IN THE HIGH COURT OF JUSTICE **CLAIM NO. KB-2025-001120**
KING'S BENCH DIVISION
MEDIA AND COMMUNICATIONS LIST
B E T W E E N:

The Good Law Project Ltd

Claimant

AND

Reform (UK) Party Limited

Defendant

Defendant's Response to Claimant's Part 18 Request for Further Information

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This is the Defendant's response to the Claimant's Part 18 Request for Further Information, dated 20 June 2025.

Important: All of these answers are without prejudice to the Defendant's application that the Claimant is not entitled to bring this claim (for the reasons set out in the Application Notice and supporting evidence) and proceed on the hypothetical footing that somehow the Claimant is entitled to bring this claim.

In relation to paragraph 9(a) of the Defence

Of: "*…none of the Emails gave the Defendant a reasonable period in which to stop processing that personal data*;"

REQUEST

1. Please explain precisely how and on what basis it is alleged that none of the Emails provided the Defendant a reasonable period to respond to each para 22(3)(a) Notice, since each Email requested a response "*within one month of receipt*".

RESPONSE

1. Paragraph 22(3)(b) of Schedule 1 to the *Data Protection Act 2018*, in contradistinction to Articles 12(3) and 14(3)(a) of the UK GDPR, does not stipulate one month as a longstop date for compliance with a notice under paragraph 22(3)(a). The policy sense in Parliament's choice to omit the one month longstop date for compliance is obvious: what is reasonable takes its measure from the

circumstances in which the controller finds itself (e.g. there may be an election on foot) and a data subject may not know all the circumstances in which the controller is operating. By paragraph 22(3)(b) Parliament has decided that when the data subject gives a controller a notice under paragraph 22(3)(a) of Schedule 1, that data subject must give the controller "a reasonable period in which to stop processing" that data, rather than the data subject arrogating to him or herself the power to specify an amount of time within which the controller must comply. Parliament's choice, expressed through statute, must be respected.

In terms, the Emails did not "give the controller a reasonable period in which to stop processing": rather the Emails demanded that the Defendant "respond…as soon as possible and in any event within one month of receipt." Paragraph 22(3)(b) of Schedule 1 to the DPA 2018 does not confer on the data subject the right to make such a demand. As such, the Email was not a notice that met the requirements of paragraph 22(3)(b). Moreover, demanding that the Defendant respond "as soon as possible and in any event within one month of receipt" did not, as a matter of fact, give the Defendant a reasonable period within which to stop processing the data subject's personal data revealing political opinions. In the one-month period between 5 June 2025 and 4 July 2025 (inclusive) ("**the Relevant Period**") the Defendant received around 1,800 emails, containing DSARs and Article 21 requests, all in more-or-less identical terms, all from individuals whom the Claimant purports to represent. This was not a coincidence: it was a coordinated campaign, orchestrated by the Claimant and using the individuals' UK GDPR rights to foster that campaign. The Claimant had full knowledge of the number of DSARs and Article 21 requests sent in the Relevant Period. In assessing what is a "reasonable period" each such Article 21 request is not considered in isolation from all the circumstances in which the Defendant was operating, the most significant of which were the *circa* 1,800 requests received in the space of one-month. Thus, even if the Emails' demanding of a response "as soon as possible and in any event within one month of receipt" were a valid giving of a period within the meaning of paragraph 22(3)(b) of Schedule 1 (which it was not), the period that it gave was not a reasonable period.

In relation to paragraph 11(2) of the Defence and Appendix C to the Defence

Of: "*…the Defendant was not, at the time of receipt of each Email, processing personal data of the Individual that sent the Email*;" (paragraph 11(2), Defence)

Of: "*…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*." (Appendix C, Defence)

REQUEST

2. Please clarify, in respect of each Individual, whether it is alleged that the Defendant was at the time the Defendant received the Emails (a) processing

"*electoral roll data*" relating to that Individual or (b) not processing any personal data of the Individual.

