

Alan M Dransfield
alanmdransfield@gmail.com

Our reference: GDPR/21/20240614-1

Your reference: -

Date: 15 July 2024

BY EMAIL ONLY

Dear Alan,

Your information rights concern

We are responding to your correspondence of 14 June 2024, in which you had made a complaint regarding our processing of your personal data.

We've interpreted your complaint, in part, as being made under Article 21 of the UK General Data Protection Regulation (UK GDPR)¹, as in, your *Right to Object to processing*. As such, we've handled this part, in accordance with our obligations under UK GDPR / DPA.

Summary of your correspondence with us

On 14 June 2024, you wrote to us, via our support webform, stating:

Are you aware that you are breaching the GDPR 2018 and in particular you are publishing the names of FOI requesters.

You are also breaching my data protection right by publishing my name.

You are also breaching my data rights via a lifetime ban from using the WDTK.

Our understanding of your concerns

We have understood that, in summary, you have three points that you wish us to review:

1. You allege that we are breaching UK GDPR by publishing the names of users who make *access to information* requests² using the WhatDoTheyKnow website.
2. You allege that we are breaching your own data rights, by publishing your name
3. You allege that we are breaching your own rights, by enforcing a ban

¹ We have further considered this under section 99 of the Data Protection Act 2018 (DPA)

² Shorthand for the various information access mechanisms used by our users, such as FoI, EIR, INSPIRE

Our response

As you are aware, we have previously corresponded extensively regarding your ban on our service, and no further review of that ban will be undertaken.

We have therefore focussed our response on the first, and second, parts of your concerns, and will address each part in order.

Part 1: alleged breaches of UK GDPR - name publication

When users sign up to the WhatDoTheyKnow service, they are presented with a notice indicating that their name will be published.

Source: WhatDoTheyKnow sign-in / register page, as of 15 July 2024. Emphasis has been applied to the relevant section, for ease of reference.

This notice has evolved, slightly, over time; however, we can confirm that it was present, in similar form, when you created your account in January 2014³.

The notice is self explanatory, in that it makes it clear to users that their name will be published when they create a WhatDoTheyKnow account, and provides a link to our Privacy Notice, which explains the rationale behind publication.

Users, with active accounts, have the ability to edit their account name; and we handle name removal requests from individuals in line with our privacy policy.

³ At this time, the relevant legislation was the *Data Protection Act 1998*. The notice regarding publication can be seen at: https://web.archive.org/web/20130917141955/https://www.whatdotheyknow.com/profile/sign_in?r=%2F

Part 2: alleged breaches of your own data rights, by publishing your name

It is our understanding that you are unhappy that your name appears on WhatDoTheyKnow. You haven't told us *where* this might be; therefore, we are unable to consider any specific context in determining whether or not this is, in fact, correct.

As you will be aware, we have previously considered such matters, and we wrote to you on 26 April 2020, explaining our legal basis for continuing to retain your personal information.

At that time, we explained that we were refusing your request to have this removed due to it being manifestly unfounded, but that we had made a technical change, to reduce the presence of your name in requests that were made using the account that you have contacted us about⁴. You can find copies of this correspondence in the appendices to this letter

As you have not provided us with any additional information identifying other factors that we should consider, we continue to rely on that response.

Based on the information available to us, there is an overriding legitimate interest in our continuing to hold your information in relation to your account, as it is necessary in order to effectively operate our service. Our legal basis for continued retention and processing of your data is that of "legitimate interest", as laid out in Article 6(1)(f) of the UK GDPR.

We would also note that there are additional reasons as to why your name may be published - namely, in cases where a public body may make reference to case law, such as the decision in *IC v Dransfield [2012] UKUT 440 (AAC)*.⁵ You may find it helpful to note that the judiciary explains the reasoning behind publication, in their own Privacy Notice⁶.

Manifestly unfounded

As noted in our correspondence of April, and December 2020, we consider that the information rights concerns that you have raised are *manifestly unfounded*.

We reached that conclusion, based on the information available to us at the time - namely, repeated requests, over a series of years, to have access to our service restored; many of which are made under the auspices of UK GDPR / Data Protection Act.

We have reviewed our position on this matter, and are content that it is still accurate.

⁴ If you believe there is another account that is linked to yourself, please clarify - as you have previously advised us that the only account you had was registered to *this* email address.

⁵ <https://www.bailii.org/uk/cases/UKUT/AAC/2013/440.html>

⁶ <https://www.judiciary.uk/about-the-judiciary/judiciary-and-data-protection-privacy-notice/>

We do not believe that there is a serious intent behind these requests, and, instead, we think that you are attempting to disrupt our legitimate operations through repeated requests for review of our previous actions.

