situations, due to their age and any gender dysphoria they may be experiencing, or have experienced previously.
67. The Commissioner recognises that there is a very strong public interest in protecting those most at risk of harm and in ensuring the responsible use of information when discussing such a sensitive subject.

68. Having considered the circumstances, the Commissioner is therefore persuaded that the balance of the public interest should favour maintaining the exemption.

Procedural matters

69. Section 10 of FOIA requires a public authority to confirm, within 20 working days, whether or not it holds any of the information that has been requested.
70. Section 17 of FOIA requires a public authority to provide a refusal notice, within 20 working days, citing any exemption the public authority wishes to rely upon to withhold information.
71. The public authority initially claimed it didn't hold any information within the scope of the request. It wasn't until three months after receiving the request (and after the complainant had sought an internal review) that it accepted that it did hold the information and provided an appropriate refusal notice.
72. The public authority therefore breached both section 10 and section 17 of FOIA.

Other matters

73. The Commissioner wishes to note that, had the complainant been able to frame his request so as to avoid revealing data for a time period of under three years, he (the Commissioner) would have had much more difficulty in accepting that the exemption applied.
74. Equally, given what is already in the public domain, in the event of receiving future, similar, requests, the public authority will be entitled to take account of whether any new disclosure would indirectly reveal the figures for 2020/21 or any other individual year.

Right of appeal

75. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

76. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
77. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Roger Cawthorne
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

ARTICLES OF ASSOCIATION OF

Good Law Practice Limited

Company Number: 13849662

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ARTICLES OF ASSOCIATION OF GOOD LAW PRACTICE LIMITED

PART 1

INTRODUCTION

1. INTERPRETATION

1.1 In these Articles, the following words have the following meanings:

Articles	the Company's articles of association for the time being in force;
Business Day	a day other than a Saturday, Sunday or public holiday in England when banks in London are open for business;
CA 2006	the Companies Act 2006;
Chair	has the meaning given in Article 8;
Clear Days	in relation to the period of a notice, that period excluding the day when the notice is given or deemed to be given and the day for which it is given or on which it is to take effect;
Company	Good Law Practice Limited
Connected	any person falling within one of the following categories: (a) a spouse, civil partner, parent, child, brother, sister, grandparent or grandchild of a director; or (b) the spouse or civil partner of any person in (a); or (c) any other person in a relationship with a director which may reasonably be regarded as equivalent to such a relationship as is mentioned at (a) or (b); or (d) any company, partnership or firm of which a director is a paid director, member, partner or employee or shareholder holding more than 1% of the capital.
Director	a director of the Company, and includes any person occupying the position of director, by whatever name called who has been appointed in accordance with these Articles;
Good Law Project	Good Law Project Limited, a company registered in England and Wales under company number 10556197
MD	the Managing Director of the Company from time to time.
Model Articles	the model Articles for private companies limited by shares contained in Schedule 1 of the Companies (Model Articles) Regulations 2008 (SI 2008/3229) as amended prior to the date of adoption of these Articles and reference to a numbered Model Article is a reference to that article of the Model Articles;
Secretary	the secretary of the Company (if any);
	;
Writing or written	the representation or reproduction of words, symbols or other information in a visible form by any method or combination of methods, whether sent or supplied in electronic form or otherwise;

1.2 Save as otherwise specifically provided in these Articles, words and expressions which have particular meanings in the Model Articles shall have the same meanings

in these Articles, subject to which and unless the context otherwise requires, words and expressions which have particular meanings in the CA 2006 shall have those meanings in these Articles.

2. THE MODEL ARTICLES

2.1 The Model Articles shall not apply to the Company and are hereby excluded.

PART 2
DIRECTORS

3. **DIRECTORS' GENERAL AUTHORITY**

Subject to the Articles, the Directors are responsible for the management of the Company's business for which purpose they may exercise all the powers of the Company.

4. DIRECTORS' MEETINGS

- 4.1 Any decision of the Directors must be taken at a meeting of Directors in accordance with these Articles or must be a decision taken in accordance with article 5.
- 4.2 Subject as provided in these Articles, the Directors may participate in Directors' meetings for the despatch of business, adjourn and otherwise regulate their meetings as they think fit.
- 4.3 All decisions made at any meeting of the Directors or of any committee of the Directors shall be made only by resolution and resolutions at any meeting of the Directors or committee of the Directors shall be decided by a majority of votes.

5. UNANIMOUS DECISIONS OF DIRECTORS

- 5.1 A decision of the Directors is taken in accordance with this article when all Directors indicate to each other by any means that they share a common view on a matter.
- 5.2 Such a decision may take the form of a resolution in writing, where each Director has signed one or more copies of it, or to which each Director has otherwise indicated agreement in writing.
- 5.3 A decision may not be taken in accordance with this article if the Directors would not have formed a quorum at a Directors' meeting to vote on the matter in accordance with article 8.

6. NUMBER OF DIRECTORS

- 6.1 There shall be at least two Directors.
- 6.2 Good Law Project shall be entitled to appoint and maintain in office as a director(s) and member(s) of the Board such persons as it may nominate from time to time.
- 6.3 The MD shall be entitled to appoint and maintain himself in office as a director and member of the Board but shall immediately cease to have such right in the event that

he ceases to be employed by the Company or disposes of all of the shares held by him.

- 6.4 Good Law Project acting unanimously may appoint further Directors by written notice to the Company.

