IN THE HIGH COURT OF JUSTICE KB-2025-001120
KING'S BENCH DIVISION
MEDIA AND COMMUNICATIONS LIST

B E T W E E N:

The Good Law Project Limited

Claimant/Respondent

- and -

Reform UK Party Limited

Defendant/Applicant

APPLICANT/DEFENDANT'S SKELETON ARGUMENT
HEARING: WEDNESDAY, 4 FEBRUARY 2026

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Griffin Law
60 Churchill Square
Kings Hill
West Malling
Kent
ME19 4YU

t 01732 525 923
e [redacted]

Referencing

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Suggested pre-reading in suggested order

1. This skeleton argument

Estimated pre-reading time

2.5 hours

Glossary

AN	means Reform's Application Notice, sealed 30/6/25;
CPR	means *Civil Procedure Rules 1998*;
Data Subjects	means the data subjects whose names are given in the first two columns of the Appendix to the PoC;
DPA 2018	means the *Data Protection Act 2018*;
DSAR	means a data subject access request under UK GDPR Art 15;
GDPR	means Regulation (EU) 2016/679 of the European Parliament and of the Council;
GLP	means The Good Law Project Limited, the Claimant;
Media PAP	means the Pre-action Protocol for Media and Communications Claims;
PD	means CPR Practice Direction;
PPERA 2000	means the *Political Parties, Elections and Referendums Act 2000*;
PoC	means GLP's Particulars of Claim, dated 21/3/25;
Reform	means Reform UK Party Limited, the Defendant;
UK GDPR	means Regulation (EU) 2016/679 of the European Parliament and of the Council, as amended by SI 2019/419 and SI 2020/1586; and
WS	means witness statement

Skeleton Argument

Introduction

1. GLP claims to be a body that meets the conditions in s 187 DPA 2018. It claims to have been mandated by each of the Data Subjects to make a claim on his/her behalf pursuant to Art 80 of UK GDPR. On this basis, by Claim Form sealed 28/3/25 [**3/11-15**] and PoC [**4/16-23**], it initiated a claim against Reform seeking:
    (a) an order under s 167 of DPA 2018 that Reform disclose all personal data concerning each Data Subject as well as the information set out in Art 15(1)(a)-(h) of the UK GDPR; and
    (b) an order under Art 82 of the UK GDPR and s 168 of DPA 2018 that Reform pay compensation for the non-material damage alleged to have been suffered by the Data Subjects as a result of Reform's alleged non-compliance with the DSAR's.

2. By the AN [**1/3-8; 2/9-10**] Reform asks the Court for an order:
    (a) that the Claim Form and Particulars of Claim be struck out under CPR 3.4(2)(a) (no reasonable grounds disclosed) and/or CPR 3.4(2)(b) (abuse of process); and/or
    (b) that summary judgment be entered in favour of Reform because GLP have no real prospect of succeeding in their claim and there is no other compelling reason for the claim to be disposed of at trial (CPR 24.2).

3. The claim should be struck out and/or judgment should be entered for Reform. In summary:
    (1) GLP does not meet the conditions in DPA 2018 s 187(3)-(4) and UK GDPR Art 80, and, accordingly, GLP is unable to exercise the Data Subject's rights under Art 79 of the UK GDPR.
    (2) The PoC are speculative, lack sufficient particularity and do not disclose a cause of action.
    (3) The PoC are an abuse of process, being politically motivated for a collateral purpose and not to vindicate individual rights.
    (4) GLP has no real prospect of succeeding on the claim, and there is no other compelling reason why the case should be disposed of at trial:
        (a) Reform has responded to the Data Subjects' DSARs;
        (b) GLP has no non-speculative basis for its allegations that Reform's responses to the Data Subjects' DSARs fell materially short of the requirements of UK GDPR Art 15;
        (c) delay in having responded to a DSAR is not actionable per se;
        (d) GLP has no non-speculative basis for its allegations that Reform has

processed the Data Subjects' personal data without a lawful basis under the UK GDPR; and

(e) GLP has not alleged that any of the Data Subjects has suffered material or non-material damage as a result of any alleged infringement of the UK GDPR, and there is thus no right to compensation under UK GDPR Art 82 and DPA 2018 s 168.

4. As the Court of Appeal observed in *ICI Chemicals & Polymers Ltd v TTE Training Ltd* [2007] EWCA Civ 725 at [12]:

> "It is not uncommon for an application under Part 24 to give rise to a short point of law or construction and, if the court is satisfied that it has before it all the evidence necessary for the proper determination of the question and that the parties have had an adequate opportunity to address it in argument, it should grasp the nettle and decide it. The reason is quite simple: if the respondent's case is bad in law, he will in truth have no real prospect of succeeding on his claim or successfully defending the claim against him, as the case may be. Similarly, if the applicant's case is bad in law, the sooner that is determined, the better."

Each of (1)-(4) is a sufficient basis for entering judgment for Reform; collectively, they provide an overwhelming basis for entering judgment for Reform. The Court is respectfully invited to do so.

Background

5. Reform is a party registered under Part II of PPERA, and is thus a "registered party" within the meaning of PPERA: s 160(1). Reform is a "controller" (within the meaning of Art 4(7) of the UK GDPR and s 3(6) of the DPA 2018) of personal data [**7/30, §15**]. Reform must comply with the provisions of the UK GDPR as supplemented by the DPA as regards its processing of personal data of data subjects [**7/30, §16**]. The DPA 2018 accords to all registered parties and elected representatives a greater latitude in their processing of personal data than that of most others: see DPA 2018 Sch 1 paras 22-26.

6. On 4/7/24 there was a General Election in the United Kingdom. Reform was one of the political parties that fielded candidates for the various constituencies.

7. In the lead up to the General Election GLP mounted a campaign which it entitled:

> "Stop targeting me!
> Defending democracy against the data dark arts." [**18/151**]

GLP's "Campaign Overview," prepared at the end of the campaign, read:

> "**Campaign overview**
> This campaign has now ended. In the run-up to the general election on 4 July 2024, we shone a light on political parties using personal data to compete for votes. Personal data you probably didn't know they had – and almost certainly didn't agree they could use. We enabled more than 13,000 people to exercise their legal right to stop political parties from using their data." [**18/151**]

The UK GDPR, as supplemented by the DPA 2018, does not impose an absolute proscription on political parties "using" – ie processing – personal data.

