

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
MEDIA AND COMMUNICATIONS LIST
B E T W E E N:

Claim No.: KB-2025-001120

GOOD LAW PROJECT LIMITED

Respondent/Claimant

-and-

REFORM UK PARTY LIMITED

Applicant/Defendant

CLAIMANT'S SKELETON ARGUMENT

For hearing on 4 February 2026 (t/e 1 day)

References in the form [HB/*] are to page * of the Hearing Bundle.

Suggested pre-reading, if time permits (estimate 3-4 hours):

- Skeleton Arguments
- Application Notice [HB/3-8]
- Pleadings: Particulars of Claim (“PoC”) [HB/16-23]; Defence [HB/26-33]; Defendant’s two Part 18 Responses [HB/53-59]
- Witness statements, in the following order: Mr Burgess (“Burgess1” [HB/72-89]), Mr Maugham’s 1st statement (“Maugham1” [HB/231]), Mr McCann’s 1st statement (“McCann1” [HB/364-375]), Mr Getz’s 3rd statement (“Getz3” [HB/382-389]), Ms Parry (“Parry1” [HB/412-429]), Mr Maugham’s 2nd statement (“Maugham2” [HB/472-476]), Mr Getz’s 4th statement (“Getz4” [HB/499-500]), Mr McCann’s 2nd statement (“McCann2” [HB/501-503])
- Sample request message sent to Reform [HB/200] and sample response message [HB/39-41]
- Reform’s Privacy Policy, January 2022 [HB/110-116]

INTRODUCTION AND SUMMARY

1. This claim concerns the failure by the Defendant (“**Reform**”) to comply with its obligations under the UK General Data Protection Regulation (“**UK GDPR**”). The Claimant (“**GLP**”) has brought this claim on behalf of 51 individuals (the “**Relevant Individuals**”), who have mandated GLP to pursue proceedings on their behalf under Article 80 UK GDPR. In broad terms, GLP alleges that:
 - (i) Reform failed to respond within the relevant statutory time limit to data subject access requests (“**DSARs**”) made by the Relevant Individuals; and
 - (ii) the late responses which Reform ultimately provided were substantively deficient. GLP has also indicated that, if appropriate following disclosure, it may seek to amend its claim to allege that Reform has processed Relevant Individuals’ special category data unlawfully.
2. This skeleton argument concerns Reform’s application for the claim to be struck out or for reverse summary judgment (the “**Application**”). The Application should be dismissed. In summary:
 - 2.1. GLP has a real prospect of establishing that it meets the requirements to act as a representative under Article 80 UK GDPR.
 - 2.2. The claim based on Reform’s admitted failure to respond to the Relevant Individuals’ DSARs within the statutory time limit has a real prospect of success. The only issue is whether that admitted failure caused compensable non-material damage. That is a question of fact, which cannot be summarily determined.
 - 2.3. The claim based on substantive defects in Reform’s responses also has a real prospect of success. Reform’s responses are deficient on their face, since they fail to confirm whether or not Reform was processing Relevant Individuals’ personal data at the relevant date (i.e. the date of the DSAR). There is also a real prospect that disclosure will reveal that Reform was processing Relevant Individuals’ personal data in ways of which there is no indication in the responses.
 - 2.4. Reform’s argument that any processing of Relevant Individuals’ personal data was lawful is irrelevant, since GLP has not yet pleaded a claim that any unlawful processing took place. The Court in any event cannot determine in the abstract whether any processing was lawful, without evidence as to what processing actually occurred and the reasons for such processing.
 - 2.5. Reform’s allegation that GLP’s claim is an abuse of process is wholly without merit.

FACTUAL BACKGROUND

3. Reform is a political party and has at all material times been registered as such with the Electoral Commission under s.23 of the Political Parties, Elections and Referendums Act 2000. GLP's constitution and activities are addressed in greater detail at §§28-35 below, in the context of Grounds 1 and 2 of the Application.
4. During the month prior to the general election held on 4 July 2024, GLP provided an online tool (the **"Tool"**) through which members of the public could send one or more of the five major political parties in the UK (including Reform) an email containing a DSAR, a request to cease processing the sender's personal data, and a notice under paragraph 22(3) of schedule 1 to the Data Protection Act 2018 (**"DPA 2018"**) [HB/479-484]. An example of an email sent to Reform via the Tool (a **"Request Message"**) is at [HB/200].
5. The Tool also enabled members of the public to send emails in identical form (save for the name of the relevant party) to any or all of the Conservative Party, the Labour Party, the Liberal Democrats and the Scottish National Party. It was up to individual users of the Tool to decide which party or parties they wished to contact. Over 11,600 individuals used the Tool to contact one or more parties. Of those individuals, 1,746 – including the Relevant Individuals – chose to contact Reform. See McCann1, §§19-21 [HB/369]; Maugham2, §§12-13 [HB/474-475]; McCann2, §5 [HB/502].
6. Parties other than Reform responded to the Request Messages in a timely manner, and the Labour Party engaged cooperatively when GLP raised concerns about the adequacy of its responses: McCann1, §§22-26 [HB/369-370]. By contrast, Reform failed to respond to the Request Messages within one month of receipt as required by Article 12(3) UK GDPR, whether to provide a substantive response or to explain that it required further time: see PoC, §15 [HB/18] and the admission at Defence, §18(1) [HB/31].
7. On 8 October 2024, GLP sent a pre-action letter to Reform [HB/391-397]. At that time, Reform had still not responded to the Request Messages.
8. Between 11 and 14 October 2024, i.e. after Reform had received the pre-action letter, it sent identical emails (the **"Response Messages"**) to the Relevant Individuals and other persons who had used the Tool to contact it. The Response Messages were sent by means of emails from the sender (on behalf of Reform) to himself, each with large numbers of individuals in blind-copy. See

PoC, §§19-21 [HB/19] and the admission at Defence, §20 [HB/31], together with the specimen Response Message at [HB/39-41]. The Response Messages were in the following form:

“Private and Confidential

We have received and investigated your Data Subject Access Request.