7. CALLING A DIRECTORS' MEETING

- 7.1 Any two Directors may call a directors' meeting.
- 7.2 A directors' meeting must be called by at least seven Clear Day's notice unless either:
 - 7.2.1 all the Directors agree; or
 - 7.2.2 urgent circumstances require shorter notice.
- 7.3 In deciding on the date and time of any directors' meeting, the Directors calling or requesting the Secretary to call the meeting must try to ensure, subject to the urgency of any matter to be discussed at the meeting, that as many Directors as practicable are likely to be available to participate.
- 7.4 Notice of any Directors' meeting must be given to each Director.
- 7.5 Every notice calling a directors' meeting must specify:
 - 7.5.1 the day and time of the meeting;
 - 7.5.2 the place where all the Directors may physically attend the meeting (if any);
 - 7.5.3 the general nature of the business to be considered at the meeting; and
 - 7.5.4 if it is anticipated that Directors participating in the meeting will not be in the same place, how it is proposed that they should communicate with each other during the meeting.
- 7.6 Notice of directors' meetings need not be in writing.
- 7.7 Notice of a directors' meeting must not be given to Directors who waive their entitlement to notice of that meeting, by giving notice to that effect to the company not more than 7 days after the date on which the meeting is held. Where such notice is given after the meeting has been held, that does not affect the validity of the meeting, or of any business conducted at it.
- 7.8 Matters not on the agenda, or business conducted in relation to those matters, may not be raised at a meeting of Directors unless all the Directors agree in writing.
- 7.9 Article 36 shall apply and notice of directors' meeting may be sent by electronic means to an address provided by the Director for that purpose.

8. QUORUM FOR DIRECTORS' MEETINGS

- 8.1 At a directors' meeting, unless a quorum is participating, no proposal is to be voted on, except a proposal to call another meeting.
- 8.2 The quorum for directors' meetings may be fixed from time to time by a decision of the directors, but it must never be less than two, and unless otherwise fixed it is two or one-third of the total number of directors, whichever is the greater.
- 8.3 If the total number of directors for the time being is less than the quorum required, the directors must not take any decision other than a decision:
 - 8.3.1 to appoint further directors; or

8.3.2 to call a general meeting so as to enable the members to appoint further directors.

9. CHAIRING OF DIRECTORS' MEETINGS

The directors may appoint one of their number to be the Chair of the directors for such term of office as they determine and may at any time remove the person from that office.

10. DIRECTORS' INTERESTS

10.1 Unless Article 10.2 applies, a director must declare the nature and extent of:

10.1.1 Any direct or indirect interest which they have in a proposed transaction or arrangement with the Company; and

10.1.2 Any duty or any direct or indirect interest which they have which conflicts or may conflict with the interests of the Company or their duties to the Company.

10.2 There is no need to declare any interest or duty of which the other directors are, or ought reasonably to be, already aware.

10.3 If a director's interest or duty cannot reasonably be regarded as likely to give rise to a conflict of interest or a conflict of duties with or in respect of the Company, they are entitled to participate in the decision-making process, to be counted in the quorum and to vote in relation to the matter. Any uncertainty about whether a director's interest or duty is likely to give rise to a conflict shall be determined by a majority decision of the other director taking part in the decision-making process.

10.4 If a director's interest or duty gives rise (or could reasonably be regarded as likely to give rise) to a conflict of interest or a conflict of duties with or in respect of the Company, they may participate in the decision-making process and may be counted in the quorum and vote unless:

10.4.1 The decision could result in the director or any person who is Connected with them receiving a benefit other than:

(a) Any benefit received in their capacity as a beneficiary of the Company and which is available generally to the beneficiaries of the Company;

(b) A majority of the other directors participating in the decision-making process decide to the contrary,

In which case the director must comply with Article 10.5.

10.5 If a director with a conflict of interest or conflict of duties is required to comply with this Article 10.5, they must:

10.5.1 Take part in the decision-making process only to such extent as in the view of the other directors is necessary to inform the debate;

10.5.2 Not be counted in the quorum for that part of the process; and

10.5.3 Withdraw during the vote and have no vote on the matter.

11. RECORDS OF DECISIONS TO BE KEPT

11.1 Where decisions of the Directors are taken by electronic means, such decisions shall be recorded by the Directors in a form that enables the Company to retain a copy of such decisions.

11.2 The Directors must ensure that the Company keeps a record, in writing, for at least 10 years from the date of the decision recorded, of every unanimous or majority decision taken by the Directors.

12. DIRECTORS' DISCRETION TO MAKE FURTHER RULES

12.1 Subject to the Articles, the Directors may make any rule which they think fit about how they take decisions, and about how such rules are to be recorded or communicated to Directors.

13. APPOINTMENT AND REMOVAL OF DIRECTORS

13.1 Good Law Project may appoint Directors pursuant to Article 6.2.

13.2 The MD must be appointed as a Director pursuant to Article 6.3.

13.3 The shareholders acting unanimously may appoint further Directors pursuant to Article 6.4.

13.4 Save for the MD, a Director shall hold office for a term of three years from the date of their appointment.

13.5 No person may be appointed as a Director unless they have reached the age of 18 years.

13.6 A Director may not appoint an alternate director or anyone to act on their behalf.

13.7 Subject to Article 13.8, a Director shall cease to hold office if:

13.7.1 they cease to be a Director by virtue of any provision of the Companies Act 2006, or are prohibited from being a Director by law;

13.7.2 a bankruptcy order is made against that Director;

13.7.3 a composition is made with that director's creditors generally in satisfaction of that director's debts;

13.7.4 the Directors reasonably believe the Director has become physically or mentally incapable of managing their own affairs and they resolve that the Director be removed from office;

13.7.5 notification is received by the company from the Director that they are resigning from office, and such resignation has taken effect in accordance with its terms (but only if at least three Directors will remain in office when such resignation has taken effect)

13.7.6 the Director fails to attend three consecutive meetings of the directors and the other Directors resolve that the Director be removed for this reason;

13.7.7 at a general meeting of the company, a resolution is passed that the Director to removed from office, provided the meeting has invited the Director's views and considered the matter in the light of such views; or

13.7.8 at a meeting of the Directors at which at least half of the Directors are present, a resolution is passed that the Director be removed from office. Such a resolution shall not be passed unless the Director has been given at least 14 Clear Day's notice that the resolution is to be proposed, specifying the circumstances alleged to justify removal from office, and has been afforded a reasonable opportunity of either (at the Director's option) being heard by or of making written representation to the Directors.

