

SAR Template Labour Party

dataprotection@labour.org.uk

Dear Data Controller

I am making a data Subject Access Request (SAR) for all the data held or processed about me from September 2020 until the date of the response to this request by the Labour Party, its agents¹, and its data processors.

I attach proof of my identity.

I have learnt that I was one of the victims of the data and GDPR breaches in Peto (R. on the application of) v the Information Commissioner. I was a member of the private and confidential LGBT+ Labour trans forum and Facebook group from which highly sensitive² & special category data was stolen. The stolen data was misleadingly edited and falsified to provide sham justification to victimise and discriminate against individuals and stored to use to discredit members.

I thus have strong grounds to believe that my data has been obtained and/or processed unlawfully and/or is inaccurate. I assert my GDPR Article 18 right to require you to restrict processing of my data until you have provided me a copy, identified the source, and the purpose of processing, so that I can assess and assert my GDPR Articles 16, 17, & 21 rights. Under GDPR Article 19 you must notify all the past and present recipients of my data/information of this restriction of processing, and then any GDPR Art.s 16, 17, & 21 rights I later assert.

The data about me is likely to be held in/by:

1/ Material supplied to the Governance and Legal Unit, other complaints bodies, or held for the purpose of discrediting members in the press or selections.

Because this request is to support a GDPR Article 18 restriction of processing request, until the accuracy and lawfulness of data is checked and whether a criminal offence was committed in the obtaining, retaining, or concealing such data, - there is no 3rd Party or other exemption for material sent to internal complaints. It must either be: (i) provided by copy with names of third parties

¹ As defined in Annex 3 of the EHRC Investigation of antisemitism within the Labour Party.

² Highly sensitive data included but was not limited to:

- a/ Discussions on Gender Recognition Act (GRA) reform some of which identifies that a member had a GRC or had applied for one, which is protected information under s22.
- b/ Discussions about taking legal action against the Labour Party for failing to tackle transphobia along the lines taken against the Party for antisemitism.
- c/ Most of the other stolen data was protected as special category data. A legal argument has been made that Gender Identity is special category data by virtue of being a philosophical belief.

redacted, or (ii) a full and accurate description given in its place³, or (iii) erased under GDPR Article 17.

It should also be noted that data sent by LGBT+ Labour has no 3rd Party exemption because LGBT+ Labour is not a natural person.

2/ Correspondence (including emails and WhatsApp messages) from LGBT+ Labour or from its committee members to the Party and its NEC members and MPs.

3/ You may know of other places where data is held or discover them when processing other members SARs. These all should be checked.

I accept that given the passage of time and the nature of the GDPR breaches, control of the data and identity of agents holding it might have been lost. In which case a generic notification that no agent of the Party, past or present, who received the data or information about trans members from the above may retain or use it without permission of both the Labour Party & LGBT+ Labour data controllers, and it may be a DPA criminal offence to do so. It should also be made clear that:

Further criminal restrictions apply under s22 of the Gender Recognition Act. Data unlawfully obtained included making copies of members private conversations within the safe space of the forum. Members frequently discussed GRA reform and personal experiences of the current process. Where copies of data or information identifies that a person has or may have a Gender Recognition Certificate or may have made an application for one, this is *protected information*, and it is an offence under s22 of the Gender Recognition Act to retain or disclose it without the permission of the data subject (i.e. not the data controller).

It is a s173 offence not to provide a copy of the data currently held to the Labour Party's data controller, or to destroy or conceal the data now a data subject access request has been made. Anyone holding such data should send a copy to the data controller, along with information about when it was obtained, from who, and what purpose it was being used for. There is no self-incrimination privilege to refuse to provide this information/ data under Schedule 2 Part 4, 20(2) but the information/data cannot be used in any criminal proceedings 20(3).

³ UK Recital 63, B v GMC [2018] EWCA Civ 1497, Österreichische Post [2022] EUECJ C-154/21, which was affirmed in UK case law in Harrison v Cameron & Anor [2024] EWHC 1377 (KB), etc. These authorities make clear there is no veto for a third-party on disclosure of information, because it would undermine the GDPR rights to check data for accuracy and lawful processing. People, particularly in politics, knowingly provide inaccurate or malicious data to undermine political opponent. Trans people are disproportionately affected given the UK culture wars.

Restriction of processing I requested should start immediately.

Yours truly

Your name