3. Please explain the steps which the Defendant took to ascertain the position in the answer to Request No. 2 prior to sending the response dated 11 October 2024 to each Individual.

RESPONSE

2. At the time of receiving an Email, the Defendant was not processing personal data of the person who sent the Email.

3. This request does not relate to paragraph 11 of the Defence, nor to paragraph 7 of the Particulars of Claim (to which paragraph 11 of the Defence is directed). Further, the Defendant does not know what the Claimant means by "Request No 2." In any event, see paragraph 21 of the Witness Statement of Dominic David Edward Burgess that accompanied the application to strike out the Claimant's claim.

In relation to paragraph 18(3) of the Defence

Of: "*…taking more than one month to respond to a request under Art 15 is not actionable once a controller has responded to that request*;"

REQUEST

4. Please explain the basis for the contention that a failure by a controller to respond to a subject access request made under Article 15(1) of the UK GDPR within one month is not actionable if that controller subsequently responds to the request.

RESPONSE

4. The Claimant could have referred the matter to the Information Commissioner's Office, seeking regulatory action, but elected not to. In terms of private law actionability, the Claimant had a theoretical right:

    4.1. To seek an order from a court to seek an order for compliance with the provisions of the UK GDPR (see DPA 2018 s 167(2) and UK GDPR Art 79(1)). However, since the controller had already responded to the subject access request, the court would not make a compliance order: a court does not make compliance orders for something that has already been complied with, since that would not be an order "for the purposes of seeking compliance" (see s 167(2)).

4.2. To seek compensation under UK GDPR Art 82 and DPA s 168. In order to secure compensation, the Claimant would need to prove that each of the data subjects had "suffered damage" (including stress). There is no such allegation and it is difficult to see how such an allegation could be made supported by a statement of truth.

In relation to paragraph 21(4) of the Defence and paragraph 23 of the Particulars of Claim

Of: "*…save as expressly admitted, the Defendant denies every allegation in paragraph 22-23 of the Particulars of Claim*." (paragraph 21(4), Defence)

Of: "*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*." (paragraph 23, Particulars of Claim)

REQUEST

5. Please clarify whether it is denied that 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.

6. Please clarify whether it is denied that the Defendant uses voter data software called NationBuilder.

RESPONSE

5. This request does not arise out of or relate to any allegation in paragraph 21(4) of the Defence or paragraph 23 of the Particulars of Claim. Nor is it needed in order for the Claimant to understand the Defendant's case. But in any event, the Defendant does not deny that its 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.

6. This request does not arise out of or relate to any allegation in paragraph 21(4) of the Defence or paragraph 23 of the Particulars of Claim. Nor is it needed in order for the Claimant to understand the Defendant's case. But in any event, the

Defendant does not deny that the Defendant uses voter data software called NationBuilder.

In relation to paragraph 25(3)(b) of the Defence

Of: "*…in any event, even if the Defendant had been processing personal data concerning an Individual at the time that the Defendant received that Individual's Email, the Defendant would have had compelling legitimate grounds for that processing that overrode the interests, rights and freedoms of that Individual, namely the democratic right to undertake political activities as defined in paragraph 22(4) of Schedule 1 to the DPA;*"

REQUEST

7. Please clarify if it is alleged that the democratic right to undertake political activities as defined in paragraph 22(4) of Schedule 1 to the DPA excuses a controller from the obligation to cease processing special category data when given valid notice to do so under paragraph 22(3)(a) of Schedule 1 to the DPA.

RESPONSE

7. The Defendant does not allege that the democratic right to undertake political activities as defined in paragraph 22(4) of Schedule 1 to the DPA universally excuses a controller from the obligation to cease processing special category data when given valid notice to do so under paragraph 22(3)(a) of Schedule 1 to the DPA.

STATEMENT OF TRUTH

I believe that the facts stated in this Part 18 Response 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.

Signature:[redacted]…….

Name: **RICHARD TICE**

Position: Director

Date: July 2025

Jul 30, 2025