

3QZ06221: Hearing date 25th Nov 2013

Adrian Kennard
43 Fletcher Gardens
BRACKNELL
RG42 1FJ

10th Sep 2013

Reading County Court
Claim 3QZ06221
Adrian Kennard vs Deane Computer Solutions Ltd

Documents to be relied on at the hearing, and key points of this case.

This matter relates to the The Privacy and Electronic Communications (EC Directive) Regulations 2003 ("The regulations");

1. I am a living individual, my name is Adrian Kennard, I live at 43 Fletcher Gardens, BRACKNELL. I meet the definition of "individual" as per section 2 of the regulations [5].
2. Dedicated Programmes are a company who provide electronic communications services to the public, and as such meet the definition of a provider of "public electronic communications service" as per section 2 of the regulations. This can be seen from the main Dedicated Programmes web site but they have also been kind enough to furnish me with a letter confirming this fact [1].
3. I have a contract with Dedicated Programmes for the provision of email services on the email address adrian@titanic.co.uk. This is clear from the invoice [3] for such services but Dedicated Programmes have also provided a letter confirming this fact [2].
4. I am a party to that contract as an individual, as confirmed by my home address being on the invoice [3] and the contents of the letter [2] from Dedicated Programmes. As such I am an "individual subscriber" as referenced by section 22 of the regulations [6].
5. On 24th July the defendant transmitted an unsolicited marketing email [4] to the email address adrian@titanic.co.uk. This is an email transmitted to an "individual subscriber" as can be seen from the above statements.
6. I have never engaged in any sale or negotiation with the defendant or given them consent to the sending of such emails. As such it is clear that they are in breach of section 22 [6] of the regulations.
7. I am entitled to claim damages as per section 30 of the regulations. In considering this matter it is worth noting that I have had to exchange a considerable number of emails with the defendant including those where I am accused of fraud or a scam, and clear indications that the defendant has every intention of withholding information relating to his defence and abusing process to ensure the case takes as much time and cost for me as possible [7].

Attached:-

- [1] Letter from Dedicated Programmes confirming that they are a provider of public electronic communications services
- [2] Letter from Dedicated Programmes confirming I have a contract for adrian@titanic.co.uk
- [3] Invoice from Dedicated Programmes for email services on adrian@titanic.co.uk
- [4] Unsolicited marketing email from the defendant
- [5] The regulations, interpretation, defining "individual" and "subscriber"
- [6] The regulations, section 22, outlawing such emails
- [7] One of many emails from defendant during negotiations.