13.8 The MD shall be permitted to remain in office as a Director while the MD remains employed by the Company. The MD shall immediately cease to hold office in the event that the MD ceases to be employed by the Company.

14. DIRECTOR'S REMUNERATION

14.1 Subject to the Articles, Directors may undertake any services for the company that the Directors decide.

14.2 Subject to the Articles, Directors are entitled to such remuneration as the Directors determine:

14.2.1 for their services to the company as Directors; and

14.2.2 for any other service which they undertake for the company.

14.3 Subject to the Articles, a Director's remuneration may:

14.3.1 take any form;

14.3.2 include any arrangements in connection with the payment of a pension, allowance or gratuity, or any death, sickness or disability benefits, to or in respect of that Director.

14.4 Unless the Directors decide otherwise, Directors' remuneration accrues from day to day.

15. DIRECTORS' EXPENSES

15.1 The company may pay any reasonable expenses which the Directors and the Secretary (if any) properly incur in connection with their attendance at:

15.1.1 meetings of directors or committees of directors; or

15.1.2 general meetings.

16. SECRETARY

16.1 A Secretary may be appointed by the Directors for such term, at such remuneration and upon such conditions as they may think fit, and may be removed by them.

16.2 If there is no Secretary:

16.2.1 anything authorised or required to be given or sent to, or served on, the company by being sent to its Secretary may be given or sent to, or served on, the company itself, and if addressed to the Secretary shall be treated as addressed to the company; and

16.2.2 anything else required or authorised to be done by or to the Secretary of the company may be done by or to a Director, or a person authorised generally or specifically in that behalf by the Directors.

17. DIRECTORS MAY DELEGATE

17.1 Subject to the Articles, the Directors may delegate any of the powers which are conferred on them under the Article:

17.1.1 to such person or committee;

17.1.2 by such means (including by power of attorney);

- 17.1.3 to such an extent;
 - 17.1.4 in relation to such matters or territories; and
 - 17.1.5 on such terms and conditions; and
 - 17.1.6 as they think fit.
- 17.2 If the Directors so specify, any such delegation may authorise further delegation of the Directors' powers by any person to whom they are delegated.
- 17.3 The Directors may revoke any delegation in whole or part, or alter its terms and conditions.
- 17.4 For as long as the MD remains employed by the Company, the Directors will delegate the day to day management of the Company to the MD.

PART 3 SHARES

18. SHARE CAPITAL

- 18.1 No share is to be issued for less than the aggregate of its nominal value and any premium to be paid to the Company in consideration for its issue.

19. POWERS TO ISSUE DIFFERENT CLASSES OF SHARE

- 19.1 Subject to the Articles, but without prejudice to the rights attached to any existing share, the Company may issue shares with such rights or restrictions as may be determined by ordinary resolution.
- 19.2 The Company may issue shares which are to be redeemed, or are liable to be redeemed at the option of the Company or the holder, and the Directors may determine the terms, conditions and manner of redemption of any such shares.

20. ALLOTMENT OF SHARES

- 20.1 The Directors are, subject to these articles, generally and unconditionally authorised, in accordance with section 551 of the Companies Act, to exercise all the powers of the company to allot shares or to grant rights to subscribe for, or to convert any security into, shares.
- 20.2 The authority contained in article 20.1:
- 20.2.1 is limited to such amounts as may from time to time be authorised by ordinary resolution; and
 - 20.2.2 will expire on the day five years after the date of incorporation of the company, but the company may, before the authority expires, make an offer or agreement which would or might require shares to be allotted, or rights to be granted, after it expires.
- 20.3 In accordance with section 567(1) of the Companies Act, the requirements of sections 561 and 562 of the Companies Act are excluded generally in relation to the allotment by the company of equity securities.
- 20.4 Shares may be allotted only as follows:

- 20.4.1 on the occasion of each allotment, all shares are to be allotted for the same consideration and on the same terms as to date for payment or satisfaction of the consideration;
 - 20.4.2 no shares may be issued otherwise than to the existing shareholders without the prior written consent of all the shareholders;
 - 20.4.3 as between the existing shareholders, the shares being allotted are to be allotted in proportion (as nearly as may be) to their then existing holdings of shares or in such other proportions between them as all the shareholders agree in writing.
- 20.5 Except as provided in article 20.4, the Directors have no power to allot shares, and may not grant any right to subscribe for, or to convert any security into, shares, without, in any such case, the prior written consent of all the shareholders.

21. SHARE CERTIFICATES

- 21.1 The Company must issue each shareholder, free of charge, with one or more certificates in respect of the shares which that shareholder holds.
- 21.2 Every certificate must specify-
- 21.2.1 In respect of how many shares, of what class, it is issued
 - 21.2.2 The nominal value of those shares;
 - 21.2.3 That the shares are fully paid; and
 - 21.2.4 And distinguishing numbers assigned to them.
- 21.3 No certificate may be issued in respect of shares of more than one class.
- 21.4 If more than one person holds a share, only one certificate may be issued in respect of it.
- 21.5 Certificates must-
- 21.5.1 Have affixed to them the Company's common seal, or
 - 21.5.2 Be otherwise executed in accordance with the ca 2006.