As such, we consider your request to be manifestly unfounded, and we reserve the right to decline to take any further action regarding matters which have already been addressed.

This is pursuant to §53(1)(b) of the DPA, in which a data controller is entitled to refuse to handle a request that is considered to be "manifestly unfounded".

We do not intend to enter into further correspondence regarding matters which have already been addressed, and reserve the right to archive messages, without response, should they merely be an attempt to re-air previous grievances.

With that being said, if you believe there is further information we should consider in respect of any impact to your interests, rights, or freedoms, please let us know, ideally outlining the precise nature of your concerns, so that we can ascertain whether or not there is grounds to look into matters again.

Search engines

If you are concerned about search engine results you can contact them directly and they have a duty to consider requests to remove your personal information from their results.⁷

Google, the largest search engine, enables you to contact them with concerns about personal information in search results via their website.⁸ Other search engines will often have a similar process in place. We cannot use that tool on your behalf. Please note that we do not control what appears on search engines, nor how long it would take for any changes / updates to be reflected.

You can find more information, about *search engine removals*, on our website, at:

https://www.whatdotheyknow.com/help/search_engines

If you are unhappy, or have further questions

We appreciate that this will not be the outcome you would have hoped for; however, we hope that you will understand why we have made the decision to handle your concern in this way.

Ordinarily, we would offer the opportunity to have any concerns you have regarding our decision reviewed in line with our Complaints policy; however, as your complaint has previously been fully considered, there are no further grounds for review, and as such, unless new information becomes available, we consider this matter to be closed.

⁷ https://en.wikipedia.org/wiki/Google_Spain_v_AEPD_and_Mario_Costeja_Gonz%C3%A1lez

⁸ https://www.google.com/webmasters/tools/legal-removal-request?complaint_type=rtbf

If you remain unhappy with our response in respect of your rights under UK GDPR, you can complain to the Information Commissioner's Office, or seek to enforce your rights through the Courts.

If you wish to contact the Information Commissioner, you can do so by using one of the following methods:

Online: <https://ico.org.uk/concerns>
Helpline: 0303 123 1113
Post: Information Commissioner's Office
Wycliffe House
Water Lane
WILMSLOW
SK9 5AF

It is important to note that the Information Commissioner is not party to decisions made by WhatDoTheyKnow (mySociety) in relation to the withdrawal of service (banning of an account); and would be unable to assist you with this topic.

Privacy notice

We will retain a copy of this correspondence in our case management system, and may also retain a copy of email correspondence for two years, for compliance reasons and to maintain the integrity of our site processes.

Our full privacy notice can be viewed at <https://www.whatdotheyknow.com/help/privacy>.

Yours faithfully,

The WhatDoTheyKnow Support team
on behalf of mySociety

Encs.

Appendix 1: Our response to your Right to Erasure request

Summary

We received correspondence from yourself, [dated 28 March 2020](#), in which you requested that we remove information that was held on our website regarding yourself. You had also asked that we review your “lifetime ban” from the WhatDoTheyKnow service.

We responded to you, [on 26 April 2020](#), to confirm that we would not be reviewing your “lifetime ban”, and that we were of the opinion that your request was “*manifestly unfounded*”⁹ due to its apparent intent to disrupt our operations. Nevertheless, we did take the opportunity to make a technical change, to reduce the presence of your name in requests that related to the account you contacted us about.

Correspondence

Your request

On Sat, 28 Mar 2020 at 06:16, alan dransfield <alanmdransfield@gmail.com> wrote:

What Do They Know

Complaint Team

Dear Sirs

As you are aware, I have been on a lifetime ban from using the What Do They Know website since 2010. To my knowledge you have never reviewed your lifetime ban. You are a charity receiving Treasury Funding ,hence, I would expect you to adhere to Nolan Principles and Common Sense. I also take this opportunity to advise you that the WDTK are infringing my DATA Rights by publishing my Family name on your website and you have been doing this since you introduced my lifetime ban.

I would therefore ask you to review my lifetime ban as I wish to use this Government Funded service. I would also ask you to please remove all information on your website including my family name.

I have included the ICO / AGO and Home Office in my mailing lis because such infringement come under their remit..

I also put you on notice that the WDTK are breaching the GDPR 2018 by publishing the FOIA Complainants.

