

The Direct Marketing
Commission

Enforcing Higher Industry Standards



Annual Report 2016/17

The DMA Code Principles



Put your customer first

Value your customer, understand their needs and offer relevant products and services



Be honest and fair

Be honest, fair and transparent throughout your business



Take responsibility

Act responsibly at all times and honour your accountability



Respect privacy

Act in accordance with your customer's expectations



Be diligent with data

Treat your customer's personal data with the utmost care and respect

Contents

- 3** About The Direct Marketing Commission
- 4** About the Commissioners
- 6** Chief Commissioner's Report:
George Kidd
- 8** Complaints History
- 10** The Complaint Process
- 12** Respect, responsibility and fairness – why business transformation is easier and more valuable than you think:
Dr Simon Davey, Independent Commissioner
- 14** Companies who chase audiences for their own gain not the consumer's gain – don't do it just because you legally can – keep in line with customer expectations:
Charles Ping, Industry Commissioner
- 15** Digital marketing by social influencers:
Rosaleen Hubbard, Independent Commissioner
- 16** The GDPR: Taking an empathetic approach:
Fedelma Good, Industry Commissioner

About The Direct Marketing Commission

The Direct Marketing Commission (DMC) manages (accepts and hears) complaints made against the activities of Direct Marketing Association (DMA) members in relation to the DMA Code and considers emerging issues arising from complaints to contribute advice and support to the DMA in enabling higher professional standards.

The DMC is the body which enforces the **DMA Code** and forms part of, and is funded by, the Association and the Advertising Standards Board of Finance (ASBOF). The DMA Code and DMC are established to give effective protection to recipients, users and practitioners of one-to-one marketing, ensuring that companies observe high standards of integrity and trade fairly with their customers and with each other. This is processed through the investigation of complaints, direct marketing issues and practices, and providing guidance to consumers. The DMC and DMA have also recognised the potential value of shared research or other action to build marketing understanding, awareness of industry standards and compliance.

The DMC comprises an independent Chief Commissioner, two independent Commissioners and two industry Commissioners. Independent Commissioners serve on a paid basis and industry Commissioners serve on a voluntary basis. Decisions which relate to the adjudication of complaints about a member of the DMA are taken independently by the DMC and its decisions are final. Where the DMC concludes that a member is in breach of the Code the member is entitled to appeal against the ruling. The DMC's current Appeals Commissioner is John Bridgeman CBE TD, who is appointed by the Board of the DMA.

The DMC will address any complaints against DMA members where the complaint is within the scope of the DMA Code. If the complaint is not covered by the Code, it is referred to another relevant organisation. The Secretariat of the DMC aims to confirm receipt of all complaints within two working days and aims to achieve at least 65% satisfaction levels with the action taken by the DMC in relation to cases dealt with by formal or informal procedures. Every complainant is informed of the action taken and/or the outcome of investigations. In addition, the DMC aims to complete 80% of formal adjudications within three months of the first dialogue with a DMA member or any other party and register and progress complaints within seven working days. The DMC aims to have no cases reversed after action by the Independent Appeals Commissioner and no successful judicial reviews or legal challenges, and makes available key trend information on complaints as required.

Minutes of the DMC Board meetings are published on the [DMC website](#).

About the Commissioners

All the DMC's Commissioners are expected to demonstrate sound judgement and analytical skills and have the ability to digest and make good sense of often complex cases and other materials, taking both a big picture and fine detail view. They must have the ability to work and debate effectively and adjudicate, acting objectively on the evidence applying the principles of natural justice.

Please see the Commissioners' biographies on the next page.

About the Commissioners continued



George Kidd

Chief Commissioner

In addition to his role at the Direct Marketing Commission, George is Chief Executive of the Senet Group, the body responsible for raising standards, developing best practice and promoting responsibility in the gambling sector. George was formerly Chief Executive of the Online Dating Association, Chief Executive of PhonepayPlus, on the boards of the Fundraising Regulator and the Council of Licensed Conveyancers, and Chair of the UK Public Affairs Council, the independent register of lobbyists. In government he was a director in the Cabinet Office responsible for regulatory policy and practices and served as British Consul in Chicago for five years.