8. In all GLP campaigned to gather over 16,000 requests from over 11,600 individuals to make DSARs in the run up ot the 4/7/24 General Election, addressed to various registered political parties, including Reform [**31/502**].

9. Over the course of a month, namely 5/6/24-4/7/24, Reform was emailed approximately 1,800 materially identical DSARs [**11/55, §1**], including from the 51 Data Subjects. Omitting personal details, each DSAR read [**18/136**]:

> "For the attention of the Reform UK data protection officer. Cease and desist notice under the Data Protection Act 2018 and the United Kingdom's General Data Protection Regulation
> I am writing to you as regards my rights under the Data Protection Act 2018 (the 'DPA 2018') and the United Kingdom's General Protection Regulation (the 'UK GDPR').
> I believe that you are, or may be, processing my personal data (including special category data). I write to object to you processing my personal data (including special category data) and request that you cease processing the same and delete, to the full extent possible, all of my personal data held by you, pursuant to my rights under Articles 18 and 21 of the UK GDPR. This letter also constitutes written notice under sch. 1, para. 22(3) of the DPA 2018 requiring you not to process personal data in respect of which I am the data subject.
> Data subject access request
> This is a data subject access request made pursuant to Article 15 of the UK GDPR. Please provide a copy of all my personal data processed by you.
> My details for the purposes of identifying me and handling my data subject access request are:
> Full Name: [*not reproduced*]
> Address: [*not reproduced*]
> Email address: [*not reproduced*]
> Please respond to the above requests as soon as possible and in any event within one month of receipt.
> All of my other rights are reserved."

10. None of the DSARs included proof of identification, eg a copy of the Data Subject's passport or driving licence. Nor did any of the DSARs give the Data Subject's date of birth. The DSARs did not suggest that any non-compliance or delay in compliance by Reform would result in, or would be likely to result in, or would even possibly result in, loss, damage or distress of any kind being suffered by the Data Subject. The volume and timing of the DSARs did not permit Reform to research and answer them within a month.

11. On 8/10/24 GLP sent Reform what GLP claimed was a letter before action [**8/43-49**], headed:

> "Unlawful processing of special category data and failure to comply with subject access requests..."

Under the heading "Next steps" GLP wrote [**8/48, §34**]:

> "For the reasons detailed above, Reform UK is in breach of the UK GDPR, including as a result of failing to comply with the Data Subjects' Requests. These failures are highly concerning as they relate to Reform UK's handling of the most sensitive type of personal data, special category data. Reform UK has been given more than ample opportunity to engage with the Data Subjects' Requests but has nonetheless failed to do so."

"Special category data" is a reference to the personal data described in Art 9(1) of the UK GDPR.

12. The letter before action foreshadowed claims against Reform including compliance orders and compensation, but qualified it with:

> "...unless you comply with the Data Subjects' Requests without further delay" [**8/49, §35**].

13. Within 5 days of that letter (ie by 13/10/24) Reform had responded to all of the 51 DSARs [**17/77, §13; 18/137-139; 18/14-141**] in the following terms:

> "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."

Thus Reform had complied with what GLP had requested in §35 of its 8/10/24 letter.

14. Nevertheless, despite the qualification in GLP's 8/10/24 letter, eight weeks later on 3/12/24 GLP wrote to Reform complaining that Reform had not responded to the 8/10/24 letter, detailing what it said were the deficiencies in Reform's responses to the 51 DSARS [**8/142-145**]. In summary:

    (1) GLP complained that in responding four or so months after the 1,800-odd DSARs, Reform had acted "in blatant disregard for the rights of Data Subjects..." [**8/143, §7**].

    (2) GLP complained that the responses were "identical or substantially identical to one another" and that this was a "glaringly deficient approach" that lead "to the inevitable inference that Reform UK did not take reasonably steps to identify and retrieve the Data Subjects' personal data" [**8/143, §§9-10**].

15. The chain of correspondence ended there, with the next step being the 21/3/25 Claim Form [**3/11-15**] with PoC [**4/16-24**].

16. On 28/4/25 Reform filed and served its Acknowledgment of Service [**6/25**], and on 13/5/25 Reform filed and served its Defence [**7/26-33; 8/34-49**].

17. On 20/6/25 GLP sent Reform a Part 18 Request [**9/50-52**], which Reform answered on 4/7/25 [**10/53-54**] and 30/7/25 [**11/55-59**].

18. In the meantime, on 30/6/25 Reform issued the AN [**1/3-8; 2/9-10**] supported by Burgess WS1 [**17/72-89**] with exhibits [**18/90-153; 19/154-217**] and by Parry WS1 [**26/412-429**] with exhibits

[**27/430-471**]. GLP has responded, relying on six witness statements and exhibits:

(1) Maugham WS1, 10/10/25 [**20/218-231**];

(2) McCann WS1, 10/10/25 [**22/364-375**];

(3) Getz WS3, 10/10/25 [**24/382-389**];

(4) Maugham WS2, 16/12/25 [**28/472-476**];

(5) Getz WS4, 16/12/25 [**30/499-500**]; and

(6) McCann WS2, 28/1/26 [**31/501-503**].

Data protection provisions

19. Data protection law in the United Kingdom is governed by the UK GDPR, supplemented by the DPA 2018. This regime requires a controller to comply with six qualified continuing obligations whilst processing personal data: UK GDPR Art 5(1). It also confers seven qualified rights, which a data subject exercises by giving notice to the controller. One of these seven qualified rights is conferred by UK GDPR Art 15 – the right of access by the data subject. For the larger part, the qualifications to these continuing obligations and to the rights are contained in Sch 2 to the DPA 2018.

