

# Press release: Swansea director disqualified for sending thousands of spam text messages

Help Direct UK Limited was a call centre-based business in Swansea, generating and selling marketing leads. The company entered creditor's voluntary liquidation on 7 December 2015 owing its creditors an estimated £342,447.

Between and 7 April 2015 and 30 April 2015, Help Direct UK Limited sent thousands of unsolicited ('spam') text messages to private individuals without their consent, which led to 6,757 complaints being made.

The Information Commissioner (ICO) [issued a monetary penalty of £200,000](#) on 21 October 2015. The company failed to pay the penalty prior to entering creditors voluntary liquidation on 7 December 2015, at which point the company had total assets of £1,287 and total debts of £343,734.

Commenting on the disqualification, Susan MacLeod, Chief Investigator at The Insolvency Service, said:

In this particular case, the company had been warned by the Information Commissioner's Office about sending unsolicited messages, and had been served with a notice requiring the company to comply with the law. Despite this, the company continued sending thousands of spam text messages which led to over 6,000 complaints from the recipients.

Individuals who demonstrate such disregard for the law are clearly not fit to be a director of a company. Company directors should note that the Insolvency Service will take action to protect the public where directors have failed to adhere to the law.

Andy Curry, enforcement manager at the ICO, said:

This shows that company directors can not leave by the back door as my team is coming through the front door.

It sends a clear message that the companies behind nuisance calls and texts will be held to account.

## Notes to editors

Help Direct UK Limited (CR0 No. 07904408) was incorporated on 10 January 2012 and traded from Unit 2 Century Works, Peniel Green Road, Llansamlet, Swansea, SA7 9BZ until May 2015, and thereafter from First Floor, Unit 2, Villiers House, Charter Court, Swansea Enterprise Park, Swansea, SA7 9FS.

The Information Commissioner's Office is the UK's independent body set up to uphold information rights in the public interest. The ICO is responsible for the enforcement of the Data Protection Act 1998 and the Privacy and Electronic Communications Regulations.

Leighton John Power's date of birth is 19 May 1979 and he resides in Brynhyfryd, Swansea. He was a director of the company between 22 April 2013 and its insolvency on 7 December 2015. He was also previously a director of Cryton Limited, which entered Creditors Voluntary Liquidation on 27 September 2013.

On 12 January 2017, the Secretary of State accepted a disqualification undertaking from Mr Power, effective from 2 February 2017, for a period of 6 years. The matters of unfitness, which Mr Power did not dispute in the disqualification undertaking, were that Leighton John Power caused Help Direct UK Ltd to contravene regulation 22 of the Privacy and Electronic Communications (EC Directive) Regulations 2003 (PECR), which caused the Information Commissioner to issue a monetary penalty of £200,000 on 21 October 2015 which remained outstanding upon the company's liquidation. In that:

- the Information Commissioner identified 659 complaints regarding unsolicited direct marketing text messages sent by Help Direct between 15 December 2013 and 3 April 2014
- on 24 February 2015 the Information Commissioner served Help Direct with an Enforcement Notice under section 40 of the Data Protection Act 1998, requiring the company to comply with regulation 22 of PECR by 31 March 2015
- between 7 April 2015 and 30 April 2015, Help Direct sent further unsolicited text messages to individuals for the purposes of direct marketing contrary to regulation 22 of PECR, which resulted in 6,757 complaints to Groupe Spéciale Mobile Association's Spam Reporting Service
- on 21 October 2015 the Information Commissioner issued a penalty of £200,000 in respect of Help Direct's contraventions of regulation 22 of PECR. Help Direct made no payments towards the penalty
- Help Direct entered creditors voluntary liquidation on 7 December 2015. The Information Commissioner was the largest creditor in the liquidation, and the penalty materially contributed to the Help Direct's insolvency

A disqualification order has the effect that without specific permission of a court, a person with a disqualification cannot:

- act as a director of a company

- take part, directly or indirectly, in the promotion, formation or management of a company or limited liability partnership
- be a receiver of a company's property

Disqualification undertakings are the administrative equivalent of a disqualification order but do not involve court proceedings.

Persons subject to a disqualification order are bound by a [range of other restrictions](#).

The Insolvency Service, an executive agency sponsored by the Department for Business, Energy and Industrial Strategy (BEIS), administers the insolvency regime, and aims to deliver and promote a range of investigation and enforcement activities both civil and criminal in nature, to support fair and open markets. We do this by effectively enforcing the statutory company and insolvency regimes, maintaining public confidence in those regimes and reducing the harm caused to victims of fraudulent activity and to the business community, including dealing with the disqualification of directors in corporate failures.

BEIS' mission is to build a dynamic and competitive UK economy that works for all, in particular by creating the conditions for business success and promoting an open global economy. The Criminal Investigations and Prosecutions team contributes to this aim by taking action to deter fraud and to regulate the market. They investigate and prosecute a range of offences, primarily relating to personal or company insolvencies.

The agency also authorises and regulates the insolvency profession, assesses and pays statutory entitlement to redundancy payments when an employer cannot or will not pay employees, provides banking and investment services for bankruptcy and liquidation estate funds and advises ministers and other government departments on insolvency law and practice.

Further information about the work of the Insolvency Service, and how to complain about financial misconduct, is [available](#).

Media enquiries for this press release – 020 7674 6910 or 020 7596 6187

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