22. REPLACEMENT SHARE CERTIFICATES

- 22.1 If a certificate issued in respect of a shareholder's shares is-
- 22.1.1 Damaged or defaced, or
 - 22.1.2 Said to be lost, stolen or destroyed, that shareholder is entitled to be issued with a replacement certificate in respect of the same shares.
- 22.2 A shareholder exercising the right to be issued with such a replacement certificate-
- 22.2.1 May at the same time exercising the right to be issued with a single certificate or separate certificates;
 - 22.2.2 Must return the certificate which is to be replaced to the Company if it is damaged or defaced; and
 - 22.2.3 Must comply with such conditions as to evidence, indemnity and the payment of a reasonable fee as the Directors decide.

23. COMPANY NOT BOUND BY LESS THAN ABSOLUTE INTERESTS

Except as required by law, no person is to be recognised by the Company as holding any share upon any trust, and except as otherwise required by law or the Articles, the Company is not in any way to be bound by or recognise any interest in a share other than the holder's absolute ownership of it and all the rights attaching to it.

24. SHARE TRANSFERS: GENERAL

- 24.1 In these Articles, reference to the transfer of a share includes the transfer, assignment or other disposal of a beneficial or other interest in that share, or the creation of a trust or encumbrance over that share, and reference to a share includes a beneficial or other interest in a share.
- 24.2 No share shall be transferred unless the transfer is made in accordance with these Articles or with the prior written consent of all shareholders.
- 24.3 Subject to article 24.4, the Directors must register any duly stamped transfer made in accordance with these Articles and shall not have any discretion to register any transfer of shares which has not been made in compliance with these Articles.
- 24.4 The Directors may, as a condition to the registration of any transfer of shares in the Company (whether to a Permitted Transferee or otherwise) require the transferee to provide the Company with the required particulars under section 790K of the CA 2006 if the transferee is a registrable person or relevant legal entity within the meaning of section 790C of the CA 2006 and to execute and deliver to the Company a deed under which the transferee agrees to be bound by the terms of the Shareholders Agreement in force between the shareholders in such form as the Directors may reasonably require (but not so as to oblige the transferee to have any obligations or liabilities greater than those of the proposed transferor under any such agreement or other document). If any such condition is imposed in accordance with this article 24.4, the transfer may not be registered unless that deed has been executed and delivered to the Company's registered office by the transferee and the Company has received all of the required particulars under section 790K of the CA 2006 if the transferee is a registrable person or relevant legal entity within the meaning of section 790C of the CA 2006.

DECISION MAKING BY SHAREHOLDERS

25. QUORUM FOR GENERAL MEETINGS

- 25.1 The quorum at any general meeting of the Company, or adjourned general meeting, shall be a person or persons present in person or by proxy entitled to vote at least 51% of the share capital of the Company.
- 25.2 No business shall be transacted by any general meeting unless a quorum is present at the commencement of the meeting and also when that business is voted on.

26. CHAIRING GENERAL MEETINGS

The Chair of the board of Directors shall chair general meetings. If the Chair is unable to attend any general meeting, the shareholder who appointed the Chair shall be entitled to appoint another of its nominated Directors present at the meeting to act as Chair at the meeting, and the appointment of the Chair of the meeting must be the first business of the meeting.

27. VOTING

27.1 A resolution put to the vote of a general meeting must be decided on a show of hands unless a poll is duly demanded in accordance with the articles.

28. POLL VOTES

28.1 A poll may be demanded at any general meeting by a qualifying person (as defined in section 318 of the CA 2006) present and entitled to vote at the meeting.

28.2 A demand for a poll vote may be withdrawn if-

28.2.1 The poll has not yet been taken;

28.2.2 the Chair consents to the withdrawal.

28.2.3 A demand so withdrawn shall not invalidate the result of a show of hands declared before the demand was made.

29. PROXIES

29.1 Proxies may only validly be appointed by a notice in writing ("Proxy Notice") which-

29.1.1 States the name and address of the shareholder appointing the proxy;

29.1.2 identifies the person appointed to be that shareholders' proxy and the general meeting in relation to which that person is appointed;

29.1.3 is signed by or on behalf of the shareholder appointing the proxy, or is authenticated in such manner as the Directors may determine; and

29.1.4 is delivered to the Company in accordance with the Articles and any instructions contained in the notice of the general meeting to which they relate.

29.2 The Company may require proxy notices to be delivered in a particular form, and may specify different forms for different purposes.

29.3 Proxy Notices may specify how the proxy appointed under them is to vote (or that the proxy is to abstain from voting) on one or more resolutions.

29.4 Unless a Proxy Notice indicates otherwise, it must be treated as-

29.4.1 Allowing the person appointed under it as a proxy discretion as to how to vote on any ancillary or procedural resolutions put to the meeting, and

29.4.2 Appointing that person as a proxy in relation to any adjournment of the general meeting to which it relates as well as the meeting itself.

30. DELIVERY OF PROXY NOTICES

30.1 A person who is entitled to attend, speak or vote (either on a show of hands or on a poll) at a general meeting remains so entitled in respect of that meeting or any adjournment of it, even though a valid Proxy Notice has been delivered to the Company by or on behalf of that person.

30.2 An appointment under a Proxy Notice may be revoked by delivering to the Company a notice in writing given by or on behalf of the person by whom or on whose behalf the Proxy Notice was given.

30.3 A notice revoking a proxy appointment only takes effect if it is delivered before the start of the meeting or adjourned meeting to which it relates.

- 30.4 If a Proxy Notice is not executed by the person appointing the proxy, it must be accompanied by written evidence of the authority of the person who executed it to execute it on the appointor's behalf.