20. Article 9(1) of the UK GDPR prohibits the processing of "special categories of personal data" subject to the disapplication provided for in Article 9(2):

> "Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited"

Article 9(2)(g) provides:

> "Paragraph 1 shall not apply if the processing is based on Article 6(1) and one of the following applies:
>
> (a)-(f) ...
>
> (g) processing is necessary for reasons of substantial public interest, on the basis of domestic law, or relevant international 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;
>
> (h)-(j) ..."

21. Section 10(3) of the DPA 2018 provides:

> "The processing meets the requirement in point (g) of Article 9(2) of the UK GDPR for a basis in the law of the United Kingdom or a part of the United Kingdom only if it meets a condition in Part 2 of Schedule 1."

22. Part 2 of Sch 1 to the DPA 2018 comprises paragraphs 5-28. Paragraph 5 provides:

> "(1) Except as otherwise provided, a condition in this Part of this Schedule is met only if, when the processing is carried out, the controller has an appropriate policy document in place (see paragraph 39 in Part 4 of this Schedule).
>
> (2) See also the additional safeguards in Part 4 of this Schedule."

23. Paragraph 22 of Sch 1 to the DPA 2018 provides:

> (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."

24. Neither paragraph 22(3)(b) nor any other provision in the DPA 2018 provides for a longstop date for compliance with a notice to stop processing [**11/55, §1**].

25. Article 15 of the UK GDPR provides:

> "1. 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 the following information:
>
> (a) the purposes of the processing;
>
> (b) the categories of personal data concerned;
>
> (c) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
>
> (d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
>
> (e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
>
> (f) the right to lodge a complaint with the Commissioner;
>
> (g) where the personal data are not collected from the data subject, any available information as to their source;
>
> (h) the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
>
> 1A. Under paragraph 1, the data subject is only entitled to such confirmation, personal data and other information as the controller is able to provide based on a reasonable and proportionate search for the personal data and other information described in that paragraph.
>
> 2. Where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article 46 relating to the transfer.
>
> 3. The controller shall provide a copy of the personal data undergoing processing to which the data subject is entitled under paragraph 1. For any further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs.

Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form.

4. The right to obtain a copy referred to in paragraph 3 shall not adversely affect the rights and freedoms of others."

26. Article 15(1A) was introduced by s 78(1) of the *Data (Use and Access) Act 2025*, but was made retrospective to 1/1/24: s 142(2)(b). It thus applies to the DSARs made by the Data subjects.

27. Article 12(3) of the UK GDPR provides:

> "3. 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. Where the data subject makes the request by electronic form means, the information shall be provided by electronic means where possible, unless otherwise requested by the data subject."

28. Article 82(1) of the 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."

Section 168 of the DPA 2018 provides:

> "(1) In Article 82 of the UK GDPR (right to compensation for material or non-material damage), "non-material damage" includes distress.
> (2) Subsection (3) applies where—
> (a) in accordance with rules of court, proceedings under Article 82 of the UK GDPR are brought by a representative body on behalf of a person, and
> (b) a court orders the payment of compensation.
> (3) The court may make an order providing for the compensation to be paid on behalf of the person to—
> (a) the representative body, or
> (b) such other person as the court thinks fit."

29. Article 79 of the UK GDPR provides:

> "Without prejudice to any available administrative or non-judicial remedy, including the right to lodge a complaint with the Commissioner pursuant to Article 77, 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."

Article 80(1) of the 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 the 2018 Act to lodge the complaint on his or her behalf, to exercise the rights referred to in Articles 77, 78 and 79 on his or her behalf, and to exercise the right to receive compensation referred to in Article 82 on his or her behalf."

Section 187(3)-(4) of the DPA 2018 provide:

> "(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."

GLP does not meet the s 187 DPA 2018 conditions

30. In 2004 the *Companies (Audit, Investigations and Community Enterprise) Act 2004* was enacted. Part 2 of that Act introduced and provided a new type of company, called a "Community Interest Company" (often abbreviated to CIC). Section 28 of that Act created a regulator for CICs, called "Regulator of Community Interest Companies." By s 30, CIC must not distribute their assets to members. Section 35 provides a community interest test. The Act is supplemented by the *Community Interest Company Regulations 2005*. The Government has issued *Guidance* on CICs. By virtue of these provisions, a CIC provides a ready means of constituting a body that meets the four conditions in s 187(3)-(4) of DPA 2018.

31. GLP is not a CIC.

32. Rather, GLP is a company limited by guarantee that does not have a share capital [**18/91-109**]. It is telling that GLP did not constitute itself as a CIC, subject to the scrutiny of the Regulator of Community Interest Companies and to the requirements of Part 2 of the *Companies (Audit, Investigations and Community Enterprise) Act 2004* and the *Community Interest Company Regulations 2005*.

33. The "constitution" of a company (as the term is used in s 187(3) of the DPA 2018) is its Articles of Association. There is nothing in GLP's Articles of Association:
    (1) requiring it, after payment of outgoings, to apply the whole of its income and any capital it expends for charitable or public purposes;
    (2) prohibiting is from directly or indirectly distributing amongst its members any part of its assets (otherwise than for charitable or public purposes);
    (3) stating that it has objectives that are in the public interest; or
    (4) suggesting that it has any interest in protection of data subjects' rights and freedoms with regard to the protection of their personal data.

    Thus on each of four mandatory requirements in s 187(3)-(4) of the DPA 2018, GLP fails to meet the requirements of a body or organisation that can be mandated by a data subject to bring a claim on behalf of him/her under Art 80 of the UK GDPR.

34. Taking each of these four, cumulative requirements in turn.

35. First, as regards restrictions on the application of GLP's income and capital (s 187(3)(a) of the DPA 2018):
    (1) There is nothing in GLP's Articles of Association [**18/91-109**] that requires it, after payment of outgoings, to apply the whole of its income and any capital it expends for

charitable or public purposes.

(2) Article 5.4.1 of GLP's Articles of Association [**18/95**] expressly allows a director to "receive a benefit from the company in their capacity as a beneficiary of the company." This is irreconcilable with the requirement in s 187(3)(a) of the DPA 2018.