We have found no record of you in our systems, other than the original DSAR/ cease and desist notice that you sent to us.

During the general election you may have received a mailing from Reform UK by the 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.

We hope this answers your questions.

The Reform UK team”

9. The Response Messages failed to confirm or deny whether Reform was processing the Relevant Individual’s personal data at the time of the request (the relevant date).
10. Reform failed to respond to the pre-action letter, even to acknowledge receipt. Therefore, on 24 October 2024 and 3 December 2024, GLP wrote to Reform to chase for a response [HB/398-404]. In the letter of 3 December 2024, GLP explained why the Response Messages were not sufficient to discharge Reform’s obligations under UK GDPR.
11. Reform did not respond to GLP’s pre-action letter or either of its chaser letters of 24 October 2024 and 3 December 2024. GLP therefore filed the claim form, which was served (together with the PoC) on 2 April 2025. Reform did not acknowledge service or file a Defence within the relevant deadline, and only began to engage with the proceedings after GLP filed and served an application for judgment in default. See Getz3, §§20-23 [HB/387-388]. The application for judgment in default was dismissed by consent, subject to a *pro bono* costs order against Reform [HB/60-62].
12. On 13 May 2025, Reform filed a Defence subject to a statement of truth from Mr Richard Tice MP [HB/26-33]. This Defence:
 - 12.1. both admitted and denied that Reform had not responded to the DSARs within the one month statutory time limit (Defence, §§11(1) and 18(1) [HB/29; HB/31], read with PoC, §§7, 15 [HB/17, 18]); and
 - 12.2. denied that Reform’s Privacy Policy includes certain statements, and that Reform uses voter data software called NationBuilder (Defence §21(4) [HB/31], read with PoC, §23 [HB/19]).

13. On 20 June 2025, GLP made a Part 18 request for further information [HB/50-52]. On 4 July 2025, Reform provided a brief (and inadequate) response to the Part 18 request which, among other deficiencies, was not subject to a statement of truth [HB/53-54]. On 30 July 2025, Reform provided a more detailed response to the Part 18 request which, *inter alia*, confirmed – contrary to what was said in the Defence – that Reform does not deny the matters referred to at §12 above [HB/55-59].

THE LEGAL FRAMEWORK UNDER UK GDPR

14. Article 4(1) UK GDPR defines “personal data” as “any information relating to an identified or identifiable natural person (‘data subject’)”.

15. Article 15(1) UK GDPR provides as follows, in respect of DSARs:

“The data subject shall have the right to obtain from the 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 [certain information]”.

16. Articles 18 and 21 UK GDPR give data subjects the right to object to the processing of their personal data and/or obtain restriction of such processing in certain circumstances.

17. Article 12(3) UK GDPR provides:

“The controller shall provide information on action taken on a request under Articles 15 to 22 to the data subject without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. The controller shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay...”

18. Article 6 UK GDPR provides that processing of personal data “shall be lawful only if and to the extent that at least one of [six specified conditions] applies”.

19. Article 9 UK GDPR prohibits the processing of various categories of data (often known as ‘special category data’), including “personal data revealing...political opinions”, unless one or more specified exceptions applies. At the time the DSARs were made and responded to, those exceptions included where “processing is necessary for reasons of substantial public interest, on the basis of domestic law which shall be proportionate to the aim pursued and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject”: see Article 9(2)(g).

20. Pursuant to s.10(3) DPA 2018, processing cannot come within Article 9(2)(g) UK GDPR unless it meets at least one of the conditions in Part 2 of schedule 1 to DPA 2018. The relevant conditions include the following, at paragraph 22 of schedule 1:

“(1) This condition is met if the processing—

(a) is of personal data revealing political opinions,

(b) is carried out by a person or organisation included in the register maintained under section 23 of the Political Parties, Elections and Referendums Act 2000, and

(c) is necessary for the purposes of the person's or organisation's political activities,

subject to the exceptions in sub-paragraphs (2) and (3).

(2) Processing does not meet the condition in sub-paragraph (1) if it is likely to cause substantial damage or substantial distress to a person.

(3) Processing does not meet the condition in sub-paragraph (1) if—

(a) an individual who is the data subject (or one of the data subjects) has given notice in writing to the controller requiring the controller not to process personal data in respect of which the individual is the data subject (and has not given notice in writing withdrawing that requirement),

(b) the notice gave the controller a reasonable period in which to stop processing such data, and

(c) that period has ended.

(4) In this paragraph, “political activities” include campaigning, fund-raising, political surveys and case-work.”

21. Article 79 UK GDPR provides:

“...each data subject shall have the right to an effective judicial remedy where he or she considers that his or her rights under this Regulation have been infringed as a result of the processing of his or her personal data in non-compliance with this Regulation”.

22. Article 82(1) UK GDPR provides:

“Any person who has suffered material or non-material damage as a result of an infringement of this Regulation shall have the right to receive compensation from the controller or processor for the damage suffered”.