PART 4

DIVIDENDS AND OTHER DISTRIBUTIONS

31. PROCEDURE FOR DECLARING DIVIDENDS

- 31.1 The Company may by ordinary resolution declare dividends, and the Directors may decide to pay interim dividends.
- 31.2 A dividend must not be declared unless the Directors have made a recommendation as to its amount. Such a dividend must not exceed the amount recommended by the Directors.
- 31.3 No dividend may be declared or paid unless it is in accordance with shareholders' respective rights.
- 31.4 Unless the shareholders' resolution to declare or Directors' decision to pay a dividend, or the terms on which shares are issued, specify otherwise, it must be paid by reference to each shareholder's holding of shares on the date of the resolution or decision to declare or pay it.
- 31.5 If the Company's share capital is divided into different classes, no interim dividend may be paid on shares carrying deferred or non-preferred rights if, at the time of payment, any preferential dividend is in arrears.
- 31.6 The Directors may pay at intervals any dividend payable at a fixed rate if it appears to them that the profits available for distribution justify the payment.
- 31.7 If the Directors act in good faith, they do not incur any liability to the holders of shares conferring preferred rights for any loss they may suffer by the lawful payment of an interim dividend on shares with deferred or non-preferred rights.

32. PAYMENT OF DIVIDENDS AND OTHER DISTRIBUTIONS

- 32.1 Where a dividend or other sum which is a distribution is payable in respect of a share, it must be paid by one or more of the following means—
- 32.1.1 transfer to a bank or building society account specified by the distribution recipient either in writing or as the Directors may otherwise decide;
- 32.1.2 sending a cheque made payable to the distribution recipient by post to the distribution recipient at the distribution recipient's registered address (if the distribution recipient is a holder of the share), or (in any other case) to an address specified by the distribution recipient either in writing or as the Directors may otherwise decide;
- 32.1.3 sending a cheque made payable to such person by post to such person at such address as the distribution recipient has specified either in writing or as the Directors may otherwise decide; or

- 32.1.4 any other means of payment as the Directors agree with the distribution recipient either in writing or by such other means as the Directors decide.
- 32.2 In the Articles, “the distribution recipient” means, in respect of a share in respect of which a dividend or other sum is payable—
 - 32.2.1 the holder of the share; or
 - 32.2.2 if the share has two or more joint holders, whichever of them is named first in the register of members; or
 - 32.2.3 if the holder is no longer entitled to the share by reason of death or bankruptcy, or
 - 32.2.4 otherwise by operation of law, the transmittee.

33. NO INTEREST ON DISTRIBUTIONS

- 33.1 The Company may not pay interest on any dividend or other sum payable in respect of a share unless otherwise provided by—
 - 33.1.1 the terms on which the share was issued, or
 - 33.1.2 the provisions of another agreement between the holder of that share and the Company.

34. UNCLAIMED DISTRIBUTIONS

- 34.1 All dividends or other sums which are—
 - 34.1.1 payable in respect of shares, and
 - 34.1.2 unclaimed after having been declared or become payable,
 - 34.1.3 may be invested or otherwise made use of by the Directors for the benefit of the Company until claimed.
- 34.2 The payment of any such dividend or other sum into a separate account does not make the Company a trustee in respect of it.
- 34.3 If—
 - 34.3.1 twelve years have passed from the date on which a dividend or other sum became due for payment, and
 - 34.3.2 the distribution recipient has not claimed it,
the distribution recipient is no longer entitled to that dividend or other sum and it ceases to remain owing by the Company.

35. NON-CASH DISTRIBUTIONS

- 35.1 Subject to the terms of issue of the share in question, the Company may, by ordinary resolution on the recommendation of the Directors, decide to pay all or part of a dividend or other distribution payable in respect of a share by transferring non-cash assets of equivalent value (including, without limitation, shares or other securities in any Company).

35.2 For the purposes of paying a non-cash distribution, the Directors may make whatever arrangements they think fit, including, where any difficulty arises regarding the distribution—

35.2.1 fixing the value of any assets;

35.2.2 paying cash to any distribution recipient on the basis of that value in order to adjust the rights of recipients; and

35.2.3 vesting any assets in trustees.

36. WAIVER OF DISTRIBUTIONS

36.1 Distribution recipients may waive their entitlement to a dividend or other distribution payable in respect of a share by giving the Company notice in writing to that effect, but if—

36.1.1 the share has more than one holder, or

36.1.2 more than one person is entitled to the share, whether by reason of the death or

36.1.3 bankruptcy of one or more joint holders, or otherwise,

the notice is not effective unless it is expressed to be given, and signed, by all the holders or persons otherwise entitled to the share.

PART 5

ADMINISTRATIVE ARRANGEMENTS

37. MEANS OF COMMUNICATION TO BE USED

37.1 Subject to article 37.2, any notice, document or other information shall be deemed received by the intended recipient:

1.1.1 if delivered by hand, at the time the notice, document or other information is left at the address;

1.1.2 if sent by pre-paid first class post or other next working day delivery service providing proof of postage, at 9.00 am on the second Business Day after posting;

1.1.3 if sent by pre-paid airmail providing proof of postage, at 9.00 am on the 5 Business Day after posting;

1.1.4 if sent by email, at the time of transmission; or

1.1.5 if sent or supplied by means of a website, when the material is first made available on the website or (if later) when the recipient receives (or is deemed to have received) notice of the fact that the material is available on the website.

37.2 If deemed receipt under article 37.1 would occur outside Usual Business Hours, the notice, document or other information shall be deemed to have been received when Usual Business Hours next recommence. For the purposes of this article, Usual Business Hours means 9.00 am to 5.30 pm local time on any day which is not a Saturday, Sunday or public holiday in the place of receipt of the notice, document or other information (which, in the case of service by email shall be deemed to be the same place as is specified for service of notices, documents or other information on the relevant recipient by hand or post).

37.3 To prove service, it is sufficient to prove that:

- 1.1.6 if delivered by hand, the notice was delivered to the correct address;
- 1.1.7 if sent by post or by airmail, the envelope containing the notice was properly addressed, paid for and posted;
- 1.1.8 if sent by email, the notice was properly addressed and sent to the email address of the recipient.

