

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

Claim No.: KB-2025-001120

BETWEEN:

GOOD LAW PROJECT LIMITED

**Claimant/
Respondent**

-and-

REFORM UK PARTY LIMITED

**Defendant/
Applicant**

**WITNESS STATEMENT OF
DUNCAN MCCANN**

I, **DUNCAN MCCANN**, of Good Law Project Limited, 5th Floor, 167-169 Great Portland Street, London, W1W 5PF, **WILL SAY** as follows:

A. INTRODUCTION

1. I am the Head of Technology and Data at Good Law Project Limited (the “**Claimant**” or the “**Good Law Project**”) and am duly authorised by the Claimant to make this statement in defence of the application issued by the Defendant in these proceedings (the “**Proceedings**”) on 30 June 2025 for strike out of the Claimant’s claim pursuant to CPR r.3.4, or alternatively summary judgment under CPR r.24.2 (the “**Application**”).
2. The evidence filed by the Defendant in support of the Application, in the form of the Witness Statement of Dominic David Edward Burgess (“**Burgess 1**”), contends that the Claimant’s claim should be struck out, or alternatively that summary judgment should be ordered against the Claimant, on the basis that, *inter alia*, Good Law Project does not satisfy the condition at Section 187(4) of the Data Protection Act 2018 (the “**DPA**”), namely that it is not “*active in the field of protection of data subjects’ rights and freedoms with regard to the protection of*”

their personal data". I make this witness statement to assist the Court in dealing with this contention, which I consider to be incorrect.

3. For convenience, unless otherwise defined, I adopt the defined terms used in Burgess 1.
4. Save where otherwise stated, the facts and matters contained in this witness statement are based upon my own knowledge, and are true. Where facts and matters are not within my own knowledge, I identify the source of that information and confirm that those facts or matters are true to the best of my knowledge and belief.
5. This witness statement was prepared following discussions conducted over videoconference, telephone and email, with counsel and Good Law Project's solicitors, Pallas Partners LLP, during the course of these Proceedings. Nothing in this witness statement is intended to constitute a waiver of privilege by the Claimant in respect of any documents or communications.
6. There is now shown to me marked "**DMC1**" a bundle of copy documents to which I refer in this statement by page numbers in square brackets.

B. MY BACKGROUND

7. I have been immersed in the digital world from a very young age. My father was Director of IT for the European Commission and our house was full of early computers and consoles. My father ensured that we were one of the first Internet-connected houses in the early 1990s, which enabled me to explore the nascent online world. However, the hopes that I had for the online world started to change in the late 1990s and early 2000s as the big technology companies we know today started to grow exponentially and seek new commercial models. I watched the very nature of the online world change and companies realise that there were huge returns to be made by violating people's privacy and ignoring data protection rules and principles.
8. Upon leaving university, first Brunel and then the George Washington University School of Business, I decided to join Cisco Systems, which is a key player in the digital world, making routing and switching technology that is integral to the movement of data around the world. I left Cisco after over a decade of service in order to put the knowledge and expertise that I had gained more directly towards the service of the public. This desire led me to join the New Economics Foundation (the "**NEF**"). The NEF is one of the biggest think tanks in the UK. As

per its mission statement, it seeks to “*build a new economy that works for people and the planet*”.¹

