

IN THE HIGH COURT OF JUSTICE  
KING'S BENCH DIVISION  
MEDIA AND COMMUNICATIONS LIST

BETWEEN:

THE GOOD LAW PROJECT LIMITED

Claimant

- and -

REFORM UK PARTY LIMITED

Defendant

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PARTICULARS OF CLAIM

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**A. The Parties**

1. The Claimant is a not-for-profit campaign organisation incorporated in the United Kingdom (Company No.: 10556197). The Claimant brings these proceedings in its capacity as the representative mandated by a group of data subjects (the “**Data Subjects**”) pursuant to Article 80(1) of the United Kingdom General Data Protection Regulation ((EU) 2016/679) (the “**UK GDPR**”), as detailed further at paragraphs 4 to 5 below.
2. The Data Subjects are all individuals resident in the United Kingdom. They are all registered voters.
3. The Defendant is a private limited company incorporated in the United Kingdom (Company No.: 11694875) and a political party registered in the Electoral Commission’s register of political parties for the United Kingdom (Electoral Commission ID: PP7931).

**B. Article 80 of the UK GDPR**

4. The Claimant is mandated by the Data Subjects, who are listed in the confidential Appendix to these particulars of claim, pursuant to Article 80(1) of the UK GDPR to represent them in relation to the Defendant’s processing of their personal data, to exercise their rights referred to in Article

79 of the UK GDPR on their behalf, and to exercise the right to receive compensation referred to in Article 82 of the UK GDPR on their behalf.

5. The Claimant is active in the field of protection of data subjects' rights and is required by its articles of association (the "**Articles**") to apply all of its income and property solely towards the promotion of its objectives, which include upholding democracy and promoting compliance with the law, including the law of data protection, by public and private actors. The Claimant is also prohibited under the Articles from distributing amongst its members any part of its assets (otherwise than for charitable or public purposes). It therefore satisfies the conditions in Sections 187(3) and 187(4) of the Data Protection Act 2018 (the "**DPA**"), thus allowing it to represent data subjects under Article 80(1) of the UK GDPR.

### **C. Summary of Claim**

6. Between 5 June and 4 July 2024, with the assistance of the Claimant, each of the Data Subjects submitted a notice to the Defendant which included two requests, namely that the Defendant: (i) provide a copy of the Data Subjects' data processed by the Defendant pursuant to Article 15 of the UK GDPR, along with information about the processing (the "**DSARs**"); and (ii) 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 "**Cease Processing Requests**" and together with the DSARs, the "**Notices**").
7. As pleaded in further detail below, the Defendant has failed to comply with its obligations in relation to the DSARs under the UK GDPR and the DPA by virtue of : (i) its failure to respond to the DSARs within the statutory time limits; and (ii) the material deficiencies in the Defendant's purported responses to the DSARs, which, the Claimant avers, demonstrate that the Defendant has failed to comply with its obligations to provide copies of personal data processed, along with other relevant information.
8. In addition, as set out in further detail below, the Claimant considers that the Defendant is likely to be processing special category data in respect of at least certain of the Data Subjects without a lawful basis under Articles 6 and 9 of the UK GDPR. The Claimant reserves the right to amend these particulars of claim to allege unlawful processing of special category data by the Defendant following receipt of further information from the Defendant in this regard.
9. The purpose of this claim is to obtain an order pursuant to Section 167 of the DPA requiring the Defendant to comply with each of the DSARs and an order pursuant to Section 168 of the DPA requiring the Defendant to pay compensation for non-material damage caused by the continuing delay in its failure to comply with the DSARs.

### **D. Legal Framework**

10. Under Article 15(1) of the UK GDPR, a data subject has the right to obtain from a controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the information set out at Article 15(1)(a)-(h) of the UK GDPR.