⁹ This is a technical term, as defined under section 53 of the Data Protection Act 2018: <https://www.legislation.gov.uk/ukpga/2018/12/section/53>

I would like to take this opportunity to submit a FOIA to the WDTK i.e How many times have the WDTK Charity imposed a lifetime ban on any individuals.

with thanks

Yours sincerely

Alan M Dransfield

FOIA Campaigner and Social Watchdog.

Our response

On Sun, 26 Apr 2020 at 20:13, WhatDoTheyKnow Support
<team@whatdotheyknow.com> wrote:

Dear Mr Dransfield,

Your Information Rights request (our ref: [56532](#))

I refer to your correspondence dated 28 March 2020, in which you made a “Right to Erasure” / “Right to be Forgotten” request. A copy of your request, for your convenience, is appended to the bottom of this message.

Thank you for your patience while we investigated your concerns - this email provides you with our final response to your request.

We’ve handled your request in line with our obligations under Article 17 of the General Data Protection Regulations (GDPR) / Section 47 of the Data Protection Act 2018 (DPA).

It is our understanding that you object to our continued retention and publication of your personal information, namely your “family name”; and that you believe we are infringing upon your data rights by continued processing of this data.

Our response

We have reviewed the records that we hold and have identified one account which is registered to the email address that you contacted us from.

This account was created on the WhatDoTheyKnow site in January 2014, and prior to it being banned due to misuse, it was used to send five (5) Freedom of Information requests, and used to make three (3) annotations on other users requests.

We believe that our previous actions in banning your account were, in cognisance with our House Rules, both proportionate and reasonable. We will, therefore, not be reviewing this decision.

We continue, for the purposes of site administration, to retain and process the username that you signed up to our website with, "Alan M Dransfield", along with your email address.

We have carefully reviewed this account and have concluded that continued retention of your personal information is necessary in order to effectively operate our service. Our legal basis for continued retention and processing of your data is that of "legitimate interest", as laid out in Article 6(1)(f) of the GDPR.

You can find further information regarding our "legitimate interest" within our Privacy Notice, which can be located at:

https://www.whatdotheyknow.com/help/privacy#legal_basis

We have considered, as part of our obligations under GDPR, whether our continued processing of this information could in some way impinge upon your interests, rights, or freedoms. This is known as a balancing test.

On balance, based on the information available to us, we consider that there is an overriding legitimate interest in our continuing to hold your information.

Manifestly unfounded

We have, during the course of our deliberations, noted that you have made contact with our Support Team on a number of occasions in which you have sought to have your access to the WhatDoTheyKnow service restored (including the request in your email below).

We do not believe that there is a serious intent behind these requests, and, instead, we believe that you are attempting to disrupt our legitimate operations by means of repeated requests for review of our previous actions.

Accordingly, we have taken the view that your request is manifestly unfounded; and therefore, we are not obliged to take formal action in respect of your Right to Erasure request.

We have, however, taken the opportunity to make a technical change which will prevent your name from appearing in the “plain text” of any requests made via this account.

This change does not affect our legal basis for retaining your information (as outlined in our Privacy Notice), nor does it affect our decision to consider your request as “manifestly unfounded”. It will be necessary, for the purposes of site administration, to retain your information within our administration software.

Search Engines

The changes we've made do not affect any copies that might be held by third parties, such as search engines (e.g. Google, Bing, DuckDuckGo, and others) and services such as the Internet Archive. If you have any concerns regarding your name appearing on those websites, we would suggest that you contact them directly.

If you are concerned about search engine results you can contact them directly and they have a duty to consider requests to remove your personal information from their results [1]. Google, the largest search engine, enables you to contact them with concerns about personal information in search results via their website [2], other search engines will often have a similar process in place.

If you remain unhappy with our response

We appreciate that this may not have been the outcome you were expecting; however, we hope that you will understand why we have come to our decision.

If you are unhappy with our response to your Information Rights request, or believe there is further information that we should have considered please let us know. We'll then conduct a further review of your complaint, in line with our complaints policy [3].

In respect of your rights under GDPR, you can complain to the Information Commissioner's Office (or seek to enforce your rights through the Courts) if you remain unhappy with our response.

If you wish to contact the Information Commissioner, you can do so by one of the following:

Online: <https://ico.org.uk/make-a-complaint>

Helpline: (0303)123 1113

*Post: Information Commissioner, Wycliffe House, Water Lane, Wilmslow,
SK9 5AF.*

Privacy Notice

We will retain a copy of this correspondence for two years in our email support system – this is for compliance reasons and to maintain the integrity of our site processes. Further information regarding this matter can be found on our Privacy Notice [4].