9. From 2011 to 2021 I worked for the NEF, where I created and led the digital economy programme. When I joined the NEF, its main areas of focus were land/housing, monetary policy, social policy and environmental policy; there were no resources dedicated towards looking at the digital economy. I was able to convince my colleagues that the organisation had to focus on the digital economy in order to properly understand how modern economies work and to deliver good policy recommendations. I secured multi-year funding for the programme and delivered numerous reports including “*Protection before Profit: Principles for a new data economy*”,² “*I-Spy: the billion-dollar business of surveillance advertising to kids*”³ and “*Digital Self Control: Algorithms, accountability and our digital selves*”.⁴
10. In 2020 I brought a claim against the parent company of YouTube, Google/Alphabet,⁵ in an opt-out collective action relating to the processing of children’s data on YouTube’s platform without proper legal basis, in which I sought to represent the approximately 5 million children under the age of 13 who access YouTube. I took the case on in my personal capacity, building on my learning from leading the digital economy programme at the NEF. I was cognisant of the limitations of advocacy for changing corporate practice, so I wanted to try a new way to achieve change and to hold companies to account for what I considered to be systematic breaches of the EU’s General Data Protection Regulation 2016/679 (the “**EU GDPR**”). I worked with digital rights organisation Foxglove, group claim specialists, Hausfeld, and data protection specialists from Monckton Chambers to develop the case following the favourable ruling in *Lloyd v Google*⁶ in the Court of Appeal. The claim was commenced in 2020. Unfortunately, however, after the Supreme Court allowed Google’s appeal against the Court of Appeal decision in *Lloyd v Google*, the claim was discontinued.
11. From 2021 to 2024 I worked with Baroness Beeban Kidron as the Head of Accountability for her children’s digital rights charity, 5Rights Foundation. 5Rights Foundation is a global charity

¹ See, Website Home Page, *New Economics Foundation* (Web Page, as at 6 October 2025) <<https://www.neweconomics.org/>>.

² See, ‘Protection Before Profit’, *New Economics Foundation* (Web Page, 18 April 2019) <<https://neweconomics.org/2019/04/protection-before-profit>>.

³ See, ‘I-Spy: The billion-dollar business of surveillance advertising to kids’, *New Economics Foundation* (Web Page, 18 May 2021) <<https://neweconomics.org/2021/05/i-spy>>.

⁴ See, ‘Digital Self-Control: Algorithms, accountability, and our digital selves’, *New Economics Foundation* (Web Page, 25 March 2019) <<https://neweconomics.org/2019/03/digital-self-control>>.

⁵ QB-2020-000393: *Duncan Edward McCann and AB, CD, EF v Google Ireland Limited*.

⁶ *Lloyd (Respondent) v Google LLC (Appellant)* [2019] EWCA Civ 1599.

that seeks to “*build the digital world that young people deserve*”.⁷ Baroness Kidron is an internationally known campaigner and advocate for children’s digital rights around the world. 5Rights Foundation is responsible for major pieces of regulation on multiple continents, including all variations of the Age Appropriate Design Code pioneered in the UK. I was brought in by Baroness Kidron to head up a new part of the organisation focused on the investigation of current data practices at corporations and using the law to require these corporations to change their practices. During my time at 5Rights we achieved many of our goals via a few different routes. At one end, we developed a very close relationship with the Information Commissioner’s Office (the “**ICO**”) and provided it with copious evidence of bad practice with which it could start investigations. Submissions from 5Rights led to over 20 investigations being undertaken. I also engaged directly with companies. One positive example was Poki, an online gaming platform with millions of users, many of them children. When we first looked at the platform, we identified a number of issues. Rather than taking a defensive approach, Poki decided to engage with us. It made serious changes to its UK website to ensure that there was no tracking of users, no profiling and no surveillance-based adverts.⁸

12. In June 2024, I joined Good Law Project as Head of Technology and Data. I was aware of its work and ambitions in the area of data protection well before I saw the job advert, because Good Law Project had already reached out to me at 5Rights Foundation to consult about a case it was working on around the potential harms of Instagram’s algorithm.⁹ Given my background, I was very excited by the data protection and privacy work being pursued by Good Law Project, and was very pleased that it had even bigger ambitions in that area.
13. Good Law Project created the role of Head of Technology and Data in order to supplement the already strong in-house team in conducting the growing body of campaign work in this field. I understand that details of this work are provided in the witness statement of the company’s Founder and Executive Director, Jolyon Maugham KC (“**Maugham 1**”).