11. Article 12(3) of the UK GDPR provides that where a data subject makes a request under, *inter alia*, Articles 15(1), 18 or 21 of the UK GDPR, the information to which the data subject is entitled must be provided in writing without undue delay and, in any event, within one month of receipt of the request. A controller can extend the time to respond to a request by a further two months if the request is complex or the controller receives a number of requests from a data subject. If the controller decides that it is necessary to so extend the time limit by two months, it must inform the data subject within one month of their request and explain the reasons for the delay.
12. Special category data, which includes “*personal data revealing racial or ethnic [or] political opinions*”, may only be lawfully processed if there is a lawful basis for such processing under Articles 6 and 9 of the UK GDPR. In the present case:
  - 12.1. the relevant Article 6(1) bases are: (i) the consent of the data subject under Article 6(1)(a) (the “**Consent Basis**”); and (ii) 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**”); and
  - 12.2. the relevant Article 9 basis is the “*substantial public interest*” condition in Article 9(2)(g), which applies where the processing of special category data satisfies the political parties condition in Paragraph 22(1) of Schedule 1 of the DPA (the “**Substantial Public Interest Basis**”).

#### **E. Defendant’s Failure to Comply with the DSARs**

13. For the purposes of the UK GDPR, the Defendant is a data controller within the meaning of Article 4(7) of the UK GDPR and Section 3(6) of the DPA, and each of the Data Subjects are data subjects within the meaning of Article 4(1) of the UK GDPR and Section 3(5) of the DPA. The Defendant is obliged to comply with the provisions of the UK GDPR as regards its processing of the Data Subjects’ personal data.
14. Between 5 June and 4 July 2024, each of the Data Subjects submitted a request to the Defendant pursuant to Article 15(1) of the UK GDPR (i.e., the DSARs). The dates on which each of the Data Subjects submitted their respective DSARs are set out in the confidential Appendix to these particulars of claim.
15. In the case of each Data Subject, the Defendant did not provide the information to which the Data Subject is entitled under Article 15(1) within one month of receipt of the DSARs, in breach of Article 12(3) of the UK GDPR. Nor did the Defendant purport to extend the time of its response for reasons of complexity or the number of requests made by the data subject.
16. On 8 October 2024, as a result of the Defendant’s failure to comply with the DSARs, the Claimant wrote to the Defendant in accordance with the Pre-Action Protocol for Media and Communications Claims (the “**Letter Before Action**”).
17. The Letter Before Action included a request that the Defendant comply with all the subject access requests it had received between 5 June and 4 July 2024, which included the DSARs, failing which

the Claimant would seek orders mandating the Defendant's compliance with its obligations under the DPA and the UK GDPR and for compensation under Article 82 of the UK GDPR.

18. The Defendant has not responded to the Letter Before Action.
19. Between 11 October and 14 October 2024, the Defendant wrote to the Data Subjects, informing them in identical language that the Defendant had "*found no record of you in our systems other than the original DSARs/cease and desist notice that you sent us*" (the "**DSAR Responses**").
20. The DSAR Responses further noted, again in identical language to each Data Subject: "*During the general election you may have received a mailing from Reform UK by Royal Mail, based on electoral roll data, which we are entitled to have by virtue of a statute and which is exempt from subject access.*"
21. The DSAR Responses were sent by way of a series of identical emails from an officer of the Defendant, Mr Robert Bates, to himself with the intended recipients, including the Data Subjects, in blind copy, within 5 days of receipt of the Letter Before Action.
22. The Claimant infers, based on the identical content of the DSAR Responses and the fact they were sent to the Data Subjects in the manner described at paragraph 21 above, that the Defendant has not undertaken the necessary steps in case of each individual Data Subject to identify the personal data which it had processed/was processing and as such has failed to comply with its obligations under Articles 12 and 15 of the UK GDPR.
23. The Claimant further infers that the DSAR Responses, in stating that the Defendant processes no data of the Data Subjects beyond the data contained in the Notices, are not correct. This is because the Defendant's privacy and transparency policy states that the Defendant "*aims to maintain a profile for each registered voter in the UK*" by "*merging*" the Electoral Register with other data from third-party sources. It is a matter of public record that the Defendant uses voter data software called NationBuilder which allows political parties to, among other things, collate and combine data on voters. Each Data Subject is a registered voter in the UK, so the Claimant infers that the Defendant processed data on each Data Subject before it received the Notices.
24. On 3 December 2024, the Claimant wrote to the Defendant in respect of the deficiencies in the DSAR Responses identified above and sought the Defendant's urgent response, including a detailed explanation of the steps it undertook to comply with the DSARs.
25. The Defendant has not responded to the Claimant's letter of 3 December 2024.
26. As a result of the conduct pleaded above, the Defendant is in ongoing breach of its obligations under the UK GDPR as regards the Data Subjects' right of access.

