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My ref: 2026-JW-CASE-8810  
Your ref:

Friday, 6 March 2026

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Delivered by email: [icocasework@ico.org.uk](mailto:icocasework@ico.org.uk)

Dear Sir/Madam,

**Re: Formal Complaint – EE Limited (ICO Reg. Z7510687) – Breach of Articles 12 and 15 UK GDPR**

### Summary

I submit this formal complaint against EE Limited (ICO registration reference Z7510687, registered data controller address: 1 Braham Street, London, E1 8EE; DPO: [cpo@bt.com](mailto:cpo@bt.com)) for failure to comply with its obligations under Articles 12 and 15 of the UK GDPR in response to my Subject Access Request dated 26 November 2025.

EE's extended statutory deadline of 26 February 2026 has expired without full compliance. EE has not responded to my follow-up correspondence of 13 February 2026, 26 February 2026, or 2 March 2026, despite confirmed read receipts on 13 February 2026 (10:33) and 2 March 2026 (10:31). No exemption has been identified. No confirmation has been given that requested data is not held. No lawful basis for continued withholding has been stated.

The outstanding personal data is material to an active Financial Ombudsman Service complaint (ref: PNx-5712039-X0S5), in which the Ombudsman's own Final Decision dated 27 February 2026 explicitly acknowledges that further SAR evidence may be relevant and that a fresh complaint may be made once EE has had the opportunity to respond. The FOS acceptance deadline is 27 March 2026. EE's non-compliance is therefore directly prejudicing my ability to make an informed decision on that Final Decision within the time allowed.

### Parties and identifiers

<b>Complainant:</b>	Jack Whittle
<b>Data controller:</b>	EE Limited (ICO reg. Z7510687), 1 Braham Street, London, E1 8EE
<b>DPO Contact used:</b>	<a href="mailto:cpo@bt.com">cpo@bt.com</a>
<b>FOS reference:</b>	PNx-5712039-X0S5

## **Chronology of the SAR and EE's Non-compliance**

**26 November 2025** - I submitted a comprehensive Subject Access Request to EE's Data Protection Officer at cpo@bt.com, seeking personal data relating to: credit and eligibility decisioning; the full system audit trail and order lifecycle for order xko299591893; internal communications between relevant teams; communications and submissions made to the Financial Ombudsman Service; and Article 15(1) information including purposes, recipients, retention periods, and any automated decision-making information.

**24 December 2025** - EE notified me of an extension under Article 12(3) UK GDPR, citing complexity and the number of systems and teams involved. EE stated it aimed to complete the SAR by 26 February 2026

**12 February 2026** - EE provided a partial disclosure. Having reviewed the disclosure, I considered it materially incomplete in the following categories:

- Article 15(1) information (purposes, recipients, retention, sources, automated decision-making) - not provided; a general privacy policy link was substituted;
- Credit and eligibility decisioning outputs, reason codes, risk flags, and CRA-derived data - not provided;
- Full system audit trail and order lifecycle records for order xko299591893, including status changes, timestamps, cancellation reason codes, and operator identifiers - not provided;
- Internal communications between Sales, offline order processing, Credit Referrals, and Executive Complaints teams - not provided;
- Communications and submissions to the Financial Ombudsman Service, including any representation that the complaint was "resolved" - not provided;
- Redaction schedule and exemption mapping - not provided; no legal basis stated for any redaction or withholding;

Disclosure index identifying what was and was not provided - not provided.

**13 February 2026** - I sent a detailed formal letter to EE's DPO identifying each category of outstanding personal data, requesting completion by 26 February 2026 or within 14 days, whichever sooner, and reserving the right to escalate to the ICO. A covering email was sent simultaneously. EE acknowledged receipt by read receipt at 10:33 on 13 February 2026. No substantive response was provided.

**26 February 2026 (17:10)** - The extended statutory deadline expired. I sent a further email to EE's DPO confirming expiry of the deadline and requesting confirmation of whether EE considered its obligations discharged. No response was provided.

**2 March 2026 (10:00)** - I sent a formal breach notice to EE's DPO confirming the continuing breach, placing EE on notice to preserve all relevant data, logs, audit records, and internal communications pending resolution, and confirming I would proceed to the ICO without further delay. EE acknowledged receipt by read receipt at 10:31 on 2 March 2026. No substantive response has been provided.