(3) Article 5.4.4 of GLP's Articles of Association [**18/96**] expressly allows a director to "receive interest at a reasonable and proper rate on money lent to the company." This is irreconcilable with the requirement in s 187(3)(a) of the DPA 2018.

(4) Article 5.4.5 of GLP's Articles of Association [**18/96**] expressly allows a director to "receive interest at a reasonable and proper rent on premises let to the company." This is irreconcilable with the requirement in s 187(3)(a) of the DPA 2018.

(5) Article 5.4.6 of GLP's Articles of Association [**18/96**] expressly allows a director to "receive reasonable and proper payment for goods or other property supplied to the company." This is irreconcilable with the requirement in s 187(3)(a) of the DPA 2018.

(6) Article 5.4.7 of GLP's Articles of Association [**18/96**] expressly allows the company to pay the directors' indemnity insurance premiums. This is irreconcilable with the requirement in s 187(3)(a) of the DPA 2018.

(7) Article 5.4.8 in conjunction with Article 7 of GLP's Articles of Association [**18/96**] expressly provides that the company will indemnify the directors of the company "to the extent permitted by the Companies Act." GLP has given deeds of indemnity fo the directors [**18/132**]. This is irreconcilable with the requirement in s 187(3)(a) of the DPA 2018.

(8) Article 5.5 [**18/96**] provides that a director "or a person connected to a director who is a solicitor, barrister or other professional" may be engaged by or on behalf of the company "or a beneficiary" to provide "legal or other professional services ***for that beneficiary***" and "shall not be required to account to the company for any remuneration received in respect of such services." This is irreconcilable with the requirement in s 187(3)(a) of the DPA 2018.

(9) Article 5.6 [**18/96**] provides that the directors may purchase and maintain insurance "at the expense of the company for the benefit of any relevant director of officer in respect of any relevant loss." This is irreconcilable with the requirement in s 187(3)(a) of the DPA 2018.

36. Secondly, as regards prohibitions on direct or indirect distribution of assets amongst members (s 187(3)(b) of the DPA 2018).

(1) Article 5.2.1 of the Articles of Association [**18/95**]permits GLP to make payments to any member in his/her capacity as a beneficiary of the company. Money is an asset. This is irreconcilable with the requirement in s 187(3)(b) of the DPA 2018.

(2) Article 5.2.2 of the Articles of Association [**18/95**] permits GLP to make compensation to any member for "any services, goods or other property supplied to the company." This is irreconcilable with the requirement in s 187(3)(b) of the DPA 2018.

(3) Article 5.2.3 of the Articles of Association [**18/95**] permits GLP to pay interest to any member on money lent by him/her to GLP. This is irreconcilable with the requirement in s 187(3)(b) of the DPA 2018.

(4) Article 5.2.4 of the Articles of Association [**18/95**] permits GLP to pay rent to any member for premises let to GLP. This is irreconcilable with the requirement in s 187(3)(b) of the DPA 2018.

(5) Mr Maugham's claim that GLP is "non-profit" [**20/222, §§15-31**] is simply a necessary, but not sufficient, condition for compliance with s 187(3)(b) of the DPA 2018.

37. Thirdly, as regards stated objectives that are in the public interest (s 187(3)(c) of the DPA 2018), GLP has none. Article 2 of GLP's Articles of Association [**18/94**] identify objects sectional interests, not "objectives that are in the public interest."

> "2. The objects of the company are
> 2.1-2.6 ....
> 2.7 to promote compliance with the law by public and private actors and to address imbalances of economic power in the application of the law;
> 2.8 ..."

Having objectives that are of sectional interest – ie to a section of the public whose members are not bound by anything other than having that particular interest – is not the same as having objectives that are in the public interest: see by analogy *IRC v Baddeley* [1955] AC 572; *Messenger Leisure Developments Ltd v HMRC* [2005] EWCA Civ 648, [005] BTC 5332. As was stated in *Jameel (Mohammed) v Wall Street Journal Europe Sprl* [2006] UKHL 44, [2007] 1 AC 359 at [31]:

> "It has been repeatedly and rightly said that what engages the interest of the public may not be material which engages the public interest."

GLP's Articles of Association do not satisfy s 187(3)(c). The "public interest" must be a public interest in data protection: random worthy causes do not satisfy s 187(3)(c). The Commissioner is the principal repository of the public interest in maintaining adherence to the data protection regime in the United Kingdom. Individuals combining their self-interest in a matter does not transform that matter into an objective in the public interest.

38. Fourthly, as regards being active in the field of protection of data subjects' rights and freedoms with regard to the protection of their personal data (s 187(4) of the DPA 2018):

(1) There is nothing in GLP's Articles of Association identifying data protection as being of any particular concern to GLP: see "Objects" in Art 2 [**18/94**]. Contrary to what §5 of the PoC implies [**4/17**], there is nothing in the GLP's Articles of Association

directing GLP's attention to the protection of individual's personal data.

(2) As the timing of the DSARs shows, GLP's 2024 foray into data protection was the means to a political end. This is borne out by GLP's own public boast about this claim [**18/147-148**]:

> "We've done it. Alongside 51 Good Law Project Supports, today we filed a trailblazing new group action against Nigel Farages's Reform UK at the High Court. This case is obviously about Reform's breach of people's data rights. When people got in touch with the party to ask what data it held, at first it ignored them. it only got back to them – with what looked like a hurriedly sent out batch email – after receiving a legal letter from Good Law Project.
> But scratch below the surface and this is a case about far deeper issues than data rights and wrongs. It's a case about how Farage and his party are not above the law. It's a case about how political parties gather data to target you with divisive messages based on what they think you want to hear. And it's a case about your right to tell any political party that if they hold any data on you they must delete it no – no ifs, no buts.
> ....
> It's already poetic – the first group claim of this kind brings people against a far-right party that claims to be the voice of the people. All we need now is the High Court to give Reform the poetic justice they deserve."

(3) GLP's latest disclosed accounts at Companies House [**18/118-135**] gives as the principal activity of the company "...that of using the law to address significant issues of disadvantage, discrimination, unfairness and wrongdoing" [**18/121**].