⁷ See, Website Home Page, *5Rights Foundation* (Web Page, as at 6 October 2025) <<https://5rightsfoundation.com/>>.

⁸ See, ‘Poki: a case study in service redesign for children’, *5Rights Foundation* (Web Page, 21 March 2024) <<https://5rightsfoundation.com/poki-a-case-study-in-service-redesignfor-children/>>.

⁹ See, ‘About’, *Instaharms* (Web Page, as at 20 September 2022) <<https://web.archive.org/web/20220920152254/https://instaharms.org/about/>>.

C. RECENT AND ONGOING ACTIVITY IN THE FIELD OF PROTECTION OF DATA SUBJECTS' RIGHTS AND FREEDOMS

14. As I only joined Good Law Project in June 2024, I do not have direct knowledge of its activities in the field of data protection prior to that point, much of which I understand is provided in Maugham 1.
15. However, I can address the aspects of Good Law Project's work to protect data subjects' rights and freedoms that I have led, or otherwise contributed to, since I joined the organisation.
16. Whilst not all of Good Law Project's work in this area is publicised, some of it naturally draws attention and was available to the Defendant online, had it only chosen to look. A few examples are set out in this footnote.¹⁰ I strongly disagree with Mr Burgess's assertion that Good Law Project does not satisfy the requirement in section 187(4) of the DPA.
17. When I joined Good Law Project in the summer of 2024, there were already three existing and active data protection and privacy-related campaigns. These campaigns explored: (i) the use of personal data by political parties (the "**Political Parties Campaign**"); (ii) the use by political parties of images, videos, or audio that have been edited or generated using artificial intelligence ("**AI**"), AI-based tools or audio-video editing software (more commonly known as "Deepfakes") (the "**Deepfake Campaign**"); and (iii) the application of the national data opt-out process ("**NDOO**") for the National Health Service (the "**NHS**") (the "**NHS NDOO Campaign**"). Of these three campaigns, two remain active as of the date of this witness statement: the Political Parties Campaign, and the NHS NDOO Campaign.
18. I provide further information about these and other campaigns below. In light of the information below, I consider that Good Law Project has been active in the field of data protection and privacy for quite some time. Indeed, it was as a result of the increasing volume of important work being identified in this sphere that my role was created. Since joining the

¹⁰ See, for example, Basit Bahmood, 'Good Law Project launches campaign to tackle disinformation on Meta', *Left Foot Forward* (online, 7 April 2025) <<https://leftfootforward.org/2025/04/good-law-project-launches-campaign-to-tackle-disinformation-on-meta/>>; Mark Sellman, 'Four-year-olds 'exploited' by tech giants' app store age ratings', *The Times* (online, 30 June 2025) <<https://www.thetimes.com/uk/technology-uk/article/four-year-olds-exploited-by-tech-giants-app-store-age-ratings-6txf0z0zr>> [DMC1/2-6]; and

Rei Takver, 'Labour's New Data Law is a 'Black Cheque' for Farage to DOGE Britain', *DeSmog* (online, 20 August 2025) <<https://www.desmog.com/2025/08/20/labour-new-data-law-doge-nigel-farage-britain/>>.

team, I have worked hard to identify opportunities for Good Law Project that will create maximum impact and help as wide a range of people as possible.