23. Article 80(1) UK GDPR provides:

“The data subject shall have the right to mandate a body or other organisation which meets the conditions in section 187(3) and (4) of [DPA 2018]...to exercise the rights referred to in Article...79 on his or her behalf, and to exercise the right to receive compensation referred to in Article 82 on his or her behalf”¹

¹ The reference to “a body or other organisation which meets the conditions in section 187(3) and (4) of [DPA 2018]” was introduced at the end of the post-Brexit implementation period by the Data Protection, Privacy and Electronic Communications (Amendments Etc) (EU Exit) Regulations 2019, in place of the following words in EU GDPR: “a not-for-profit body, organisation or association which has been properly constituted in accordance with the law of a Member State, has statutory objectives which are in the public interest, and is active in the field of the protection of data subjects’ rights and freedoms with regard to the protection of their personal data”. This amendment does not appear to have been intended to effect any substantive change, since: (i) there is no such

24. Section 187(3)-(4) DPA 2018 provides:

“(3) The first condition is that the body or organisation, by virtue of its constitution or an enactment—

(a) is required (after payment of outgoings) to apply the whole of its income and any capital it expends for charitable or public purposes,

(b) is prohibited from directly or indirectly distributing amongst its members any part of its assets (otherwise than for charitable or public purposes), and

(c) has objectives which are in the public interest.

(4) The second condition is that the body or organisation is active in the field of protection of data subjects' rights and freedoms with regard to the protection of their personal data.”

PRINCIPLES APPLICABLE TO SUMMARY JUDGMENT AND STRIKE OUT

25. To survive an application for summary judgment, a claim need only have a realistic, i.e. non-fanciful, prospect of success. The Court must not conduct a mini-trial, and should consider whether there are “reasonable grounds for believing that disclosure may materially add to or alter the evidence relevant to whether the claim has a real prospect of success”. See Easyair Ltd v Opal Telecom Ltd [2009] EWHC 339 (Ch), §15; HRH Emere Godwin Bebe Okpabi v Royal Dutch Shell plc [2021] UKSC 3, [2021] 1 WLR 1294, §§21, 127-128; Amersi v Leslie [2023] EWHC 1368 (KB), §142.

26. The bar for strike out under CPR r. 3.4(2)(a), i.e. that “the statement of case discloses no reasonable grounds for bringing...the claim”, is even higher. It requires that “the claim must be unwinnable or bound to fail”: MF Tel SARL v Visa Europe Ltd [2023] EWHC 1336 (Ch), §34.

27. The power to strike out under CPR r. 3.4(2)(b) on the basis that a statement of case is “an abuse of the court’s process” should only be exercised in “clear and obvious cases”: Município de Mariana v BHP Group (UK) Ltd [2022] EWCA Civ 951, [2022] 1 WLR 4691, §178. For examples of what may constitute an abuse of process (e.g. duplicative proceedings, attempts to re-litigate decided issues, pointless litigation etc), see the commentary in the White Book at §§3.4.3-3.4.17.

suggestion in the Explanatory Memorandum to the amending Regulations; (ii) the words from “objectives” onwards in EU GDPR are essentially reproduced in ss.187(3)(c) and 187(4) DPA 2018; and (iii) ss.187(3)(a)-(b) UK GDPR mirrors the definition of “not for profit body” in s.207(1) Legal Services Act 2007.

RESPONSE TO REFORM’S GROUNDS FOR THE APPLICATION

Ground 1: s.187(3) DPA 2018 (Burgess1, §§6(1), 26-33 [HB/73,79-81]; Parry1, §§3.1-3.11, 6.1-6.4 [HB/413-418, 424-425])

28. Reform’s first ground alleges that GLP does not satisfy the requirements of s.187(3)(a)-(b) DPA 2018 on the basis of an assertion that GLP’s *“Articles of Association...do not require it, after payment of outgoings, to apply the whole of its income and any capital it expends for charitable or public purposes and, further, its Articles of Association do not prohibit it from directly or indirectly distributing amongst its members any part of its assets (otherwise than for charitable or public purposes)”* (Burgess1, §6(1) [HB/73]).
29. The Defence does not plead that GLP fails to satisfy the requirements of s.187(3)(c), i.e. that GLP *“has objectives which are in the public interest”*. Nor was any such allegation made in the evidence filed with the Application. However, Reform’s reply evidence appears to allege non-compliance with s.187(3)(c) on the basis that: (i) GLP’s objects permit it to bring public law challenges which have in some cases been unsuccessful; and (ii) it is asserted that the bringing of such challenges is *“not in the public interest”* (Parry1, §§3.4-3.7 [HB/414-416]).
30. The text of s.187(3) DPA 2018 is set out at §24 above. As to its interpretation:
- 30.1. The relevant condition is that GLP must have the characteristics identified in s.187(3)(a)-(c) *“by virtue of its constitution or an enactment”*. In the present context, that requires examination of whether GLP has the relevant characteristics by virtue of its current Articles of Association, which have been in force since 15 December 2021 (Maugham1, §23 [HB/225]), and thus at all material times. It is irrelevant whether (e.g.) GLP answers to a definition which Reform’s solicitors have found on Wikipedia (*cf.* Parry1, §§3.1-3.3 [HB/413-414]).
- 30.2. Section 187 does not require an organisation to have a specific legal form, or to be registered as (e.g.) a charity or community interest company.
- 30.3. The concept of *“charitable purposes”* is defined in s.2 of the Charities Act 2011 (**“CA 2011”**). In short, a purpose is charitable if it: (i) falls within s.3(1) CA 2011, which sets out a wide range of descriptions of purposes; and (ii) *“is for the public benefit”*. However, certain purposes which are considered to be *“political”*, including procuring or opposing changes in the law, are not generally charitable: Tudor on Charities (11th edn, 2023), §1-106.