(4) Reform has not been able to find any evidence that GLP is active in the field of data protection [**17/76, §§9, 35**]. By all appearances it is a non-party political organisation that will use whatever legal tools – including the data protection regime – it considers expedient to the advancement of its non-party political objectives [**26/413, §3.1-3.11**].

(5) The self-serving say-so of Mr Maugham [**20/219, §§3.2, 32-43**] does not do the job of demonstrating that GLP has been active in the field of protecting data subjects' rights and freedoms with regard to the protection of their personal data. Nor does campaigning for political ends [**22/368, §§17-18**].

39. Following the United Kingdom's departure from the European Union, Art 80 of the UK GDPR is to be given an autochthonous reading: see *Retained EU Law (Revocation and Reform) Act 2023*; *Lipton v BA City Flyer Ltd* [2024] UKSC 24, [2025] AC 154 at [88]. To the extent that the authorities below were given before 31/12/20 (ie "IP completion day" – see s 1A(6) of the *European Union (Withdrawal) Act 2018* and s 39(1)-(5) of the *European Union (Withdrawal Agreement) Act 2020*), had they been concerned with GDPR Art 80 they could be "retained case law" or "retained EU case law" within the meaning of s 6(7) of the *European Union (Withdrawal) Act 2018*, or "assimilated case law" or "assimilated EU case law" as they are known since 1/1/24: see *Retained EU Law (Revocation and Reform) Act 2023* s 5. In fact there is no assimilated case law or assimilated EU case law on GDPR Art 80. Moreover, the GDPR did not intend to produce an exhaustive harmonisation of the remedies available in respect of infringement of

the GDPR: see *ND v DR* C-21/23 [2025] 4 WLR 10 at [60]. The authorities below are thus simply illustrative:

(1) *Digital Rights Ireland v Ireland* C-293/12 [2015] QB 127 involved two requests for preliminary rulings in proceedings initiated by Digital Rights Ireland, a limited liability company that pursued the promotion and protection of civil and human rights, particularly those arising in the context of modern communication technologies. The objects of the company are fully explored in the judgment of the Irish High Court that resulted in the request: see *Digital Rights Ireland Ltd v Minister for Communication* [2010] IEHC 221 esp at [79]-[93]. What was of significance was the nature of the company, its purpose (lifting the veil if necessary), together with the surrounding circumstances of the case and the right it sought to vindicate (at [80]). The plaintiff was, in that case, given locus standi to litigate the matters *actio popularis* (at [93]). The purpose of Digital Rights Ireland was closer aligned to the interest sought to be protected through the litigation than is the interest that GLP seeks to litigate through these proceedings. That is borne out by the fact that the Irish Human Rights Commission appeared to support the plaintiff's contention that the case raised matters of fundamental public importance regarding persons' human rights.

(2) *Schrems v Facebook* C-498/16 [2018] 1 WLR 4343 concerned the interpretation of Reg 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, arising from proceedings between Mr Schrems (domiciled in Austria) and Facebook Ireland Limited (domiciled in Ireland). Mr Schrems had founded a non-profit organisation seeking to uphold the fundamental right to data protection: see [12]-[14]. The question for the Court was whether the fact of Mr Schrems having been assigned the claims of numerous consumers for the purpose of their enforcement of data protection rights, deprived Mr Schrems of his private Facebook account user's status as a "consumer" withio the meaning of Reg 44/2001. The Court appeared not to question that Mr Schrems's organisation was a non-profit organisation seeking to uphold the fundamental right to data protection.

(3) *Meta Platforms Ireland v Bundesverband der Verbraucherzentralen und Verbraucherverbände* C-319/20 [2022] 4 WLR 69 does concern GDPR Art 80 but post-dates IP completion day, and is thus of legal curiosity only. The court held that hat a consumer protection association, such as the German association in the present case, could fall within those criteria, in that it pursued a public interest objective consisting in safeguarding the rights and freedoms of data subjects in their capacity as consumers, which included protection of their personal data (at [64]-[66]).

(4) To these may be added *RW v Osterreichische Post AG* C-154/21 [2023] 3 CMLR 11, where the Court observed (at [47]-[49]) that, as is apparent from recital (4), the right

> to protection of personal data is not an absolute right and must be considered in relation to its function in society and be balanced against other fundamental rights, in accordance with the principle of proportionality. Accordingly, in specific circumstances, it will not be possible to provide information about specific data recipients. Therefore, that right of access might be restricted to information about categories of recipient if it was not possible to disclose the identity of specific recipients, in particular where they were not yet known. In addition, under art.12(5)(b) of the GDPR, a controller might, pursuant to the principle of responsibility in art 5(2) and recital 4 of that regulation, refuse to act on requests from data subjects where those requests were manifestly unfounded or excessive, it being specified it was for the controller to demonstrate that those requests are unfounded or excessive.

40. Even if GLP were able to satisfy all four conditions in s 187(3)-(4) of the DPA 2018, there is no evidence that each of the Data Subjects has mandated GLP to exercise his/her rights under Art 79 of the UK GDPR: see Defence [**7/28, §6**] and Art 80(1) of the UK GDPR. The necessity of a mandate is referenced in the last sentence of recital (142) to the UK GDPR. It is apparent from the as-yet unexercised facility for non-mandated claims by such a body in Art 80(2) of the UK GDPR. It is also acknowledged in the UK Government's policy paper response to the *Call for Views and Evidence - Review of Representative Action Provisions, Section 189 Data Protection Act 2018* (§1.2), carried out pursuant to DPA 2018 s 189.

41. Mr Getz asserts that GLP has been "mandated by a group of data subjects" [**24/383, §§7, 9**] but remarkably does not produce a single instance of the required mandate from any of the 51 Data Subjects. GLP gives no explanation for this remarkable absence, and the Court is entitled to infer that that is because the mandate from each of the Data Subjects does not exist.