The Political Parties Campaign

19. Prior to the 2024 General Election in the United Kingdom, Good Law Project established a campaign to assist individuals to better understand the personal data that political parties hold on them in order to provide insight into the strategies and tactics employed to target voters in the run-up to an election. Good Law Project also provided support for data subjects who wished to request that parties stop processing such data altogether. I became involved in this project immediately following my arrival at Good Law Project on 3 June 2024 and was quickly brought up to speed by Mr Maugham.
20. Almost 20,000 people took part in the campaign and each contacted at least one of the five largest UK political parties: the Conservative Party, the Labour Party, the Liberal Democrats, the Scottish National Party and the Defendant.
21. As part of this project, between 5 June 2024 and 4 July 2024, Good Law Project provided assistance to almost 20,000 data subjects to submit requests to one or more of those parties. The requests: (i) sought a copy of the personal data processed by the party pursuant to Article 15 of the UK GDPR, along with information about the processing; and (ii) requested that the party cease processing and delete the data subject's personal data, including special category data, pursuant to Articles 18 and 21 of the UK GDPR.
22. I do not consider that any of the parties evidenced full compliance with the UK GDPR, but the most serious issues were identified with the responses provided by the Defendant and the Labour Party.
23. Many of the data subjects who sent subject access requests as part of this campaign received completed responses (from political parties other than the Defendant) with all of their personal data within the required timeframe of one month. Others were informed (again by political parties other than the Defendant) that the process might take longer than normal due to the General Election. We did not consider such responses to be concerning, as the guidance published by the ICO provides for extensions of time where necessary, so long as communication with the relevant data subject is forthcoming.¹¹ In this regard, I note that the

¹¹ See, 'What Should We Consider When Responding to a Request?', *Information Commissioner's Office* (as at 10 October 2025) <<https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/individual-rights/right-of-access/what-should-we-consider-when-responding-to-a-request/#extend>>.

Conservative Party, whilst having received the most requests (half of the total number sent), did the best job at providing completed responses, keeping the data subjects informed of the progress of their responses and asking for extra time where necessary.

24. The Labour Party has so far engaged cooperatively with Good Law Project and has revised the language in its communications to address the concerns raised. To the extent such issues cannot be satisfactorily resolved, Good Law Project will consider all avenues for redress, including legal action.
25. The Defendant stood alone as the only political party to require threats of legal action to engage, and its engagement has in any event been inadequate, showing continued non-compliance with its duties. As a result, of the 1,746 data subjects who sent requests to the Defendant, 51 chose to pursue a claim. It is the members of this group who have assigned their rights to Good Law Project to be a representative organisation under Art 80(1) in order to take their cases forward.
26. I do not agree with the statement at paragraph 76 of Burgess 1, that Good Law Project's campaign and subsequent Proceedings against the Defendant are "*politically motivated*" or "*vexatious*". To the contrary, Good Law Project assisted individuals to submit requests to parties from across the political spectrum. The reasons why Good Law Project has commenced proceedings against the Defendant, and not any other political party, are (i) the most serious issues of initial non-compliance with UK GDPR relate to the Defendant and (to a lesser degree) the Labour Party; and (ii) unlike the Labour Party, the Defendant did not engage cooperatively to address Good Law Project's concerns prior to the issue of proceedings (or indeed subsequently).

The Deepfake Campaign

27. Prior to the 2024 General Election, Good Law Project had concerns that sophisticated deepfakes could be deployed across the internet and social media that could have a material impact on the voting intentions of the public and could, by spreading disinformation, affect the outcome of the election.
28. Good Law Project monitored the use of deepfake technology throughout the 2024 General Election with the objective of identifying the extent of the use of such technology, addressing any disinformation that the identified deepfakes communicated and evaluating whether it might be appropriate to take legal action.

29. However, no significant instances of deepfakes being created or becoming widely publicised were identified as a result of this campaign. Therefore, Good Law Project did not pursue any further action (legal or otherwise).