Dr Simon Davey

Independent member

Simon runs independent management consultancy Omega Alpha, working with organisations as a Change Leader to optimise processes and change cultures, bottom up and top down, to achieve better social and economic returns.

He has developed and led educational programmes including Emerging Scholars (ESIP) and has a long history of work with disadvantaged young people. His work with charities focuses on the ethical and effective application of data and information management for social outcomes.



Rosaleen Hubbard

Independent member

Rosaleen Hubbard is the founder and Senior Partner of Towerhouse Consulting LLP, a law firm specialising in the provision of legal and policy advice to business and regulated sectors. She is named by Who's Who

Legal as one of the UK's leading telecoms regulatory lawyers.

Rosaleen has a particular interest in consumer policy. She was a founding Council member of The Ombudsman Service. She is a graduate of the Aston School of Business and qualified as a solicitor in 1986.



Fedelma Good

Industry member

Fedelma is a Director in PwC's multi-disciplinary data protection practice in London. Fedelma joined PwC in November 2017 from Barclays UK, where she was Director of Information Strategy and Governance.

She became an industry commissioner in January 2017.

Fedelma has expertise and experience in a unique combination of technology, marketing, regulation and information/data management issues. She has chaired and contributed to a number of industry working groups including for example those relating to open data, cookies and the development of best practice guidelines for the use of data for marketing purposes.

Until December 2015, she was a board member of the UK DMA (Direct Marketing Association), she is an honorary fellow of the Institute of Direct and Digital Marketing (IDM) and a frequent presenter at data protection, privacy and information management conferences across Europe.



Charles Ping

Industry member

Charles is Chairman of Fuel, the data specialist agency within the Engine group. He has over 30 years of experience across the data industry including time as a client, a supplier and as an agency CEO. His

work focuses on helping clients drive value through embedding a customer centric approach, organising and understanding omni-channel data and helping brands engage with their customers.

Charles is a former Chairman of the Direct Marketing Association and is a Non-Executive Director for the Advertising Standards Board of Finance (the key funding body for non-broadcast advertising self-regulation).

Outside of work Charles lives in Suffolk and enjoys film, classical music and rebuilding and racing vintage cars.

Chief Commissioner's Report

George Kidd



There are endless forms of self-regulation and, no doubt, endless opinions as to its purpose and value. In the direct marketing field I think we have taken decisive action to set out the big picture expectations on the DMA membership, and some more specific requirements to give these

expectations clear meaning.

This recognises something important. It is the fact that self-regulation in this field and in most other fields is there to give life and direct relevance to laws and regulations set and enforced by the state when this proves necessary. Self-regulation seldom 'fills gaps'; making rules where none otherwise exist. And that could not be any clearer when it comes to data protection and privacy.

There are generic rules, channel specific regulations and more on the way as GDPR and the Privacy Directive come forward.

Our self-regulatory arrangements make no attempt to seize ownership of these laws. Nor do we seek to 'gold-plate' them by adding prescriptive requirements. Instead, the DMA Code and the DMC's approach to its enforcement is to set out the culture we aspire to with reference to putting the customer first, to respecting privacy, to honesty and fairness and to taking responsibility for your actions and the actions of those you employ and work with.

The issues that come before the Commission might be tested in terms of privacy laws and regulations or rules on Unfair Commercial practices, but our duty to the DMA is to look at them against the headings listed. We test many things including:

- whether businesses are upfront as to their identity and objectives in collecting and using data.
 - whether they are thoughtful when vulnerable consumers may be involved.
 - whether they respect the need not to mislead folks in what they do and do not say in their marketing.
 - whether they show responsibility and good sense over how they keep data safe, accurate and over how long it's appropriate to rely on someone's consent to receive marketing.
 - whether, in a sector where sub-contracting, out-sourcing, affiliate marketing and trade in data is widespread, members accept their responsibility for suppliers, partners, affiliates, out-source agencies and others and manage these relationships accordingly.
- We must approach complaints and investigations in a professional and consistent manner. We need, always, to be proportionate in how we address different forms of behaviour and harm. Wherever appropriate, our aim as a self-regulator is to identify where activities may not be consistent with the spirit or detail of the DMA Code, and encourage and, if necessary, press members to change those behaviours before things worsen and statutory regulators are obliged to intervene.