42. For each of these reasons, GLP has no authority to bring this claim. It must be struck out: see CPR 3.4(2)(a).

The Particulars of Claim are speculative, lack particularity and do not disclose a cause of action

43. There are three limbs to the PoC, summarised at §§7-8 [**4/17**]:

    (1) Reform failed to respond to the DSARs within the statutory time limits (1 month);

    (2) Reform's responses to the DSARs contained "material deficiencies" which, the Claimant alleges demonstrates "that the Defendant has failed to comply with its obligations to provide copies of personal data processed, along with other relevant information."

    (3) The 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."

44. As regards (1), where a controller has responded to a DSAR, but did so outside the one-month provided for in UK GDPR Art 12(3), this does not found a cause of action for compensation under the UK GDPR. The data subject does, however, have a right to lodge a complaint with the supervisory authority, ie the Commissioner: UK GDPR Art 77. In referring to the "ongoing breach of its obligations" as at 21/3/25 [**4/19, §26**], the PoC appear to recognise that not responding within a month does not found a claim: see also prayer (2) [**4/20**]. In so far as the PoC alleges delay in responding (other than as background to the claim), those paragraphs fall to be struck out.

45. As regards (2), in terms this is a claim founded on a hunch of GLP [**4/19, §§22-23**]:

> "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."

A statement of case must plead facts, not merely inferences, to support a cause of action. Inferences may be drawn from pleaded facts. It is impermissible for a claim to seek to pull itself up by its own bootstraps by inviting an inference from an equivocal fact in order to show that that equivocal fact is demonstrative of a claimed wrong. In any event, the allegations in §§22-23 of the PoC are not inferences: they are speculation.

46. As regards (3), this is similarly a speculative claim [**4/9, §§27-32**].

47. Nowhere in the six witness statements filed and served by GLP does GLP set out a factual or evidential foundation for the inferences it alleges are to be made. A Court is not bound on a summary judgment application to accept inferences, assertions of law or matters of comment made in a statement of case: *Korea National Insurance Corporation v Allianz Global Corporate & Speciality AG* [2007] EWCA Civ 1066, [2007] 2 CLC 748 at [11]. Still less is bound to accept speculation dressed as inference. As observed in *Sivananthan v Vasikaran* [2022] EWHC 2938 (KB), [2023] EMLR 7 at [53]:

> "I start with some general observations about how Dr Sivananthan seeks to establish his case on serious harm. The first is that a purely inferential case, while in principle available, is not an alternative to an evidential process for establishing serious harm – it must be an evidential process for establishing serious harm. There is a difference between inference and speculation. The components of an inferential case must themselves be sufficiently evidenced and/or inherently probable to be capable of adding up to something which discharges a claimant's burden."

48. The Claim should be struck out for lack of factual allegation, for lack of particularity, and for not disclosing a cause of action: CPR 3.4(2)(a)

The Particulars of Claim are an abuse of process, being politically motivated

49. CPR 3.4(2)(b) enables the Court to strike out a statement of case if it appears to the Court that the statement of case is an abuse of the Court's process.

50. "Abuse of process" means a use of the court process for a purpose or in a way which is significantly different from the ordinary and proper use of the court process: *Attorney General v Barker* [2000] EWHC 453 (Admin), [2000] 1 FLR 759 at [19]; *Arthur JS Hall & Co v Simons* [2000] UKHL 38, [2002] 1 AC 615 at 742; *Mueen-Uddin v SSHD* [2024] UKSC 21, [2025] AC 945 at [58], [74]-[76], [81], [84]-[88]. The issue falls to be resolved by considering whether the proceedings cannot be regarded as serving the legitimate purpose of protecting the Data Subject's personal data from processing that infringes the UK GDPR.

51. The use of a private law claim of a third party (ie the Data Subjects) as a platform to advance a political objective of the Claimant is an abuse of process. That it is a platform is borne out by the fact that:
    (a) the only consequences said to have been "suffered" by the Data Subjects as a result of the alleged infringement of the UK GDPR is "non-material damage" including "concern, worry, uncertainty and distress" alleged to have been caused "by the protracted delay, and the deficient nature of, the DSAR Responses and the Defendant's confirmation as to whether it processes highly sensitive special category data" [**4/20, §33**];
    (b) GLP has not put forward any evidence from any of the Data Subjects of this alleged "concern, worry, uncertainty and distress"; and
    (c) in any event, "concern, worry and uncertainty" are not "non-material damage" within the meaning of the UK GDPR.

52. The ordinary, proper purpose of a private law claim – as opposed to a public law claim by way of a claim for judicial review – is to place before a court a set of alleged facts that the law recognises as giving the claimant an actionable right against the defendant for relief, and for the court to adjudicate on such of those allegations as are contested, and thereafter to determine the relief (if any). Confecting a set of circumstances in order to open the door to bringing a private law claim from which to trumpet a particular cause (see §38(2) above and §§ 68-69 below) is not an ordinary, proper purpose of a private law proceedings. It is an abuse of the Court's process. It should not be countenanced. The claim should be struck out under CPR 3.4(2)(b).

GLP has no real prospect of succeeding on the claim

Strike-out principles

53. CPR 3.4(1)-(2) provides:

> "(1) In this rule and rule 3.5, reference to a statement of case includes reference to part of a statement of case.
> (2) The court may strike out a statement of case if it appears to the court –
> (a) that the statement of case discloses no reasonable grounds for bringing or defending the claim;
> (b) that the statement of case is an abuse of the court's process or is otherwise likely to obstruct the just disposal of the proceedings; or
> (c) that there has been a failure to comply with a rule, practice direction or court order."

54. An application may be made under CPR 3.4(2)(a) on the basis that the impugned statement of case (or part of it) is on its face unviable or because it is unwinnable: *Partco Group Ltd v Wragg* [2002] EWCA Civ 594, [2002] 2 Lloyd's Rep 343 at [46]-[48]. Thus, it is wrong to apply the summary judgment test of "no real prospect of success" on a strike-out application: *Duce v Worcestershire Acute Hospitals NHS Trust* [2014] EWCA Civ 249. And it is similarly wrong to strike out a case because it is "fraught with difficulty": *Smith v Sussex Police* [2008] EWCA Civ 39, [2008] PIQR P12 at [46].