The NHS NDOO Campaign

30. The NDOO allows individuals in England to control whether their confidential health and care information is used for research and planning purposes beyond their direct care. Given the sensitivity of health and care data, the purpose of the NHS NDOO Campaign is to verify how the NDOO functions in practice, study any secondary processing applied within the NHS to understand the practical limits of the use of the data, and, crucially, determine and critique how the NDOO interacts with a data subject's right to object to the processing of personal data under Article 21 of assimilated Regulation (EU) 2016/679 (the "UK GDPR").
31. Following extensive work in conjunction with Just Treatment, a charity which promotes transparency and accountability within the healthcare sector in England and Wales, Good Law Project funded the issuance of a letter before action to the NHS on 15 April 2025 to address the concern that, notwithstanding the stated parameters of the NDOO, data subjects' Article 21 rights were not being protected, sufficiently or at all, by the NHS.
32. In the coming months, Good Law Project plans to help a number of data subjects enforce their Article 21 rights, and we continue to work with Just Treatment to provide support and assistance in this regard.
33. Good Law Project is separately in the process of preparing a complaint to the ICO concerning the NHS's failure to comply with the transparency requirements of Articles 12, 13 and 14 of the UK GDPR. This concern has arisen out of our broader work on the NHS NDOO Campaign, and provides a further example of the evolving and ongoing nature of Good Law Project's data and privacy work.

D. ADDITIONAL DATA CAMPAIGNS

34. Since joining Good Law Project in June 2024, I have also initiated a number of additional legal campaigns, and have investigated over 20 further potential campaigns to understand where our efforts and funding in the data protection and privacy space might usefully be directed. I provide brief details of certain of the additional legal campaigns that have been commenced

as a result of my work below.

Challenging Meta's legal basis for personalised advertising

35. Good Law Project has challenged Meta's continued use of contract as its legal basis for processing personal data for the purposes of online advertising. Meta had switched its applicable legal basis in the European Union to consent over a year ago but has failed to make the same change in the UK, despite the natural material overlap of the UK GDPR with the EU GDPR.
36. Good Law Project engaged with Meta in pre-action correspondence between March and June 2025 in relation to this issue. On 26 September 2025, Meta formally announced that it would be switching its legal basis to consent. I believe this successful outcome was, at least in part, driven by Good Law Project's campaign.

Helping supporters object to the processing of their personal data by Meta for the purposes of personalised advertising

37. In 2021, Tanya O'Carroll wrote to Meta seeking to exercise her right under Article 21(2) of the UK GDPR to object to the processing of her personal data for direct marketing purposes on Facebook. Meta refused to act upon her request and Ms O'Carroll brought a claim in the High Court.
38. In 2025, the case was settled prior to trial. Meta agreed not to process Ms O'Carroll's data for direct marketing purposes (nor to profile her to the extent that such profiling is related to direct marketing).
39. Whilst the settlement was extensively reported,¹² the wider impact of Meta's settlement as it applies to the millions of Facebook users in the United Kingdom is unclear. What is clear, however, and what I considered ought to be pursued by way of further campaign by Good Law Project, is that Meta has accepted that it must adhere to data subjects' Article 21 UK GDPR rights. Practically, that must mean that if consent is withdrawn to the ongoing processing of personal data for direct marketing purposes, those practices must be stopped by Meta.
40. Since the beginning of 2025, and working in conjunction with the Open Rights Group, People

¹² See, for example, Grace Dean, 'Facebook to stop targeting ads at UK woman after legal fight' *BBC News* (online, 22 March 2025) <<https://www.bbc.co.uk/news/articles/c1en1yjv4dpo>>; and Dominic Grieve, 'One brave woman wrenched back control of her data from the tech giants. Now, go and do the same' *The Guardian* (online, 25 March 2025) <<https://www.theguardian.com/commentisfree/2025/mar/25/control-personal-data-tech-giants-meta-targeted-ads>>.

v Big Tech and Eko, Good Law Project has assisted more than 12,000 people to submit similar objections to Meta. In July 2025 Meta responded to all objections filed, but failed to respond substantively to the requests made under Article 21(2).

41. Good Law Project is evaluating how best to proceed in this matter following the recent announcement by Meta of its “consent or pay” model (see above). The “consent or pay” model requires users to choose between providing consent to the receipt of personalised advertisements, or to pay a monthly subscription for an advertisement-free experience on the Meta platforms. Whilst the ICO welcomed the move as a positive shift toward compliant advertising,¹³ Good Law Project remains concerned that such a model does not adequately protect Article 21 UK GDPR rights, as it may not provide for a true form of consent.

