

14 March 2023

FAO: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

By email only: [REDACTED]

Dear Mr J [REDACTED]

Data Subject Access Request

Thank you for your email of 10 March 2023 timed at 19:00. This letter responds only to the contents of your email relating to your son's subject access request (**SAR**). It does not respond substantively to the allegations and claims made in your email of 10 March 2023 save that they are denied. For the avoidance of doubt, it is denied that we threatened violence against your son or that we committed fraud or criminal harassment.

You initially made a request for data relating to your son on the basis that you "*hold parental responsibility for him, and so this request is for both of us*". In our letter from [REDACTED] to you dated 23 February 2023 we explained that as your son is over 12 years of age and is mature enough to understand his rights then a request for his data should either come from him or he should authorise you to make the request on his behalf. We provided you with our form "*Request Made on Behalf of a Data Subject Form*" for completion to help evidence your authority to make a request on behalf of your son. Your request for your son's data based on holding parental responsibility did not therefore start any time limit for compliance with a SAR.

On 2 March 2023 we received from the venue your son's identification document and a Data Request Form dated 27 February 2023. The data requested in this form is in identical terms to that requested under the SAR made by you personally. For example, it asks for "Any notes of complaints I made on 04.02.23" which is a reference to a complaint made by you. The Data Request Form also contains your personal email address and telephone number and does not give this information for your son. It is apparent that you were involved in the completion of the Data Request Form including deciding on what data was requested.

On 6 March 2023 we sent a letter to your son by special delivery post relating to the request. Your email of 10 March 2023 is headed "Re your letter to my son dated 6 March" and the contents of your email indicate that you know the contents of our letter to your son. Your email of 10 March 2023 also states "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." This is indicative that the request for your son's data came from you, rather than from your son, and this carried over into the Data Request Form.

ASM GLOBAL EUROPE

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The right of access to data belongs to the child rather than the parent. A child may exercise the right to access his personal data on their own behalf if they are competent to do so. Competence is assessed depending on the level of understanding of the child. It is generally reasonable to consider that a person aged 12 or over (as your son is) can exercise their data protection rights. However, a child is not considered to be competent where they are acting against their own best interests.

We have never communicated with your son (other than sending our letter of 6 March 2023) and he has never contacted or spoken to us. It is reasonable in these circumstances for us to make some checks about his competence particularly given your involvement with his SAR as set out above and given that you, rather than your son, responded to our letter of 6 March 2023. We also require your son's authority to send his personal data to your email address. In this respect, where an individual makes a SAR personal data is to be sent to that individual, unless they authorise otherwise. We refer you to the ICO's detailed guidance on SARs for further information (<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/right-of-access/>).

Given the above we suggest that the best and quickest way of proceeding is for us to have a short call with your son (with you also in attendance if you wish) to ensure he understands his rights and that he has authorised you to receive his personal data or else for him to provide his personal email address so that we can send the data to him. In that case it would then be your son's choice whether he wanted to share that data with you.

I look forward to hearing from you.

Yours sincerely,

██████████
Senior Legal Counsel (Europe)

For and on behalf of AEG Facilities (UK) Limited t/a as ASM Global, operator of OVO Arena Wembley

M: ██████████

Without Prejudice

Response to ASM

Factual Account of Dates - [REDACTED]

Exchange	Date	Status
SAR letter written	5 Feb 2023	
SAR letter sent	6 Feb 2023	Proof available
SAR letter arrived at ASM	7 Feb 2023	Proof available
Data Request Form from ASM arrived	27 Feb 2023	
Data Request Form Completed For Sending with ID	27 Feb 2023	
Data Request Form Sent	28 Feb 2023	Proof available
Data Request Form arrived at ASM	1 Mar 2023	Proof available
Non working attempt to handover files by ASM	09 Mar 2023	
Successful handover of files by ASM	10 Mar 2023	

Factual Account of Dates - [REDACTED]

Exchange	Date	Status
SAR letter written by parent	5 Feb 2023	
SAR letter sent	6 Feb 2023	Proof available
SAR letter arrived at Arena	7 Feb 2023	Proof available
"Request Made on Behalf of Data Subject" Form arrived from Arena	27 Feb 2023	
"Request Made on Behalf of Data Subject" Form ignored, and replied with Data Request Form completed by A [REDACTED] instead with ID - written	27 Feb 2023	
posted	28 Feb 2023	Proof available
delivered	1 Mar 2023	Proof available
Letter to A [REDACTED] from Arena demanding phone call posted	6 Mar 2023	
Letter to A [REDACTED] from Arena demanding phone call arrived	7 Mar 2023	
Reply by parent on behalf of A [REDACTED] by email	10 Mar 2023	
Reply by Arena repeating demand for phone call by email	14 Mar 2023	

Please see above tables showing the correspondence that we have had with you.

To address your various points:

1 I didn't need to mention that "if it is evident that this is in the best interests of the child" applies in the first SAR request for A [REDACTED], for that to apply. My position is that the original SAR letter was a valid request for A [REDACTED]. Indeed, there is no specific wording in the Act which is mandated. Given that there will be a licensing hearing discussing issues including treatment of A [REDACTED] it is common sense that all appropriate information is made available before then, and it's certainly in the best interests of A [REDACTED] to prevent further problems of the kind again.

2 The Act does not require either of us to provide ID, etc. Therefore, we should not have to provide ID to you. Please confirm where it states it is a requirement to provide the same.

3 Re "This is indicative that the request for your son's data came from you" denied and irrelevant.

4 Re "We also require your son's authority to send his personal data to your email address" you already have it in his signed form. There is no law against family email addresses or phone numbers, no requirement not to use them.

Further issues:

In both my and [REDACTED]'s case you have failed to meet the one calendar month deadline demanded by the DPA. Conclusions are either or both of:

A – [REDACTED]

Or

B – Your admin is incompetent and not able to meet the requirements of the law, in which case you are not a "fit and proper" organisation to hold a venue licence.

My refusal to allow you to speak to A [REDACTED] is completely non-negotiable. If it would assist, and in the spirit of compromise, I would be able to ask my solicitor to provide a letter confirming that he has spoken to A [REDACTED], and confirmed with A [REDACTED] that he is happy that I represent him in all matters. Please do let me know if you require this.

My solicitor has written to the Licensing Authority to adjourn the hearing, in the "public interest", until the information requested for A [REDACTED] arrives, and we have had sufficient time to study it.

Yours faithfully,

[REDACTED]