55. It is generally improper on a strike out application to conduct what is in effect a mini-trial involving protracted examination of the documents and facts as disclosed in the written evidence. That has been accepted for over half a century: see *Wenlock v Moloney* [1965] 1 WLR 1238. The principles in that case were approved in *Three Rivers District Council v Bank of England (No 3)* [2001] UKHL 16, [2003] 2 AC 1 at [96]-[97]. As *Wenlock* makes clear, provided that a statement of case raises some question fit to be tried, it does not matter that the case is weak or unlikely to succeed. This has carried through to the CPR: *Chan U Seek v Alvis Vehicles Ltd* [2003] EWHC 1238 (Ch). It is not appropriate to strike out a claim or a defence where the central issues are in dispute: *King v Telegraph Group Ltd* [2003] EWHC 1312 (QB).

Summary judgment principles

56. CPR 24.2 provides:

> "The court may give summary judgment against a claimant ... on the whole of a claim or on a particular issue if:
> (a) it considers that:
> (i) that claimant has no real prospect of succeeding on the claim or issue; or
> (ii) ....; and
> (b) there is no other compelling reason why the case or issue should be disposed of at a trial."

57. Under CPR 24.3 the question is whether there is a real prospect of success on the case as pleaded in the particulars of claim: *Credit Suisse AG v Arabian Aircraft* [2013] EWCA Civ 1169,

[2014] CP Rep 4. The Court is concerned to see whether there is a realistic, as opposed to a fanciful, prospect of success: *Swain v Hillman* [1999] EWCA Civ 3053, [2001] 1 All ER 91. The phrase "real prospect of succeeding" indicates that there must be a realistic, as opposed to fanciful, prospect of success: *Bee v Jenson* [2006] EWHC 2534 (Comm), [2007] RTR 115. A claim may be fanciful where it is entirely without substance, or where it is clear beyond question that the statement of case is contradicted by all the documents or other material on which it is based; more complex cases are unlikely to be capable of being resolved in that way without conducting a mini-trial on the documents without discovery and without oral evidence: *Three Rivers District Council v Bank of England (No 3)* [2001] UKHL 16, [2003] 2 AC 1 at [95], recently reiterated in *Okpabi v Royal Dutch Shell Plc* [2021] UKSC 3, [2021] 1 WLR 1294 at [21]. Whether there is a real prospect of success does not require the party to meet the usual balance of probabilities standard of proof: *Royal Brompton Hospital NHS Trust v Hammond* [2001] EWCA Civ 550, [2001] BLR 297 at [18]. The burden of showing that a case has no real prospect of success is on the party who makes that assertion: *ED&F Man Liquid Products Ltd v Patel* [2003] EWCA Civ 472, [2003] CP Rep 51 at [9].

58. These principles were summarised in *Easyair Limited v Opal Telecom Limited* [2009] EWHC 339 (Ch) at [15], approved by the Court of Appeal in *Hughmans (A Firm) v Dunhill* [2017] EWCA Civ 97 at [7] and in *AC Ward & Son v Catlin (Five) Ltd* [2009] EWCA Civ 1098 at [24].

Lawfulness of Reform's processing of personal data

59. It is lawful for a registered political party to process personal data: UK GDPR Art 6(1)(f). In enacting DPA 2018 Sch 1 para 22 and in marrying the exemption from the prohibition in Art 9(1) to Art 9(2)(g) of the UK GDPR via DPA 2018 s 10(3), Parliament has statutorily declared the processing permitted by DPA 2018 Sch 1 para 22 to be "necessary for reasons of substantial public interest." Given that processing by a registered political party of special category data is deemed necessary for reasons of substantial public interest, processing of other personal, but less sensitive, data " is necessary for the purposes of the legitimate interests pursued by the controller."

60. There is nothing to suggest that that substantial public interest is to be "overridden by the interests or fundamental rights and freedoms of [an adult] data subject which require protection of personal data": UK GDPR Art 6(1)(f). This involves a three-stage test: *Kul v DWF Law LLP* [2025] EWHC 1824 (KB), [2025] 4 WLR 99 at [74]. For present purposes this asks:
    (1) In processing of the Data Subjects' personal data, was Reform pursuing a legitimate interest? A. Yes. The UK GDPR does not seek to limit what might properly to be considered under this provision and a wide range of interests is, in principle, capable

of being regarded as legitimate: *Kul v DWF Law LLP* [2025] EWHC 1824 (KB), [2025] 4 WLR 99 at [64].

(2) Was the processing involved necessary for the purposes of those interests? A. Yes. The word "necessary" bears its EU jurisprudence meaning, ie it means "reasonable necessity" which is something more than "desirable" or "useful" but less than "indispensable" or "absolutely necessary": *South Lanarkshire Council v Scottish ICO* [2013] UKSC 55, [2013] 1 WLR 2421 at [8], [19]-[27]; *Cooper v National Crime Agency* [2019] EWCA Civ 16 at [89]-[93]; *Kul v DWF Law LLP* [2025] EWHC 1824 (KB), [2025] 4 WLR 99 at [73].

(3) Was the processing unwarranted by reason of prejudice to the rights and freedoms or legitimate interests of the Data Subjects? A. No. GLP has not begun to show what "prejudice" there has been to the rights and freedoms or legitimate interests of the Data Subjects from having their DSARs answered in three months rather than in one month, still less such as to outweigh the statutorily recognised "substantial public interest" in a registered political party processing personal data to which it is entitled to use under electoral law: see §§61-62 below.

61. Moreover, Reform's processing of the Data Subject's personal data was also lawful by virtue of UK GDPR Art 6(1)(c). *The Representation of the People (England and Wales) Regulations 2001* provides for information about electors, which information is placed on the electoral register: see Part III (regs 23-49). Regulations 45C-49 and Part VI (regs 92-114) provide for supply of certain information on the electoral register to certain persons in certain situations.