Right to Object and the processing of personal data for personalised advertising by a well-known social media platform

42. Good Law Project is currently providing support to me to object to the processing of my personal data for the purposes of personalised advertising by a well-known social media platform. We are currently evaluating the platform’s response to decide on the best way to proceed.
43. This is a test case to understand how this issue can be resolved with the social media platform. Once completed, and depending on the outcome, Good Law Project may assist our supporters to object in a similar manner, ensuring that we follow up with action in the courts or a complaint to the regulator if necessary.

Competition and Markets Authority (“CMA”) complaint regarding Apple/Google and their operation of their App Stores

44. In July 2025, Good Law Project, together with the 5Rights Foundation, submitted a complaint to the CMA that alleged that the application download platforms (“**App Stores**”) provided by both Google and Apple had failed under relevant trading standards legislation to provide all necessary information regarding the applications made available for download. Specifically, we alleged as part of this campaign that both Apple and Google had failed to provide proper transparency in the relevant terms of service as to the age limits assigned by developers to

¹³ See, ‘ICO statement on changes to Meta advertising model’ *Information Commissioner’s Office* (26 September 2025) <<https://ico.org.uk/about-the-ico/media-centre/news-and-blogs/2025/09/ico-statement-on-changes-to-meta-advertising-model/#:~:text=%E2%80%9CUnder%20Meta's%20chosen%20approach%2C%20people%20will%20be,lowere d%20the%20starting%20price%20point%20at%20which>>.

applications and how those limits could conflict with the age ratings posted for use of certain applications on the platforms.

45. Both Apple and Google appear to be incentivised to minimise the number of users who are prevented from downloading an application, even where those users do not meet the minimum age requirements set by developers, since Apple and Google earn money from every user who downloads an application. Good Law Project also alleges that, by allowing these downloads, both Apple and Google are collecting data unlawfully, much of which appears to concern users under the age of 13.
46. Good Law Project is awaiting confirmation from the CMA on what action it plans to take based on our complaint. In September 2025, we followed up with the CMA to inform it of the more than 10,000 Good Law Project supporters who wanted the CMA to take action. Good Law Project expects a response from the CMA before the end of 2025.

Ongoing ad hoc work

47. Finally, Good Law Project is also providing ongoing support to data subjects to assist in the exercise and protection of data and privacy rights in the following circumstances:

- 47.1 Requests to delete/amend data from a data subject's medical records:

- 47.1.1 Good Law Project worked with the individuals concerned in April and May 2025 to understand the limits of a data subject's right to delete or amend data held by the NHS about them and how a data subject could take action to remove or correct inaccurate data.

- 47.2 Helping individuals who are subject to malicious subject access requests:

- 47.2.1 Good Law Project was contacted by a number of individuals who had experienced the use of vexatious and manifestly excessive subject access requests to prevent them taking public action. Good Law Project worked with these individuals in June and July 2025 to help them understand their rights under the law.

- 47.3 Helping part-time journalists navigate complex subject access requests:

- 47.3.1 Good Law Project assisted a part-time journalist in July 2025 to understand and respond to an extensive subject access request received about an article they had written.

47.4 Helping those affected by the Supreme Court ruling on the definition of women.

47.4.1 Good Law Project is providing ongoing support to a number of individuals whose data rights have been affected by the recent judgment in *For Women Scotland Ltd v The Scottish Ministers* [2025] UKSC 16. Good Law Project is in the process of exploring how best to provide support to such affected individuals and expects to continue to work in this area for the foreseeable future.

Statement of Truth

I believe that the facts stated in this witness statement 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: 

Name: Duncan McCann

Position: Head of Technology and Data at Good Law Project

Date: 10 October 2025