30.4. The House of Lords has considered the phrase “*charitable or public purposes*” in the context of the interpretation of wills. The relevant cases emphasise that: (i) a purpose may be “*public*” without being “*charitable*”; (ii) the scope of “*charitable or public purposes*” is very broad indeed; and (iii) promoting changes in the law, including through overtly party-political activity, falls within the scope of “*public purposes*”. See: (i) Blair v Duncan [1902] AC 37 (HL), in which a bequest for “*charitable or public purposes*” was held to be so broad as to be void for uncertainty (42, 44-46, 48), and Lord Robertson said that donating to “*the election fund of any of the political parties*” would be a “*public*” purpose (48); and (ii) Houston v Burns [1918] AC 337 (HL), in which the same conclusion was reached about a bequest for “*public, benevolent, or charitable purposes*” (340-341, 343-345, 347-349), and Lord Shaw said that even the financing of “*party political propaganda*” would be a “*public*” purpose (348). See also Inland Revenue Commissioners v Baddeley [1955] AC 572 (HL), 603-604 per Lord Reid; P Coppel, Information Rights (6th edn, 2023), §49-035 and fn. 177.

31. GLP’s Articles of Association include the following:

31.1. Article 2 defines GLP’s objects as: (i) “*to promote the sound administration of the law and to challenge injustice and inequality*”; (ii) “*to uphold democracy and promote changes to the law and public administration with the aim of improving social justice, equality and inclusion*”; (iii) “*to uphold high standards in public administration in accordance with democratic principles*”; (iv) “*to enable and promote access to justice and the law, particularly for those whose access is curtailed because of poverty, social or economic disadvantage or discrimination*”; (v) “*to protect and preserve the environment for the benefit of mankind now and in the future*”; (vi) “*to advance education and research into good application and development of the law and of administrative practice*”; (vii) “*to promote compliance with the law by public and private actors and to address imbalances of economic power in the application of the law*”; and (viii) “*to further any other philanthropic or benevolent purpose ancillary to the above purposes*” [HB/340].

31.2. Article 5.1 provides: “*The income and property of the company shall be applied solely towards the promotion of its objects*” [HB/341].

31.3. Article 5.2 provides [HB/341]:

“No part of the income and property of the company may be paid or transferred directly or indirectly by way of dividend bonus or otherwise by way of profit to any member of the company. This shall not prevent any payment made in good faith by the company of:

5.2.1 any payments made to any member properly in their capacity as a beneficiary of the company;

5.2.2 reasonable and proper compensation to any member for any services, goods or other property supplied to the company (including services performed by the member under a contract of employment with the company), providing that if such member is a director, Article 5.3 shall apply;

5.2.3 interest at a reasonable and proper rate on money lent by any member to the company;

5.2.4 any reasonable and proper rent for premises let by any member to the company; and

5.2.5 any payments to a member who is also a director which are permitted under Article 5.3.”

31.4. Article 5.3 provides that, subject to certain narrow exceptions, “*no director may...sell goods, services or any interest in land to the company; or...receive any other financial benefit from the company*” [HB/341].

31.5. Article 4.2 provides that, if GLP is wound up, “*any residual assets shall be given or transferred to an asset-locked body*” [HB/341]. “*Asset-locked body*” is defined as “*(i) a community interest company or a charity; or (ii) a body established outside the United Kingdom that is equivalent to any of those*” [HB/354].

32. As to the application of s.187(3) DPA 2018 in the context of GLP’s Articles of Association:

32.1. Some of GLP’s objects would be charitable, e.g. those which concern the advancement of education or environmental protection: see s.3(1)(b) and (i) CA 2011.

32.2. GLP’s objects are not exclusively charitable, since they include the promotion of changes in the law. Insofar as GLP’s objects are not charitable, however, they plainly fall within the very broad scope of “*public purposes*”: see Blair and Houston. It is notable that the Application does not identify any of GLP’s objects which are said to be outside the scope of “*charitable or public purposes*”.

32.3. Article 5.1 requires GLP’s income and property to “*be applied solely towards the promotion of its objects*” – i.e. “*for charitable or public purposes*”. GLP therefore has a real prospect of establishing that it satisfies the requirement in s.187(3)(a).

32.4. Article 5.1 also precludes any part of GLP’s assets being distributed to its members (or anyone else) otherwise than in furtherance of its objects – i.e. “*otherwise than for charitable or public purposes*”. There are additional restrictions on distributions to members in Article 5.2, and Article 4.2 would prevent GLP’s assets being distributed to members upon winding-up (except a member which is a charity, community interest company or equivalent overseas body, in which cases the member would exist “*for charitable or public purposes*”).

GLP therefore has a real prospect of establishing that it satisfies the requirement in s.187(3)(b).

- 32.5. GLP's objects are plainly "*in the public interest*". The fact that some of GLP's previous claims have not succeeded does not indicate otherwise, since there is an important public interest in enabling the judicial determination of *bona fide* legal disputes on matters of general public concern. Indeed, GLP has in several cases been granted costs capping orders, a precondition of which is that the relevant proceedings be "*public interest proceedings*": e.g. GLP v Secretary of State for Health and Social Care [2021] EWHC 997 (TCC); GLP v Minister for the Cabinet Office [2021] EWHC 1083 (TCC), [2021] Costs LR 517; R (GLP) v Secretary of State for Health and Social Care [2022] EWHC 2888 (TCC). See also R (GLP) v Secretary of State for Health and Social Care [2021] EWHC 346 (Admin), [2021] PTSR 1251, §1 (litigation pursued by GLP described as "*public interest litigation*"); R (GLP) v Secretary of State for Health and Social Care [2021] EWHC 2595, §2 (GLP "*a public interest body*"); R (GLP) v Secretary of State for Health and Social Care [2022] EWCA Civ 355, [2022] 1 WLR 2339, §32 (GLP "*a not-for-profit organisation campaigning in the public interest*"). GLP therefore has a real prospect of establishing that it satisfies the requirement in s.187(3)(c).