37.4 In proving that any notice, document or information was properly addressed, it will suffice to show that the notice, document or information was addressed to an address permitted for the purpose by the CA 2006.

38. INDEMNITY AND INSURANCE

38.1 Subject to article 38.2, but without prejudice to any indemnity to which a relevant officer is otherwise entitled:

1.1.9 each relevant officer of the Company shall be indemnified out of the Company's assets against all costs, charges, losses, expenses and liabilities incurred by that person as a relevant officer:

(a) in the actual or purported execution and/or discharge of the relevant officer's duties, or in relation to them,

1.1.10 including (in each case) any liability incurred by the relevant officer in defending any civil or criminal proceedings, in which judgment is given in the relevant officer's favour or in which the relevant officer is acquitted or the proceedings are otherwise disposed of without any finding or admission of any material breach of duty on the relevant officer's part or in connection with any application in which the court grants them, in their capacity as a relevant officer, relief from liability for negligence, default, breach of duty or breach of trust in relation to the Company's affairs; and

1.1.11 the Company by unanimous resolution of the Shareholders may provide any relevant officer with funds to meet expenditure incurred or to be incurred by the relevant officer in connection with any proceedings or application referred to in article 37.1.1 and otherwise may take action to enable any such relevant officer to avoid incurring such expenditure.

38.2 This article does not authorise any indemnity which would be prohibited or rendered void by any provision of the CA 2006 or by any other provision of law.

38.3 The Directors may decide to purchase and maintain insurance, at the expense of the Company, for the benefit of any relevant officer in respect of any relevant loss.

38.4 In this article:

1.1.12 a "relevant officer" means any Director or other officer or former Director or other officer of the Company but excluding in each case any person engaged by the Company as auditor (whether or not that person is also a Director or other officer), to the extent the person acts in their capacity as auditor; and

1.1.13 a "relevant loss" means any loss or liability which has been or may be incurred by a relevant officer in connection with that relevant officer's duties or powers in relation to the Company or any pension fund or employees' share scheme of the Company.

Reform UK
124 City Road
London EC1V 2NX
United Kingdom

8th October 2024

By Email: info@reformparty.uk

Dear Sir/Madam,

Letter Before Action: Unlawful processing of special category data and failure to comply with subject access requests under the Data Protection Act 2018 (the “DPA”) and the retained General Data Protection Regulation ((EU) 2016/679) (the “UK GDPR”)

1. This is a Letter Before Action pursuant to the Pre-Action Protocol for Media and Communications Claims (the “**Pre-Action Protocol**”). It concerns Reform UK’s breaches of the DPA and the UK GDPR and requires your immediate attention.
2. We act for a group of data subjects, in accordance with Article 80(1) of the UK GDPR, who along with various other data subjects (the “**Data Subjects**”) requested that Reform UK provide a copy of their data processed by Reform UK pursuant to Article 15 of the UK GDPR and cease processing (and delete) their personal data, including special category data, pursuant to the Data Subjects’ rights under Articles 18 and 21 of the UK GDPR (the “**Data Subjects’ Requests**”).¹
3. Reform UK has failed to satisfy substantively all the Data Subjects’ Requests.² For the reasons explained below, we consider that Reform UK is (a) processing special category data unlawfully under Articles 6 and 9 of the UK GDPR, and (b) is in breach of Article 15 by failing to provide the Data Subjects with copies of their personal data.
4. In accordance with the Pre-Action Protocol, Reform UK is required to provide a full response as soon as reasonably possible.

¹ We understand that approximately 1800 Data Subjects’ Request were submitted between 5th June and 4th July 2024, as detailed further below.

The Data Subjects' Requests

5. Based on Reform UK's privacy policy and transparency information (the "**Privacy Policy**"), Reform UK is conducting profiling and processing the Data Subjects' personal data for political campaigning purposes. The Privacy Policy explains that Reform UK "*aims to maintain a profile for each registered voter in the UK*" by "*merging*" the Electoral Register with other data from third-party sources, including data vendors.³
6. It is clear from the Privacy Policy's description of the processing conducted by Reform UK, and the categories of data processed, that Reform UK is processing special category data (as defined in Article 9(1) of the UK GDPR) in the form of "*personal data revealing racial or ethnic origin [or] political opinions*":
 - 6.1. The Privacy Policy says Reform UK obtains "*[p]olitical opinions*" and "*[p]olitical concerns*" data from data vendors which, it claims, can demonstrate that data subjects have given consent to share their information with Reform UK ("**Political Opinions Data – Category 1**");
 - 6.2. It says Reform UK obtains "*[o]pinions if [data subjects] include them*" from various sources in order to conduct "*profiling*" and "*identify further potential supporters with similar characteristics*" ("**Political Opinions Data – Category 2**");
 - 6.3. The profile Reform UK is creating for each registered voter in the UK would, we infer, also reveal political opinions ("**Political Opinions Data – Category 3**", and together with Political Opinions Data – Categories 1 and 2, the "**Political Opinions Data**"); and
 - 6.4. It says Reform UK obtains "*[d]emographics*" data from data vendors which, it claims, can demonstrate that data subjects have given consent to share their information or can demonstrate compliance with the GDPR (the "**Racial or Ethnic Origin Data**").⁴
7. Despite this, the Privacy Policy does not expressly acknowledge that Reform UK is processing special category data. This vague and unclear labelling of data and processing is contrary to the transparency requirements of Articles 1(a) and 12 of the UK GDPR.
8. In view of Reform UK's objective of profiling every registered voter in the UK and its stated practice of processing special category data, including Political Opinions Data, the Data Subjects, who we understand share concerns about the processing of their personal data by Reform UK, exercised their rights under the UK GDPR to object to the processing of their data.
9. Specifically, between 5th June and 4th July 2024, each of the Data Subjects submitted a notice to Reform UK titled "*Cease and desist notice under the Data Protection Act 2018 and the United Kingdom's General Data Protection Regulation*" requesting that it: (a) provide a copy of the Data Subject's personal data processed by Reform UK; (b) cease processing the Data

³ Reform UK, Privacy policy / transparency information, V2.4, January 2022 (accessible [here](#)).