62. Ordinarily, a person does not have a right of inspection or copying the "full register": reg 7(2). A registered political party is, however, entitled to obtain, copy and use the entirety of an electoral record for the purposes listed in regs 92(7), 102 and 106(4). A registered political party is also entitled to the information listed in reg 61(1): reg 106. The uses that a registered political party may make of that information is statutorily defined in regs 61(3), 61A, 106(4). In summary "electoral purposes" and the purposes provided for in UK GDPR Art 89: reg 92(7). There is no statutory definition of "electoral purposes", whether in the regulations or in the Act pursuant to which they were made.

Application

63. As noted above, none of the Data Subjects' DSARs included proof of identification, eg a copy of the Data Subject's passport or driving licence. Nor did any of the DSARs give the Data Subject's date of birth. Nevertheless, Reform responded to all the Data Subjects' DSARs.

64. The alleged infringements of the data protection regime are said to be:

(1) Not responding to the DSARs within one month [**4/18, §15**].

(2) An inference that Reform did not actually undertake the steps necessary to respond to the DSARs [**4/19, §22**].

(3) An inference that Reform's response to the DSARs was incorrect [**4/19, §23**].

(4) An inference that Reform's response to the "cease processing requests" (namely, that Reform was not processing the Data Subjects' personal data) was not given after proper inquiry [**4/20, §31**] and was in any event incorrect [**4/20, §32**].

65. Reform has admitted that it did not respond to the DSARs within one month [**7/31, §18**]. But Reform did answer all the DSARs within a few months of receiving them. Having responded to the DSARs, there is no basis for a compliance order under s 167 of the DPA 2018. In order to secure compensation, GLP will need to show that each of the Data Subjects "suffered... non-material damage as a result of the infringement" of the UK GDPR: see Art 82(1). "Non-material damage" includes "distress": DPA 2018 s 168(1). The word "distress" covers sorrow, disappointment, shame, humiliation, anger, worry, anxiety, indignation, fear, upset and annoyance: *George v Cannell* [2024] UKSC 19, [2025] AC 871 at [91], [209]. It does not cover "concern" or "uncertainty" [**4/20, §33**].

66. The DSARs did not suggest that any non-compliance or delay in compliance by Reform would result in, or would be likely to result in, or would even possibly result in, loss, damage or distress of any kind being suffered by the Data Subject.

67. Moreover, GLP:

(a) has not particularised the distress;

(b) has not brought forward any supporting statement from the 51 Data Subjects who are claimed to have suffered distress; and

(c) has not given any explanation why it has not brought forward any supporting statement from the 51 Data Subjects who are claimed to have suffered distress.

68. Furthermore, GLP has not offered any basis to support the allegation that the alleged distress has resulted from an infringement of the UK GDPR, as opposed to resulting from Reform's processing of Data Subjects personal data that was not an infringement of the UK GDPR. Even if GLP manages to show that each of the Data Subjects is suffering from distress, it is essential for GLP to allege, and then to prove, the factual basis for establishing that that distress was caused by the alleged infringement of the UK GDPR. GLP has not done this or even started to do this, whether in the PoC or in any of the five witness statements it has put

forward in resistance to the AN. Given that GLP attracted the Data Subjects on a basis that included processing of personal data that was not an infringement of the UK GDPR, this is not an element of the cause of action that can be overlooked:

> "The general election Is on 4 July. Right up until the polls open, political parties are competing for your time and attention so they can win your vote.
> And they're using your personal data to do It. Your age, your interests, the house you live in, if you're married, whether you voted In the last election. Personal data you probably didn't know they had - and almost certainly didn't agree they could use.
> Political parties use this information to profile and target you - and people like you - so they can tell you only what they think you want to hear. It's political puppeteertng. And it's totally in the dark.
> You have the legal right to stop them. You can take action to shine a light on all the data they have on you and demand they stop using it...." [**29/479**]

69. GLP drew in individuals to support its cause of "defending democracy from the data dark arts" against all five main political parties (including Reform) using exactly the same language [**19/480-484**]. Processing personal data by a registered political party, including personal data revealing political opinions, meets the requirement of Art 9(2)(g) of the UK GDPR, unless it is likely to cause "substantial damage or substantial distress to a person": DPA 2018 Sch 1 para 22 and DPA 2018 s 10(3). As such, the general proscription against processing personal data "revealing racial or ethnic origins, political opinions, religious or philosophical beliefs, or trade union membership" etc is inapplicable: UK GDPR Art 9(2). As noted above, in enacting DPA 2018 Sch 1 para 22 and in marrying it to Art 9(2)(g) of the UK GDPR via DPA 2018 s 10(3), Parliament has statutorily declared the processing permitted by DPA 2018 Sch 1 para 22 to be "necessary for reasons of substantial public interest." It is not open for Parliament's declaration to be gainsaid other than through the process of amendment legislation. GLP's indignation at the processing of personal data for political purposes that Parliament has allowed through DPA 2018 Sch 1 para 22 exposes the true objective of the claim – to "shine a light" on a lawful practice that it considers should not be lawful.

70. To the extent that any Data Subject has suffered from "distress" it was incumbent on GLP to set out the facts, matters and circumstances upon which it founded its allegation that that distress resulted from an infringement of the UK GDPR, and not from lawful processing of personal data by a political party. GLP does not do so in its PoC [**4/16-23**]. And GLP does not begin to make good the defect in any of its five witness statements filed in opposition to the AN. GLP is a seasoned litigant, well used to the requirements of the CPR. It has been, and is, represented by experienced counsel. Fundamental omissions on basic causation requirements, pointed out in the Defence [**7/82, §§43-44**], cannot be overlooked. They are fatal to the claim.

Conclusion

71. This is a thoroughly unmeritorious claim, conducted for improper purposes, and that GLP has no basis for bringing on behalf of the Data Subjects.

72. The Court is respectfully invited to strike out the claim (alternatively give summary judgment for Reform) with indemnity costs.

PHILIP COPPEL KC
Cornerstone Barristers, 2-3 Gray's Inn Square
Gray's Inn, London
WC1R 5JH

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