100101
001011
101001

Be diligent with data
Treat your customer's
personal data with
the utmost care
and respect

I think we have taken decisive action to set out the big picture expectations on the DMA membership, and some more specific requirements to give these expectations clear meaning.

Chief Commissioner's Report continued

This matters on several counts. It heads off public harm and frustration. It reduces the demands on statutory bodies and allows them to deploy resources elsewhere to best effect. Perhaps most importantly, using references to fairness, responsibility and respect for privacy it obliges members to think not just about whether they 'can' do something in law, but whether they 'should' if they are true to the Code's 'Put the Customer' first mantra.

In most cases this approach results in changes for the better. But this general goal should not be taken as evidence the DMA and the DMC as its compliance partner will always make-do with offers to amend past practice. Together we have been prepared to remove businesses from membership and spell out publicly why that was necessary. And, together, we would always stand ready to support the ICO or other enforcement agencies if there is evidence of serious wilful wrongdoing.

While the volume of complaints remains low the challenges with data and consents across lengthy value-chains are a cause for concern. Here, as with other issues, we seek to balance our responsibility for dealing with the behaviours with individual businesses with the need to look at where and why there is an issue, and to work with the DMA on policy responses across the board, and not just the individual complaint and member company. We were a key driver of the DMA's approach to using third-party audits to satisfy itself that lead generation and data brokerage businesses had the right systems – and cultures – in place to align with the DMA Code and principles. Our case findings are likely to have a similar value as the DMA addresses the issue of consents to marketing and the need to use and refresh these, or let them expire.

I hope this report and the reflections of my colleagues is of use and interest. I am indebted, as ever, to Fedelma Good, Rosaleen Hubbard, Charles Ping, Simon Davey and Suzi Higman for their commitment, good sense, professional knowledge and endless patience!

We must approach complaints and investigations in a professional and consistent manner. We need, always, to be proportionate in how we address different forms of behaviour and harm.

Complaints History

Breaches of UK data protection laws during 2016 attracted 35 fines totalling £3,245,500, almost double the fines in 2015. With GDPR legislation around the corner in May 2018, UK businesses face even bigger fines if they fail to ensure compliance.

This year the Commission recorded nearly 200 complaints against businesses in the direct marketing sector which was over 10% fewer than last year. The Commission’s Secretariat investigated 32 consumer complaints and 7 business-to-business complaints involving members but over 150 complaints against non-members. The Secretariat referred, where necessary, non-member complaints to other statutory or self-regulatory bodies and in some cases, particularly for concerns raised about unwanted emails, the Secretariat was able to make contact with a business that lay outside of membership to inform it of its legal commitments and request that it unsubscribes the individual’s email address.

Each case is looked at fairly and proportionately. When we look at possible breaches of the DMA Code, we look at whether the issue is specific to the individual complainant or possibly a symptom of a wider and more systemic problem. Where there are serious breaches of the Code, repeated breaches or ongoing complaints we will progress to a formal investigation which would culminate in an adjudication and an independent review from the Commission Board. Following a case, we will provide feedback to the DMA if the problems we have

seen have become a common practice, or where there may be a case for change in membership or compliance and where the Commission could distribute messages to its membership about Code compliance and how the Commission is interpreting the Code.

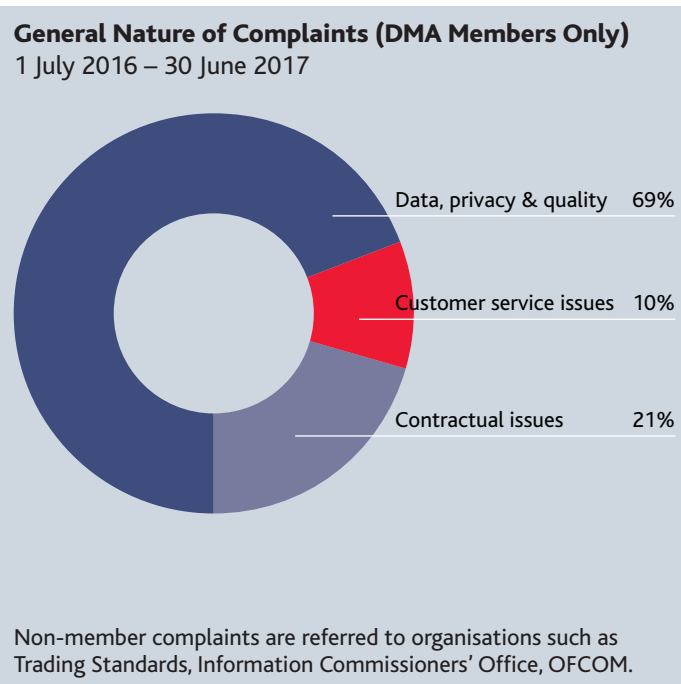
During the year in question, the Commission Board formally investigated two businesses and found one in breach of the DMA Code.