**6 March 2026** - I now submit this complaint to the ICO.

Breaches complained of

### **Article 15 UK GDPR - Right of Access**

EE has failed to provide access to personal data held in the following categories, without identifying any applicable exemption under the UK GDPR or the Data Protection Act 2018:

1. Full system audit trail and order lifecycle records for order xko299591893 (status changes, timestamps, cancellation reason codes, and operator identifiers/roles);
2. Credit and eligibility decisioning outputs, reason codes, risk flags, and any CRA-derived data held by EE;
3. Internal communications between Sales, offline order processing, Credit Referrals, and Executive Complaints teams, constituting personal data relating to my application, cancellation, and complaint;
4. Communications and submissions to the Financial Ombudsman Service relating to complaint PNx-5712039-X0S5, including any representation that the complaint was "resolved";
5. Article 15(1) information (purposes, categories, recipients, retention, sources, and automated decision-making information).

### **Article 12 UK GDPR – Transparent Information and Modalities**

EE has failed to respond to my follow-up correspondence of 13 February 2026, 26 February 2026, and 2 March 2026. EE has not confirmed, in respect of any category of requested data, whether that data: (i) is disclosed; (ii) is not held; or (iii) is withheld under a specific statutory exemption. Silence and non-engagement do not constitute compliance. The failure to communicate transparently about the handling of my SAR is a breach of Article 12.

#### **Failure to identify exemptions**

Where a data controller withholds personal data, it must identify the specific exemption relied upon under the UK GDPR or the Data Protection Act 2018 and explain how it applies. EE has identified no exemption for any category of withheld data. EE's complaint correspondence states it is "unable to provide specific information as to why you failed the criteria for the Device Finance" citing commercial sensitivity - but that is a complaint-handling position, not a data protection exemption. It does not address what personal data EE holds, and it does not identify any Schedule 2 DPA 2018 exemption.

#### **Data preservation notice**

EE has been formally placed on notice to preserve all relevant data, logs, audit records, system entries, and internal communications relating to BAN 225386871 and order xko299591893. The personal data requested is potentially material to ongoing and prospective legal proceedings. Any destruction, deletion, or alteration of responsive material following receipt of that notice may constitute spoliation and will be reported accordingly.

#### **Why This Complaint is Urgent**

The Financial Ombudsman Service issued a Final Decision in complaint PNx-5712039-X0S5 on 27 February 2026. The Ombudsman's decision explicitly states: "If this results in new

information that Mr W considers to be relevant to his case, then he can make a further complaint to this service once EE has had a chance to respond."

The FOS acceptance deadline is 27 March 2026. EE's continued non-compliance with my SAR means I cannot obtain and assess the outstanding evidence - in particular, the full order audit trail for xko299591893 and the decisioning records - before that deadline expires. EE's breach is therefore directly and materially prejudicing my ability to make an informed decision about the FOS Final Decision within the time allowed.

I ask the ICO to treat this complaint as urgent in light of the 27 March 2026 FOS deadline, and to contact EE without delay to require compliance or a clear exemption-based explanation for each category of withheld data.

### **Requested**

### **Action**

I request the ICO to:

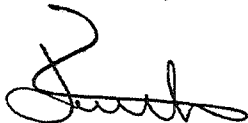
1. Investigate EE Limited's compliance with Articles 12 and 15 UK GDPR in respect of my SAR dated 26 November 2025;
2. Require EE to provide, without further delay, the outstanding personal data identified in section 4.1 above, or to identify the specific statutory exemption relied upon for each category withheld;
3. Note the urgency of this complaint in light of the 27 March 2026 FOS deadline;
4. Note EE's pattern of non-engagement (read receipts confirmed; no substantive responses provided) as relevant to the question of whether EE has acted in good faith;
5. Consider whether EE's conduct warrants regulatory action, including in respect of its failure to identify exemptions, its failure to provide Article 15(1) information, and its failure to respond to follow-up correspondence within the statutory timeframe.

### **Supporting Documents**

The following documents are attached to this email and directly support this complaint:

1. SAR dated 26 November 2025 and covering letter
2. EE's Article 12(3) extension notification dated 24 December 2025
3. EE's partial disclosure dated 12 February 2026
4. My formal letter citing incompleteness dated 13 February 2026
5. My follow-up email dated 26 February 2026
6. My Formal breach notice dated 2 March 2026 with read receipt confirmation

Yours faithfully,



Jack Whittle