⁴ The Data Subjects presume – since Reform UK has wrongfully failed to respond to the Data Subjects' Requests – that these data include information about the Data Subjects' racial or ethnic origin.

Subject’s personal data (including special category data); and (c) delete, to the full extent possible, all the Data Subject’s personal data held by Reform UK.

10. As of the date of this letter, Reform UK has failed to comply with substantially all the Data Subjects’ Requests. This failure is deeply concerning given the highly sensitive nature of the personal data of the Data Subjects that Reform UK is processing. Further, we infer from Reform UK’s total failure to engage with substantially all the Data Subjects’ Requests an active disregard for their rights under the UK GDPR.

Breaches of the DPA and the UK GDPR

Unlawful processing of special category data

11. Special category data may only be lawfully processed if there is a lawful basis for such processing under both Article 6 and Article 9 of the UK GDPR. Reform UK does not have a lawful basis under either article. As a result, we consider that Reform UK is processing the Data Subjects’ special category data unlawfully.

Article 6 of the UK GDPR

12. The Privacy Policy indicates that Reform UK seeks to rely on two Article 6(1) bases: (i) the consent of the data subject under Article 6(1)(a) (the “**Consent Basis**”); and (ii) that the processing is necessary for the performance of a task carried out in the public interest under Article 6(1)(e) (by reference to Section 8(e) of the DPA) (the “**Public Task Basis**”). It indicates that it relies on these bases in order to process the special category data referred to in the Privacy Policy (as described at paragraph [7] above) as follows:

Special Category Data	Article 6(1) Basis
Political Opinions Data – Category 1	Consent Basis; Public Task Basis
Political Opinions Data – Category 2	Public Task Basis
Political Opinions Data – Category 3	None
Racial or Ethnic Original Data	Consent Basis; Public Task Basis

13. As can be seen, the Privacy Policy sets out no Article 6(1) basis for processing Political Opinions Data – Category 3. Unless Reform UK can show a proper basis, this processing is *prima facie* unlawful and must cease.
14. As for the other categories of special category data, for reasons set out beneath, that processing is also unlawful.

Public Task Basis

15. The Public Task Basis has a statutory basis in Article 6(1)(e) of the UK GDPR. The Privacy Policy does not refer to that article, but it refers to “[a]n activity that supports or promotes democratic engagement” and to Section 8(e) of the DPA, which relates to the Public Task Basis in Article 6(1)(e).
16. However, where a data controller relies on the Public Task Basis, Article 6(3) of the UK GDPR, which provides that the right to process data under public interest legal basis must be “*laid down by domestic law*”, requires the controller to identify the domestic law that substantiates its reliance on the Public Task Basis. That is, the collection and processing of the data must be separately and expressly authorised by UK law.
17. The Information Commissioner’s Office (“**ICO**”) has cautioned political parties that the Public Task Basis is not an “*overarching exemption*” and that specific domestic laws must be identified and relied upon to justify a political party’s reliance on this basis to process personal data.⁵ It is clear from the ICO’s guidance that Section 8(e) of the DPA is not sufficient. Despite this warning from the ICO, the Privacy Policy does not identify any domestic law that substantiates its reliance on the Public Task Basis.
18. We therefore consider that Reform UK cannot rely on the Public Task Basis as an Article 6(1) basis for its processing of special category data.
19. Reform UK has identified no other Article 6(1) basis for its processing of Political Opinions Data – Category 2, so this processing must also cease.

Consent

20. The Privacy Policy states that Political Opinions Data – Category 1 and Racial or Ethnic Origin Data are obtained from “*vendors that can demonstrate [data subjects] personally have given specific consent to share your information with [Reform UK]*”. We infer from this statement that Reform UK would seek to rely on the Consent Basis to justify the processing of both these types of data.
21. To the extent that is the case, Reform UK has not been permitted to rely on the Consent Basis since the date it received the Data Subjects’ Requests, which, *inter alia*, withdrew the Data Subjects’ consent to Reform UK’s processing their personal data. As Article 7(3) of the UK GDPR makes clear, a data subject can withdraw his or her consent at any time. Without prejudice to whether the Data Subjects had in fact previously consented to their data being provided to Reform UK, no reliance can therefore continue to be placed on the Consent Basis.
22. For these reasons, we consider that Reform UK lacks a lawful basis under Article 6(1) of the UK GDPR to process any of the special category data described in the Privacy Policy. As a result, it is processing the Data Subjects’ special category data unlawfully and must cease doing so without any further delay.

⁵ See: Information Commissioner’s Office, ‘Guidance for the use of personal data in political campaigning: Lawful bases’ (accessible [here](#)).