Ground 2: s.187(4) DPA 2018 (Burgess1, §§6(2), 9, 34-40 [HB/73-74, 76, 81-82]; Parry1, §§3.8, 6.5 [HB/417, 426])

33. Reform's second ground alleges that GLP does not satisfy the requirement in s.187(4) DPA 2018, i.e. to be "*active in the field of protection of data subjects' rights and freedoms with regard to the protection of their personal data*".
34. The requirement in s.187(4) is simply that an organisation be "*active*" in the relevant field. Whether an organisation is so active is a question of fact. There is no requirement that the organisation's activity in the relevant field must: (i) be the organisation's sole or main activity; (ii) take any specific form, e.g. the bringing of litigation (contrast Burgess1, §§9, 35 [HB/76, 81]; Parry1, §3.8 [HB/417]); (iii) be specifically referred to in the organisation's constitution, accounts or other documents (contrast Burgess1, §§35-38 [HB/81]); and/or (iv) have been ongoing for any minimum period.

35. There is substantial evidence that GLP is active in the relevant field, and had been so active for some time prior to the issue of the claim. Among other things, GLP has: (i) assisted over 11,600 individuals to exercise their rights under UK GDPR in relation to the processing of personal data by political parties, as described at §§4-5 above; (ii) assisted over 12,000 individuals to submit objections to the processing of their personal data to Meta, in conjunction with Open Rights Group, *People v Big Tech* and *Eko*; and (iii) organised a campaign relating to the NHS’s national data opt-out process. See *Maugham1*, §§32-44 [**HB/227-230**] and *McCann1*, §§14-47 [**HB/368-375**], read with *McCann2*, §5 [**HB/502**]. GLP therefore has a real prospect of establishing that it satisfies the requirement in s.187(4) DPA 2018.

Grounds 3 and 4: Alleged lawful basis for processing special category data (Burgess1, §§6(3)-(4), 41-55 [HB/74-75, 82-84])

36. Reform’s third and fourth grounds allege that: (i) “*in so far as the Defendant processed personal data revealing political opinions*”, such processing was lawful by virtue of paragraph 22 of schedule 1 to DPA 2018 (*Burgess1*, §6(3) [**HB/74**]); and (ii) the Request Messages were not effective notices for the purposes of paragraph 22(3) of schedule 1.

37. These grounds are curious, since: (a) GLP has not pleaded a claim that any processing of personal data by Reform was unlawful (see PoC, §32 [**HB/20**], which merely indicates that GLP may seek to amend to introduce such a claim following disclosure);² and (b) if Reform *was* processing personal data revealing any Relevant Individuals’ political opinions, it would follow that the Response Messages (which said nothing of any such processing) were defective, and that GLP’s pleaded claim to that effect (see especially PoC, §23 [**HB/19**]) is well founded.

38. In any event, it cannot be determined on a summary basis that, if and insofar as Reform processed any Relevant Individual’s personal data revealing political opinions, such processing was lawful:

38.1. Regardless of whether the Request Messages were effective notices for the purposes of paragraph 22(3) of schedule 1 to DPA 2018, one of the requirements for lawful processing of personal data revealing political opinions under paragraph 22(1) is that the processing

² The fact that no cause of action is currently pleaded on the basis of PoC, §§27-32 [**HB/19-20**] does not justify those paragraphs being struck out, since: (i) the averments at PoC, §§27-32 will not affect the ambit of disclosure, since even absent those paragraphs Reform would need to search for and disclose any documents which evidence that it was processing any Relevant Individuals’ personal data, as such documents would be relevant to the cause of action based on alleged inaccuracy of the Response Messages (PoC, §23 [**HB/19**]); and (ii) PoC, §§27-32 serve the useful purpose of giving Reform (and the Court) advance warning of an amendment which GLP may seek to make following disclosure.

must be “*necessary for the purposes of [Reform’s] political activities*” (see paragraph 22(1)(c)). In circumstances where Reform asserts that it was not processing any of the Relevant Individuals’ personal data (see Ground 6 below), it cannot sensibly maintain that any processing of personal data revealing Relevant Individuals’ political opinions which did occur was “*necessary*”. At the very least, the Court cannot assess in the abstract whether any such processing was “*necessary for the purposes of [Reform’s] political activities*” without knowing what (if any) personal data were processed, the nature of the processing, and why the processing was done. Proper determination of these questions would require disclosure.

38.2. In any event, there is a real prospect that GLP would establish at trial that the Request Messages were effective notices for the purposes of paragraph 22(3) of schedule 1 to DPA 2018. Reform’s argument to the contrary is that: (i) the notices were ineffective since they requested compliance within one month, rather than simply requesting that Reform cease processing within an undefined “*reasonable period*”; and (ii) one month was in any event not a “*reasonable period*”. See Reform’s Part 18 Response of 30 July 2025, §1 [HB/56]. As to this:

38.2.1. The requirement in paragraph 22(3)(b) is that “*the notice gave the controller a reasonable period in which to stop processing such data*”. GLP has a real prospect of establishing that the requirement is met where a notice stipulates a period which is objectively reasonable, rather than referring to an undefined “*reasonable period*”.

38.2.2. The Court cannot properly determine on a summary basis that a one-month period was unreasonably short, without evidence of all relevant circumstances. GLP has a real prospect of establishing that one month was an objectively reasonable period, especially given that many persons who sent Request Messages to other political parties received substantive responses within that timescale: McCann1, §23 [HB/369-370]. It is likely that proper determination of this question would require disclosure and/or witness evidence from both parties.