#### **F. Unlawful processing of special category data**

27. As noted above, in addition to the DSARs, the Notices, which the Data Subjects sent the Defendant between 5 June and 4 July 2024, included a request that the Defendant cease processing and delete their personal data, including special category data (i.e., the Cease Processing Requests).

28. As with the DSAR Responses, the Defendant did not provide the confirmations sought by the Cease Processing Requests within one month of receipt of the Cease Processing Requests, in breach of Article 12(3) of the UK GDPR.
29. As a result of the Defendant's failure to comply with the Cease Processing Requests, the Claimant explained in the Letter Before Action why it considered that the Defendant was processing the Data Subjects' special category data without a lawful basis.
30. As pleaded above at paragraph 19, between 11 October and 14 October 2024, the Defendant wrote to the Data Subjects, informing them in identical language that the Defendant had found no record of the Data Subjects in its systems other than the DSARs and Cease Processing Requests.
31. For the reasons pleaded at paragraphs 21 to 23 above, the Claimant avers that the Defendant has not made the necessary efforts to find and retrieve the information requested by the DSARs that would have been necessary for the Defendant to make a determination as to whether it is processing any special category data in respect of each Data Subject and as such has failed to comply with its obligations under Article 12 of the UK GDPR.
32. As a result of the conduct pleaded above, the Claimant believes that the Defendant may have processed and may continue to be processing special category data in respect of at least some of the Data Subjects. The Claimant reserves the right to amend these particulars of claim in the event that it obtains from the Defendant further information which confirms that the Defendant has processed or is processing any Data Subjects' special category data unlawfully.

#### **G. Damages**

33. The Data Subjects have suffered non-material damage as a result of the Defendant's failure to comply with the DSARs, including (without limitation) the concern, worry, uncertainty and distress caused to Data Subjects by the protracted delay in, and the deficient nature of, the DSAR Responses and the Defendant's confirmations as to whether it processes highly sensitive special category data.

#### **AND THE CLAIMANT CLAIMS** as follows:

- (1) An order pursuant to section 167 of the DPA that the Defendant comply with the DSARs by disclosing to the Claimant all personal data concerning each of the Data Subjects processed by the Defendant and the information set out in Article 15(1)(a)-(h) of the UK GDPR.
- (2) An order pursuant to Article 82 of the UK GDPR and section 168 of the DPA that the Defendant pay compensation for the non-material damage suffered by the Data Subjects as a result of the Defendant's continued non-compliance with the DSARs, in an amount to be determined by the Court and paid to the Claimant in accordance with section 168(3) of the DPA.
- (3) Costs, including interest on costs.
- (4) Such further or other relief as is just or apposite.

**PALLAS PARTNERS LLP**

**21 March 2025**

## Statement of Truth

The Claimant believes the facts stated in this Particulars of Claim are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:

A black rectangular redaction box covering the signature of the claimant.

Full Name: Matthew Getz

Position: Partner, Pallas Partners LLP

Dated: 21 March 2025

**Claim No.: KBD-2025-**

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**Defendant**

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**PARTICULARS OF CLAIM**

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