Article 9 of the UK GDPR

23. Further, even if Reform UK could rely on any Article 6(1) basis, which is denied, Reform UK has not satisfied the separate conditions required to process special category data under Article 9(2) of the UK GDPR.
24. Preliminarily, it is notable that the Privacy Policy, though referring to Article 6(1) bases, makes no reference to the conditions in Article 9(2) nor to the concept of special category data. We have noted the transparency failing in this regard. Further, we are in doubt as to whether Reform UK has properly conducted a data protection impact assessment, as it is required to under Article 35(3) of the UK GDPR. The lack of any statement concerning how Reform UK safeguards special category data also raises concerns that it does not have in place an appropriate policy document pursuant to Schedule 1, Paragraphs 39 and 40 of the DPA.⁶
25. In the absence of an express justification for Reform UK's handling of special category data, we surmise that Reform UK seeks to rely on the "*substantial public interest*" condition in Article 9(2)(g) of the UK GDPR to process special category data on the basis that (pursuant to Section 10(3) of the DPA) the processing satisfies the political parties condition in Paragraph 22(1) of Schedule 1 of the DPA (the "**Political Parties Condition**").
26. However, to the extent Reform UK seeks to rely on the Political Parties Condition to process any of the types of special category data described in the Privacy Policy,⁷ it lost its ability to do so as a result of its failure to comply with the Data Subjects' Requests (specifically request (b) in paragraph [10] above). This is because Schedule 1, Paragraph 22(3) of the DPA provides that processing will not satisfy the Political Parties Condition where a data subject has given written notice to the controller not to process his or her personal data and a reasonable period since such request has elapsed.
27. By the Data Subjects' Requests, the Data Subjects provided such notice (as detailed at paragraph [10] above) and a reasonable period has now expired, even taking into account the incidence of the general election on 4 July 2024 and the six-week campaign preceding it. As a result, we consider that Reform UK is processing special category data without satisfying the Political Parties Condition and in turn without a proper basis under Article 9 of the UK GDPR. That is to say, Reform UK is processing special category data unlawfully.

Failure to respond to subject access requests

28. As noted above, each of the Data Subjects' Requests included a subject access request ("**SAR**") pursuant to Article 15 of the UK GDPR. By the SARs, the Data Subjects requested that Reform UK provide them with a copy of their personal data processed by Reform UK. As

⁶ Schedule 1, Paragraphs 39 and 40 of the DPA provides that a controller who processes personal data in reliance on, *inter alia*, one of the conditions in Part 2 of Schedule 1, must have in place an appropriate policy document that satisfies the specified criteria, including explaining the controller's procedures for securing compliance with the principles in Article 5 of the UK GDPR.

⁷ This is without prejudice to the Data Subjects' view as to whether Reform UK's processing of the Political Opinions Data and the Racial or Ethnic Origin Data was capable of satisfying the Political Parties Condition in the first place. For instance, whether such processing is necessary for the purposes of Reform UK's political activities under Paragraph 22(1)(c) of Schedule 1 of the DPA.

you will be aware, pursuant to Article 12(3) of the UK GDPR, Reform UK was required to provide a substantive response to the SARs within one calendar month from the dates on which they were received.⁸

29. Despite this, Reform UK has failed to do so in substantively all cases. Indeed, Reform UK has not even acknowledged the vast majority of the Data Subjects' SARs some 4 months after they were sent and neither has it sought additional time to comply with the SARs. As a result, Reform UK is in breach of its obligations under Article 15 of the UK GDPR.
30. The Data Subjects that we represent are naturally concerned to ensure that their rights of access to their personal data are respected by Reform UK, especially where it is processing sensitive personal data in the form of the Political Opinions Data and Racial or Ethnic Origin Data. Accordingly, we require that Reform UK provides full responses to the Data Subjects' Requests without further delay.

Article 80 of the UK GDPR

31. The Good Law Project ("**GLP**") is mandated by a group of the Data Subjects, and expects to be similarly mandated by more Data Subjects in due course, pursuant to Article 80(1) of the UK GDPR to represent them in relation to the matters set out above arising from Reform UK's processing of their personal data, exercise their rights referred to in Article 77, 78 and 79 of the UK GDPR on their behalf, and to exercise the right to receive compensation referred to in Article 82 on their behalf.
32. GLP is a not-for-profit campaign organisation registered in the United Kingdom. GLP applies all its income and property solely towards the promotion of its objects, which include (among others) to uphold democracy and promote compliance with the law (including, without limitation, data protection law) by public and private actors.⁹ GLP is also active in the field of protection of data subjects' rights having run multiple campaigns, including taking legal action to protect NHS patient data to ensure such protection.¹⁰
33. On this basis, the Good Law Project meets the conditions set out in Sections 187(3) and 187(4) of the DPA and, in turn, is authorised to represent the Data Subjects under Article 80(1) of the UK GDPR. Please send all future correspondence concerning the Data Subjects to GLP using the contact details set out herein.

Next steps

34. For the reasons detailed above, Reform UK is in breach of the UK GDPR, including as a result of failing to comply with the Data Subjects' Requests. These failures are highly concerning as they relate to Reform UK's handling of the most sensitive type of personal data, special

⁸ As noted at paragraph 10 above, the Data Subjects submitted their SARs, which were included in the Data Subjects' Requests between 5th June and 4th July 2024

⁹ See: Clause 2 (*Objects*) and Clause 5 (*Limitation on private benefits*) of GLP's articles of association dated 20 December 2021 (accessible [here](#)).

¹⁰ See: *British Medical Journal*, 'NHS England faces legal action over redacted NHS data contract with Palantir, 20 February 2024 (accessible [here](#)).

category data. Reform UK has been given more than ample opportunity to engage with the Data Subjects' Requests but has nonetheless failed to do so.

35. Accordingly, the Data Subjects represented by GLP intend to pursue claims against Reform UK under the DPA and the UK GDPR, including, but not limited to, seeking orders mandating compliance with the DPA and UK GDPR and for compensation under Article 82 of the UK GDPR, without further reference to Reform UK, unless you comply with the Data Subjects' Requests without further delay.

36. Please also confirm without delay whether:

36.1. Reform UK has conducted a data impact assessment in accordance with Article 35 of the UK GDPR and, if so, when this was conducted; and

36.2. Reform UK maintains an appropriate policy document in accordance with Schedule 1, Paragraphs 39 and 40 of the DPA.

37. All the Data Subjects' other rights are reserved.

Yours faithfully,

Good Law Project

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