39. At times, Reform’s evidence asserts that paragraph 22 of schedule 1 to DPA 2018 would authorise the processing of any form of special category data, including “*personal data revealing racial or ethnic origin, ... religious or philosophical beliefs, or trade union membership*” (Burgess1, §6(3) [HB/74]; see also

Burgess1, §45 [HB/82] and Defence, §5(4) [HB/28]). That is plainly wrong, since paragraph 22 only applies to “personal data revealing political opinions”: see paragraph 22(1)(a).

Ground 5: Reform responded to the DSARs, albeit after the statutory deadline (Burgess1, §§6(5), 56-58 [HB/75, 84])

40. Reform’s fifth ground relies on the fact that it did ultimately respond to the DSARs contained within the Request Messages, albeit long after the deadline prescribed by Article 12(3) UK GDPR.

41. In the Defence, it is pleaded that “taking more than one month to respond to a request under Art 15 is not actionable once a controller has responded to that request” (§18(3) [HB/31]), and Reform adopted a similar stance in its evidence filed with the Application (Burgess1, §56 [HB/84]).

42. Reform has since accepted that the position pleaded in its Defence is wrong in law: its Part 18 Response of 30 July 2025 concedes that failure to respond to a DSAR within the prescribed period gives rise to “a theoretical right...to seek compensation under UK GDPR Art 82 and DPA s 168” (§4 [HB/57-58]).

43. However, Reform’s Part 18 Response continues (§4 [HB/58]):

“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.”

44. That is incorrect. The PoC include the following at §33 [HB/20]:

“The Data Subjects [i.e. the Relevant Individuals] 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 Defendants’ confirmations as to whether it processes highly sensitive special category data.”

45. There is therefore a pleaded allegation, supported by a statement of truth, that the Relevant Individuals suffered non-material damage, including in the form of concern, worry, uncertainty and distress, as a result of Reform’s delay in responding to the DSARs. Domestic courts have awarded damages, *inter alia*, for failing to reply to a DSAR within the one month statutory time limit, see Bekoe v Islington LBC [2023] EWHC 1668 (KB), §§57-61, 72-73.

46. Article 82(1) UK GDPR expressly provides that both “material” and “non-material” damage suffered as a result of a contravention of UK GDPR are compensable, and s.168(1) DPA 2018 stipulates that in this context ““non-material damage” includes distress”. The Court of Appeal has recently confirmed that this statement is non-exhaustive, and that: (i) any form of non-material damage is

compensable pursuant to Article 82(1), not just “*distress*”; and (ii) there is no minimum threshold of seriousness which must be established for non-material damage to be compensable. See Farley v Paymaster (1836) Ltd (t/a Equiniti) [2025] EWCA Civ 1117, §§49-76.³ The Defence is therefore wrong: (i) to deny that “*concern*”, “*worry*” and “*uncertainty*” are compensable (§26(2) [HB/32]); and (ii) to allege (albeit implicitly) that a *de minimis* threshold applies (§26(1) [HB/32]; see also Burgess1, §19 [HB/78]).

47. The Court of Appeal also emphasised in Farley that whether the claimants in that case experienced particular emotional responses (e.g. distress) sufficient to constitute non-material damage as a result of a contravention of the legislation was a question of fact, which was not suitable for summary determination (§§44-48). The same is so here: the Relevant Individuals did not want Reform to process their personal data, and it is entirely plausible that they experienced “*concern, worry, uncertainty and distress*” by reason of Reform’s failure to confirm in a timely manner whether it was doing so.
48. GLP therefore has a real prospect of establishing an entitlement to compensation for Reform’s admitted failure to respond to the DSARs within the statutory deadline (even if, contrary to GLP’s case, the Response Messages were not substantively defective).

Ground 6: “The Defendant is not processing any data” (Burgess1, §§6(6), 59-61 [HB/75, 84-85])

49. Whether or not Reform has at any time processed the personal data of any Relevant Individual, GLP has a real prospect of establishing that the Response Messages were deficient, for the following reasons:

- 49.1. The right under Article 15(1) UK GDPR to obtain “*confirmation as to whether or not personal data concerning him or her are being processed*” is most naturally read as a right to confirmation of whether such personal data “*are being processed*” at the time of the request for confirmation, not just at the time when the controller responds to the request. While the point does not appear to have been considered in any decided case, there is commentary supporting this interpretation (Dumortier and others, European Privacy and Data Protection Law (2022), §821 fn. 942; P Coppel, Information Rights, §10-019), and there is a real prospect that it is correct.

³ Farley concerned EU GDPR, rather than UK GDPR, but there is no material difference in the relevant provisions: see §29. There is a pending appeal to the Supreme Court, but this Court is of course bound by the Court of Appeal’s decision.

- 49.2. The Response Messages stated: (i) *“We have found no record of you in our systems”*, other than the Request Messages; and (ii) *“During the general election you may have received a mailing from Reform UK by the 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”* [HB/39-41].
- 49.3. The latter statement tends to suggest that Reform was processing Relevant Individuals’ personal data (as derived from the electoral roll) at the time the Request Messages were sent, i.e. in the run-up to the general election. However, the Response Messages fail to provide confirmation of whether or not such processing was taking place, as required by Article 15(1) UK GDPR. Nor did the Response Messages provide access to (i.e. a copy of) any personal data which were being processed.
- 49.4. The assertion that personal data derived from an electoral roll are *“exempt from subject access”* is wrong. The processing of such data may (depending on the facts) be lawful, but the fact that data are derived from an electoral roll does not affect a data subject’s rights under Article 15 UK GDPR.
- 49.5. If and insofar as relevant, the Response Messages also failed to provide confirmation of whether Reform was processing Relevant Individuals’ personal data at the time of the Response Messages themselves. While it was said that Reform had *“found no record of you in our systems”*, this does not amount to confirmation that Reform was not processing Relevant Individuals’ personal data; for example, a processor could have been processing such data on Reform’s behalf, without the relevant data being stored in Reform’s own systems. For the concept of a processor, see Articles 4(8) and 28 UK GDPR.
50. Further and in any event, Reform has made numerous inconsistent statements about what personal data it has and has not processed:
- 50.1. Reform’s Privacy Policy is dated January 2022 and has therefore been in force at all material times. As to its content:
- 50.1.1. The Privacy Policy states: *“Reform Party UK aims to create and maintain a profile for each registered voter in the UK. We will do this by merging the Electoral Register(s) with other data that may be lawfully available to us...”* [HB/110]. In its Defence, Reform denied that the Policy included these statements (PoC, §23 [HB/19]; Defence, §21 [HB/31]), but it has since retracted that denial: see its Part 18 Response of 30

