

From:
Date: Fri, Mar 10, 2023 at 7:00 PM
Subject: Re your letter to my son dated 6 March
To: eu.asmglobal.com

Without Prejudice

Re your letter to my son dated 6 March.

Let me remind you the guidance from the Information Commissioners Office includes:

- “You may allow the parent or guardian to exercise the child’s rights on their behalf if the child authorises this, or if it is evident that this is in the best interests of the child”
- “If you are satisfied that the child is not competent and the request is from a person with parental responsibility for the child, then it is usually appropriate to let the holder of parental responsibility exercise the child’s rights on their behalf.”
- “If the request is from a child and you are confident that the child can understand their rights, you should usually respond directly to the child.”

So, whether any determination, by anybody, that my son is competent or not, understands his rights or not, makes no difference, it’s a pointless exercise to “confirm you understand your rights”, you have had valid requests from both my son, and myself. If my son were found to not understand his rights then I can exercise them, and have already done so. If my son were found to understand his rights then you already have a valid request from him.

Nothing in the guidance or the law allows you to do anything about the contact details my son has provided. Your fishing expedition to try and speak to him is not valid under any law.

Given that the organisation you represent has already threatened violence against my son, and he is upset about those incidents, I don’t think there is a court in the land that would support your attempts to speak to him.

I wrote the original subject access letter on 5th Feb, it was posted on the 6th Feb, and I can prove it arrived at your organisation on the 7th Feb.

You had one calendar month from then to provide the information requested, anything else is a simple breach of the law. Your diversionary and provably wrong account of the dates is hilarious and irrelevant.

You are also committing fraud...

“Fraud by failing to disclose information

A person is in breach of this section if he—

(a)dishonestly fails to disclose to another person information which he is under a legal duty to disclose, and

(b)intends, by failing to disclose the information—

(i)to make a gain for himself or another, or

(ii)to cause loss to another or to expose another to a risk of loss.”

As you hope to delay other parties getting information you are under a legal duty to disclose in the hope that they will have less time to prepare for any licensing hearing, and improve your own chances and “make a gain”.

Given that your organisation has already threatened violence against my son, and that letter in my view is also inappropriate, multiple incidents is criminal harassment in my view. I would prefer if you stopped breaking so many laws.

Please respond the subject access request correctly.

Regards