

Attn: John Humphrey
BEGBIES TRAYNOR GROUP PLC/BTG GLOBAL RISK PARTNERS LTD
340 Deansgate
Manchester
M3 4LY

Sent By: Registered Mail

Dear Mr Humphrey,

2nd October 2012

Illegal Multiple Accesses of my Credit Files

You have tried unsuccessfully over the past few months to obfuscate this matter by using diversionary and deflective language. With this backcloth I am going to set out here the real situation.

There have been a considerable number of conversations over the past few weeks with various personnel at the ICO in Wilmslow. The ICO has been provided with a meticulous and very detailed background to this matter, without naming any of the parties. Whilst in these conversations with the ICO, direction was made to specific pages on their website and to the relevant sections of the DPA, and the requirements placed upon the applicant party [BTG] in order to comply with the DPA in obtaining on multiple occasions my confidential personal credit file, data and information from Equifax and others.

In accordance with the law as set out in the Data Protection Act 1998 [as amended] except for the Police and certain Government agencies, Equifax can only supply my confidential personal credit file, data and information to BTG in only one of two ways as set out below. The same law under the DPA also applies to all other entities holding an individual's confidential personal data and information.

1) CONSENT

By BTG confirming to Equifax on each and every one of the four discrete access requests by BTG during April 2011 that BTG held my consent to obtain my confidential personal credit file, data and information held by Equifax.

OR

2) A VALID SPECIFIC EXEMPTION under SECTION 35

By BTG as the entity seeking to obtain my confidential personal credit file, data and information held by Equifax, claiming a valid exemption under Section 35 of the DPA for certain and specific legal proceedings. However in order to be able to claim this exemption to the Data Controller under Section 35 re legal proceedings, BTG has to provide an order from the Court involved in the proceedings.

Alternatively BTG can apply in writing to the Data Controller of Equifax, accompanied with supporting documentary evidence. BTG must state and set out why BTG consider they have a right to obtain my confidential personal credit file, data and information held by Equifax. BTG are required to explain the reasons with specificity why BTG cannot obtain the authority from the Court, or why BTG cannot obtain such consent from me. The ICO state, that in this scenario, the Data Controller is usually "extremely difficult to convince" [direct quote from the ICO] for fear of prosecution, litigation and damages.

I have only received three letters from BTG: 29th February 2012, 17th July 2012 and 3rd August 2012.

In these letters BTG have claimed:

1. BTG had the consent of HGW to obtain my confidential personal credit file, data and information
2. BTG had a "reasonable belief" that BTG was able to obtain my confidential personal credit file, data and information for "Legitimate business reasons" as BTG was acting on the "Instructions" of HGW whose "client" [Mr. and Mrs. H/their Insurance Company] "you believed" had the right to this information.
3. BTG obtained my confidential personal credit file, data and information under a Section 35 exemption.

SOME FACTUAL EVENTS:

- A. Equifax have confirmed that BTG obtained on four separate discrete occasions during April 2011, my confidential personal credit file, data and information. BTG achieved this by signing a contract with Equifax on each and every one of the four separate discrete access occasions in which BTG confirmed to Equifax that BTG held my consent to obtain my confidential personal credit file, data and information. Equifax also confirmed the following to me:

As a client of Equifax BTG Intelligence have direct access to our systems.

Each Equifax client is required to sign a contract prior to gaining access to our system. This contract stipulates that the client in question must seek consent from the individual concerned prior to completing a search. Equifax works closely with our clients to ensure that they fully understand this requirement which is specified under the current Data Protection Act.

It is the responsibility of the client in question to ensure that this consent is sought and that appropriate records are maintained to substantiate each search completed with Equifax.

Further it has been confirmed that the credit file data and information obtained by BTG was:

much of the information that showed on your credit report dated xxxxx 2012.

- B. At a court hearing in March 2012 towards the end of the hearing my Advocate (Mr. Davies) brought to the attention of the Judge the fact that my confidential personal credit files data and information had been obtained by/on the instructions of HGW but without my consent. As this was not part of the proceedings, the Judge was not prepared to listen to the issue then. However the Judge did state: "If what you say Mr. Davies is correct, then this is a very serious matter". Perhaps BTG should consider obtaining a copy of the transcript from HGW.
- C. I have made multiple SAR requests during 2012 to Equifax and Experian with the latest packages of documents in compliance with SAR being received within the past two weeks or so. Interestingly nowhere in these latest disclosure documents or indeed any of the previous disclosure documents under SAR is there any record of BTG writing with supporting documentation to the Data Controllers of these CRA's applying for exemption under Section 35 in order to obtain my confidential personal credit files data and information. The ICO advised me that an application by BTG for exemption under Section 35 would have to have been disclosed to me by the CRA's under SAR.

SOME INTERESTING OBSERVATIONS:

BTG have failed to make a clear bold statement to me confirming with specificity and with evidence just how and when they complied with laws under the DPA and have not committed criminal acts in obtaining my confidential personal credit files data and information.