Regards,

The WhatDoTheyKnow team

[1]

https://en.wikipedia.org/wiki/Google_Spain_v_AEPD_and_Mario_Costeja_Gonz%C3%A1lez

[2]

https://www.google.com/webmasters/tools/legal-removal-request?complaint_type=rtbf

[3] <https://www.whatdotheyknow.com/help/complaints>

[4] https://www.whatdotheyknow.com/help/privacy#retention_support

Appendix 2: Our response to your *Right to Rectification* request

Summary

We received further correspondence from yourself, [dated 16 December 2020](#), in which you requested a review of your “lifetime ban”.

To ensure that we fully considered any rights that you had under GDPR, we logged this as a *Right to Rectification* request, and proceeded to conduct a review.

We responded, [on 26 December 2020](#), confirming that we upheld the previous decision to decline to reinstate your account, and that we still considered that your request was *manifestly unfounded*. You confirmed receipt of this on 27 December 2020.

Correspondence

Your request

----- Forwarded message -----

From: Alan M Dransfield <do-not-reply-to-this-address@whatdotheyknow.com>

Date: Wed, 16 Dec 2020 at 05:41

Subject: my lifetime ban by WDTK

To: WhatDoTheyKnow <team@whatdotheyknow.com>

WDTK imposed a lifetime ban on me using their site in 2011. This ban was imposed without warning and is a draconian ban. Please review

*Message sent using WhatDoTheyKnow contact form,
not logged in*

Our response

We responded on 26 December 2020, at 17:19:

Dear Alan M Dransfield,

Your Information Rights concern (our ref: GDPR/16/20201216-2)

I refer to your email dated 16 December 2020, in which you requested to have the ban on your WhatDoTheyKnow account reviewed. A copy of your request is appended below.

I am now able to provide you with our formal response - thank you for your patience while we investigated your concerns.

Our response

We do not consider that there are grounds in which a review of this action would be appropriate; however, we have reviewed your account in general. We have done so according to our obligations under Article 16 of the General Data Protection Regulations (GDPR), and §46 of the Data Protection Act 2018 (DPA). This right is more commonly known as your "Right to Rectification".

Having reviewed our previous correspondence, we note that a response to your last request, dated 28 March 2020, was issued to you on 26 April. I have enclosed a copy of this for your records. If you are unable to access this file please do let us know.

It's worth noting that we considered your previous request under Article 17 of GDPR / §47 of DPA (e.g. your "Right to Erasure"). We do, however, believe that this response is also relevant to your current request.

We have previously considered whether there was any reason that we should amend the decision taken to remove your ability to use our services and concluded there was not.

We consider that the substantive response issued in April is still valid regarding the ban on your account. We do not have anything further to add concerning this matter.

Our decision to remove your access to our services is permanent, and will not be subject to further review.

Manifestly unfounded

During the course of our deliberations, we have noted that you have made contact with our Support Team on many occasions in which you have sought to have your access to the WhatDoTheyKnow service restored (including the request in your email below).

We do not believe that there is a serious intent behind these requests, and, instead, we think that you are attempting to disrupt our legitimate operations through repeated requests for review of our previous actions.

As such, we consider your request to be manifestly unfounded, and we decline to take any further action regarding this request.

This is pursuant to §53(1)(b) of the Data Protection Act, in which a data controller is entitled to refuse to handle a request that is considered to be "manifestly unfounded".

We do not intend to enter into further correspondence regarding this matter.

Your right to review

We appreciate that this may not be the outcome you were anticipating; however we believe that it is appropriate given the specific circumstances associated with your case.

We would, ordinarily, offer to review our response to your Information Rights request if you were unhappy with it; however, as you have already exhausted our internal complaints procedure, we do not believe it is appropriate to offer this option.

If, however, you remain unhappy with our response, you can complain to the Information Commissioner's Office (or seek to enforce your rights through the Courts).

If you wish to contact the Information Commissioner, you can do so by one of the following:

Online: <https://ico.org.uk/make-a-complaint>

Helpline: (0303)123 1113

Post: Information Commissioner, Wycliffe House, Water Lane, Wilmslow, SK9 5AF.

It is important to note that these options pertain to how we have handled your Information Rights request - they do not relate to the action we have previously taken to ban your WhatDoTheyKnow account.

Privacy Notice

We will retain a copy of this correspondence for two years in our email support system – this is for compliance reasons and to maintain the integrity of our site processes. Further information can be found on our Privacy Notice, which is linked below.

With best wishes for the festive season,

Regards,

WhatDoTheyKnow Support Team