July 2025, §5 [HB/58-59]. The Relevant Individuals are all registered voters: PoC, §2 [HB/16].

50.1.2. The Privacy Policy indicates that Reform uses “*Electoral registers provided by each Electoral Registration Officer*” for the purposes of “*Profiling of the electorate*” and “*Electoral Purposes*”, and that it will hold such data for “*As long as the data remains relevant, or Until you ask us not to profile you*” [HB/114-115].

50.1.3. The Privacy Policy also indicates that Reform obtains from “*data vendors*” both: (i) anonymised personal data about “*Location*” and “*Demographics*”; and (ii) personal data, apparently not anonymised, about “*Identity*”, “*Contact details*”, “*Political opinions*”, “*Political concerns*” and “*Demographics*”. It is said that Reform will hold such data “*For as long as the data remains relevant*” [HB/115-116].

50.2. The PoC plead that Reform “*uses voter data software called NationBuilder*” (PoC, §23 [HB/19]). Reform denied this in its Defence (§21 [HB/31]), but has again retracted that denial: Part 18 Response of 30 July 2025, §6 [HB/58-59]. Reform has not explained how it uses this “*voter data software*”, but in the absence of any contrary evidence the obvious inference is that Reform uses NationBuilder to process voters’ personal data.

50.3. The Defence includes the following averments: (i) Reform “*processes personal data revealing political opinions*” (§4(2) [HB/27]); (ii) “*the Defendant was not, at the time of receipt of each [Request Message], processing personal data of the [Relevant] Individual that sent the [Request Message]*” (§11(2) [HB/29]); (iii) “*at all material times the Defendant has not been processing, and is not now processing, special category data of any of the [Relevant] Individuals*” (§12(1) [HB/29]). The Defence bears a statement of truth signed by Mr Tice, but as noted at §§50.1 and 50.2 above Reform has accepted that certain averments which it contains are incorrect.

50.4. No officer or employee of Reform has provided a witness statement in support of the Application. Reform instead relies on witness statements from two (relatively junior) external solicitors, one of whom, Mr Burgess, gives evidence about Reform’s processing of personal data. This does not appear to be a matter of which Mr Burgess has personal knowledge, but he is frequently vague about his sources of information (contrary to PD32 §18.2(2)); he does not, for example, identify the specific individual(s) at Reform from whom he received instructions. Mr Burgess’s witness statement includes the following:

- 50.4.1. *“At the time of receipt of each [Request Message], the Defendant was not processing personal data of the [Relevant] Individual who sent the [Request Message]”* (§6(6) [HB/75]).
- 50.4.2. *“I am instructed that at the time of the [Request Messages], the Defendant only processed data compiled from the Electoral Roll, which is allowed, by statute...The Defendant, therefore, knew exactly what data it held in connection with any private individual at the time of the [Request Messages]”* (§21 [HB/78]).
- 50.4.3. *“...at the time of the [Request Messages] the Defendant had not yet processed any special category data on any [Relevant] Individual”* (§22 [HB/78]).
- 50.4.4. *“The Defendant’s position is that it does not hold or has not processed any special category data on any [Relevant] Individual, and is confident that, in respect that it held and processed data relating to any [Relevant] Individual, it was allowed to process that data by way of enactment / statute”* (§23 [HB/78]).
- 50.4.5. *“Save as to what has been admitted by the Defendant in the [Response Messages] and the Defence, the Defendant did not process any other data other than as it has stated previously”* (§59 [HB/84]).
- 50.5. In view of the opacity of Mr Burgess’s evidence, GLP made a Part 18 request seeking clarification as to whether it is Reform’s case that, at the time of the Request Messages, it was processing *“electoral roll data”* relating to Relevant Individuals, or that it was not processing any of their personal data. See request §2 [HB/51]. Reform’s initial response, in a letter of 4 July 2025, was simply to say that this question had been answered in Burgess1 at §21 [HB/53]. That paragraph of Burgess1 tends to suggest that, at the time of the Request Messages, Reform was processing personal data of Relevant Individuals derived from the electoral roll (albeit not special category data). However, Reform subsequently served a revised response to GLP’s Part 18 request, which said: *“At the time of receiving [a Request Message], the Defendant was not processing personal data of the person who sent the [Request Message]”* (§2 [HB/57]).

51. GLP’s Part 18 request also sought clarification of what steps Reform had taken to ascertain the position prior to sending the Response Messages (§3 [HB/51]). Neither the response of 4 July 2025 nor that of 30 July 2025 identified any steps which are said to have been taken prior to the

sending of the Response Messages to ascertain whether Reform was processing any Relevant Individual's personal data [HB/53-59]. The obvious inference is that no such steps were taken.