One case related to complaints received from two individuals registered on the Telephone Preference Service opt-out scheme. Their numbers had been contacted by a lead generation business to undertake a lifestyle survey. It transpired that the consumers’ data had been obtained from two off-shore call centres who were themselves carrying out lead generation surveys for a number of clients, including the DMA member.

The member could not provide evidence that they had satisfied themselves that their call-centre partners had the consents necessary to be calling people registered with the TPS. The member took the view that they had some form of recent consent to marketing or survey/lead generation calls and that gave them clearance to call.

The cases investigated also highlighted a further issue in that the offshore suppliers’ call scripts listed sponsor names at the end of the calls, in one case the list was within a pre-recorded message. Recordings at the end of calls gave listeners no assured or straightforward mechanism for deciding who the call-recipient did or did not want to hear from. The Commission thought the consent mechanism for the DMA business to then make subsequent calls was therefore inadequate.

The Commission did not think that the member had satisfied itself adequately as to the source of the data nor the mechanics for securing consent, and therefore they should have applied a TPS filter on the basis they could not be assured that this had been done by their off-shore suppliers, and thought there was a risk that UK rules may not be followed when using off-shore suppliers and that this risk should be a consideration when purchasing data from different sources.



Complaints History continued

Additionally, the Commission found that the suppliers' consent mechanisms were vague, with one call centre using differing brand names to call the complainant and the supplier scripts in both cases listing the member as one of the sponsors under one trading name, but subsequently calling under another trading name.

As a result of this investigation, the Commission found two breaches of the Code relating to the buying or renting of personal data and the need to be satisfied that the data has been properly sourced, permissioned and cleaned; and that members must accept they are normally responsible for any action taken on their behalf by their sales agents, suppliers and others.

Following the investigation however, the member did acknowledge the need to make further changes and moved to arrangements under which it would carry out TPS screening against any lists supplied by call centres where its brand was named in sponsor lists in end of call recordings.

The Commission strongly reminded the member of its obligations under the DMA Code and shared its findings with the DMA to highlight the issues of accountability and control of sub-contractors by members and the issue of 'end of call' consents.



Another investigation related to a door-drop delivery of 12,000 leaflets promoting a dog day care centre. The complainant was not satisfied that the delivery (undertaken by the members' sub-contractor) had been carried out, and though mapped 'tracking' screenshots which highlighted the delivery areas had been sent to him, this was after he received the members' Certificate of Completion. The complainant was concerned that the screenshots provided did not represent realistic 'evidence' of delivery and he was concerned that the Certificate of Completion had been given out by the member when they themselves had not received the tracking evidence from their sub-contractor.

The investigation highlighted some anomalies and inconsistencies in the members' written materials which they were in the process of updating. This largely related to the types of validation offered which in the past had been checklists, but now a number of differing types of validation were possible.

The Commission's focus was on the evidence of delivery provided to the complainant and whether this was satisfactory and within reasonable timescales given the member's process of offering 'validation of delivery on request'. The Commission was told that this was 'industry standard' within the door-drop sector and it was also standard 'not to accept alleged non-delivery complaints more than 7 days from completion of delivery'. We thought that in order for a client to be reassured as to whether or not a delivery has been successfully carried out, then it would help if validation of delivery was provided at the same time as evidence of completion. As it was, the client received the evidence a few days later. The member had told the Commission that not every leaflet company offers validation of delivery and that some clients are not interested or do not need to receive validation of delivery. The Commission thought however that, for some small businesses, with most probably equally small marketing budgets, there may be a larger reliance on responses from a leaflet drop.