BTG failed to respond to Equifax's multiple requests for evidence in support of the four signed contracts by BTG, that BTG held my consent to access and obtain my confidential personal credit files data and information.

BTG's mission statement in the investigation section of its website states: "Because information is everything, we stop at nothing. Our investigators and intelligence professionals stop at nothing to bring you the vital information you need, exactly when you need it".

<http://www.begbies-traynorgroup.com/investigations-and-risk/our-services/investigations.aspx>

HGW have been very "shy" in providing my Solicitors with any confirmation that {i} they and/or their clients held my consent, {ii} they and/or their clients have not been complicit in this, {iii} they and/or their clients have not been involved in a conspiracy to illegally obtain my confidential personal credit files data and information.

GENERAL:

BTG had to pass a strict due diligence application procedure with Experian and Equifax to allow direct access to their systems to enable BTG to obtain individuals confidential personal credit file, data and information. BTG has to be fully cognisant and compliant with the DPA; and all of the strict procedures and legal requirements contained within the DPA. BTG has to be "squeaky clean" [direct quote from the ICO] in the way they obtained my confidential personal credit file, data and information from the data bases of the CRA's and all entities holding an individual's confidential personal data and information.

Certainly as a Publicly Quoted Company on the LSE, BTG in holding these access powers to the CRA's and others should be acutely aware of the need to fully comply with the civil and criminal law of the land and the potential serious problems in operating outside of these laws.

This is especially so as the ICO are taking a much tougher stance against perpetrators who break the DPA laws. Indeed I am sure BTG will be aware that if a complaint is filed with the ICO then BTG will have to answer the questions raised by the ICO very clearly. If BTG fail to do this then the ICO will have a team of Auditors at BTG offices to which access cannot be withheld.

The ICO now has the power to fine "rogue operator companies" £500,000 and fine the actual human(s) who carried out illegal acts and also senior/controlling Directors. In addition the ICO can apply for a two year custodial sentence for individuals involved.

On the criminal side BTG will no doubt be well aware of the current and ongoing multiple Police Operations that are in progress into phone hacking, email accessing, data intrusion, privacy intrusion, misuse of computers, illegally obtaining medical records and illegally obtaining individuals banking records and data!! Indeed a number of people have already been jailed and/or are waiting to go to trial. Interestingly in reference to phone hacking the 'Private Investigators' involved did not use any clever software or covertly approach Orange/Vodafone/O2 etc in order to obtain the access code for the voicemails they "hacked" into, they simply used the voicemail access default code.

This open gateway exists as the majority of the public do not change/personalise the code from the factory default one and therefore leave themselves open to phone hackers.

In the case of illegally accessing an individual's confidential personal credit file, data and information held by the CRA's there is a distinct similarity to the phone hacking scandal in that there are only a small [single figure] percentage of people who ever check their credit files, thereby leaving themselves open to "rogue operator companies" illegally obtaining an individual's confidential personal credit file, data and information without the individual ever being aware that they have been violated.

However there is a vastly distinct dissimilarity in the method used by 'Private Investigators' involved in the phone hacking scandal to the method used by "rogue operator companies" in illegally accessing an individual's confidential personal credit file, data and information from the CRA's. In this scenario the accessing has to be conducted by an entity that must be registered with the ICO. The entity has to abide by a strict code of conduct in compliance with the DPA, the entity has to pass a strict approval process by the CRA's and the entity has to specifically confirm each and every time that they seek access to an individual's confidential personal credit file, data and information, that they hold a valid consent from the individual concerned.

Unless BTG and/or HGW/their Client (whom BTG included in BTG's "claims and beliefs") can clearly, unequivocally, satisfactorily and with specificity evidence that the legal ability existed on each of the multiple access occasions made to Equifax and Experian during which BTG accessed and obtained my confidential personal credit file, data and information and disseminated this to others; then there could well be extremely serious civil and criminal consequences for all of those involved. Furthermore as BTG have confirmed that "HGW instructed BTG", and that "BTG had the consent of HGW" to obtain my confidential personal credit file, data and information, then unless clear evidence is provided to support the only legal ways my confidential personal credit file data and information could have been obtained as in 1) and 2) above then HGW in addition to the Police and other agencies may also find themselves being investigated by the Solicitors Regulation Authority.

If it was not illegal for me to do so [by virtue of having knowledge], I would short BTG shares because in the event I am advised to proceed in certain ways at a forthcoming meeting with my Solicitors, then BTG shares will almost certainly take a significant fall particularly as the market may very well perceive that my case is not an isolated unique occurrence.

It would appear that BTG/HGW/their Clients profiled the wrong individual in the wrong percentage sector, and also did this at a most unhelpful time given the current backcloth of the various ongoing high profile investigations and operations by the Police and other government authorities into similarly characterised illegal activities.

I am due to meet with my Solicitor and his associate Solicitor colleagues within the next three weeks in order for them to advise me of all of the various options in this matter.

In the meantime, if BTG and/or HGW have nothing to hide then provide the clear evidence now.

More games will simply NOT work. For the avoidance of all doubt, this SERIOUS problem is NOT going away.

Yours sincerely