52. It is also notable that Reform's evidence in support of the Application says nothing to suggest that, subsequent to the sending of the Response Messages, it has conducted any searches to check whether it is processing, or has processed, the personal data of any Relevant Individual. Again, the obvious inference is that no such searches have been conducted.
53. In light of the aspiration stated in Reform's Privacy Policy (i.e. "*to create and maintain a profile for each registered voter in the UK.*"), the inconsistent nature of Reform's statements about what processing it has done, and the apparent absence to date of any searches to check for relevant personal data, there are "*reasonable grounds for believing that disclosure may materially add to or alter the evidence relevant to whether*" GLP has a real prospect of establishing that the Response Messages fail to give a full and accurate account of whether and to what extent Reform was processing Relevant Individuals' personal data (see Okpabi, §128). GLP's claim that the Response Messages were substantively deficient must therefore proceed to trial.

Grounds 7 and 8: Alleged lawful basis for processing under Article 6 UK GDPR (Burgess1, §§6(7)-(8), 62-69 [HB/75-76, 85-86])

54. Reform's seventh and eighth grounds allege that any processing of the Relevant Individuals' personal data was lawful by reference to Articles 6(1)(f) and/or 6(1)(c) UK GDPR.
55. The general points made at §37 above in respect of Grounds 3 and 4 apply again. In any event, it cannot be determined on a summary basis that, if and insofar as Reform processed any of the Relevant Individuals' personal data, such processing satisfied the requirements of Articles 6(1)(f) and/or 6(1)(c) UK GDPR.
56. As to Article 6(1)(f), which provides that processing is lawful if it is "*necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights of the data subject which require protection of personal data, in particular where the data subject is a child*".
- 56.1. The legitimate interest on which Reform relies is the carrying on of political activities: Burgess1, §64 [HB/85].
- 56.2. It is hard to see how any processing of Relevant Individuals' personal data could have been "*necessary*" in circumstances where Reform asserts that it was not in fact processing

their personal data. At very least, without knowing what (if any) personal data were processed, the nature of the processing, and why the processing was done, the Court cannot assess in the abstract: (i) whether any such processing was necessary for the purposes of Reform’s political activities; and/or (ii) whether the rights/interests of the Relevant Individuals were sufficient to override Reform’s interests. Compare §38.1 above.

57. As to Article 6(1)(c), which provides that processing is lawful if it is “*necessary for compliance with a legal obligation to which the controller is subject*”:

57.1. Again, it is hard to see how any processing of Relevant Individuals’ personal data can have been “*necessary*” when Reform says that it was not processing their personal data at all.

57.2. In the context of its arguments on Article 6(1)(c), Reform states that any processing was “*for electoral purposes*” or for the purpose of complying with statutory controls on donations to political parties (Burgess1, §67 [**HB/86**]). As to this:

57.2.1. Even if processing was “*for electoral purposes*”, it does not follow that it was “*necessary for compliance with a legal obligation to which [Reform] is subject*”. Reform is not under any legal obligation to engage in electoral activities.

57.2.2. It is inherently unlikely that a person who sent a Request Message to Reform would have donated to the party, and Reform does not identify any Relevant Individual who is said to have done so. It is therefore hard to see how any processing of Relevant Individuals’ personal data could have been necessary for compliance with legislation on political donations.

57.3. Reform also refers to Regulations 102 and 106 of the Representation of the People (England and Wales) Regulations 2001. Those provisions: (i) stipulate that certain persons or organisations “*may*” obtain copies of electoral registers etc from the registration officer upon request; and (ii) prohibit certain persons from using electoral registers except for specified purposes. Neither provision imposes on Reform a legal obligation to obtain or use an electoral register (or other document) for any purpose. These provisions are therefore of no assistance to Reform in the context of Article 6(1)(c) UK GDPR.

58. If and insofar as Reform processed special category data of any Relevant Individual, compliance with Article 6 UK GDPR would not be sufficient to render such processing lawful, contrary to

what is suggested at Burgess1, §§6(7)-(8) [HB/75-76]. Processing of special category data is unlawful unless the requirements of both Article 6 and Article 9 UK GDPR are satisfied.

Alleged abuse of process (Burgess1, §§70-76 [HB/87-88]; Parry1, §7 [HB/427])

59. Reform contends that the claim should be struck out as an abuse of process on the basis of allegations that: (i) it is “*obviously ill-founded...incapable of proof and...incurably bad*”; (ii) GLP has adopted an “*aggressive approach*” and failed to follow the relevant Pre-Action Protocol; and (iii) the claim is “*politically motivated*”, “*brought for a collateral purpose*” and/or “*vexatious*” (Burgess1, §§70-76 [HB/87-88]). These allegations are addressed in turn below.
60. The first allegation is wrong for the reasons above, and adds nothing to Reform’s other grounds.
61. There has been nothing particularly aggressive about GLP’s approach and the allegation that GLP failed to follow the Pre-Action Protocol is wrong for the reasons set out in Getz3 at §§11-19 [HB/384-387]. In any event, neither aggression nor non-compliance with the Pre-Action Protocol would justify striking out of the claim.
62. The claim arises out of Reform’s conduct in response to a campaign in which GLP assisted members of the public to send Request Messages to parties from across the political spectrum. The reason why GLP has commenced proceedings against Reform, but not against any other political party, is because: (i) Reform’s handling of the Request Messages fell entirely short of compliance with UK GDPR; and (ii) Reform did not cooperatively address such shortcomings, and instead failed to respond to GLP’s pre-action letter. See McCann1, §26 [HB/370]. The claim is therefore neither “*politically motivated*” nor “*vexatious*”; nor has it been “*brought for a collateral purpose*”. In any event, even if GLP were acting with some ulterior motive this would not suffice to make the claim an abuse of process: see the commentary in the White Book at §3.4.15.

CONCLUSION

63. For the reasons above, the Application should be dismissed.

ANDREW SHARLAND KC

GEORGE MOLYNEAUX

30 January 2026