Complaints History continued

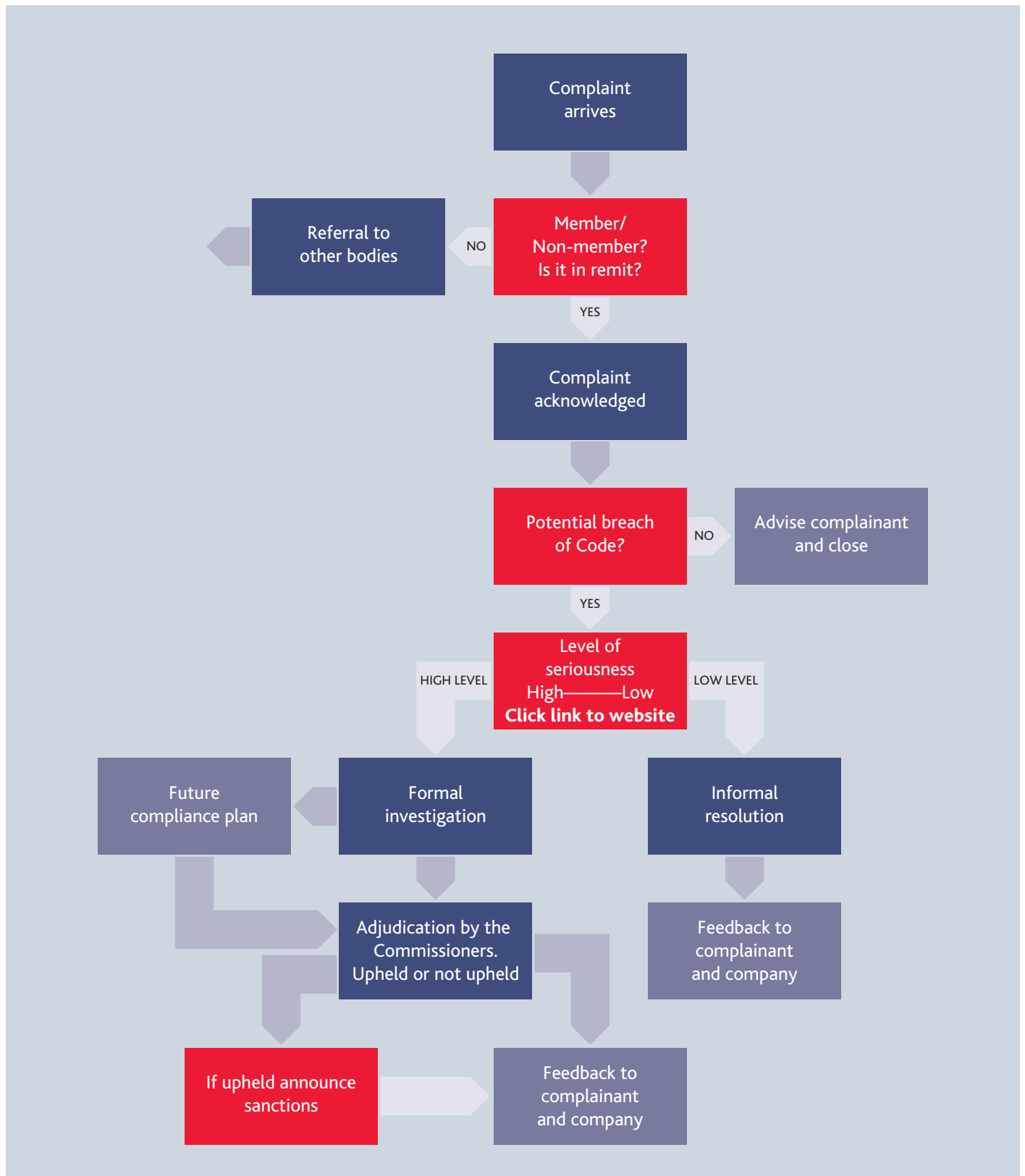
The Commission advised the member that they look at ways in which the provision of tracking information to constitute evidence of delivery could be made possible not only at an earlier stage but ideally in the form of digital evidence rather than screenshots which was likely to be more reassuring for a client.

Given the complainant's concerns about the process for validation in this particular case, the Commission proceeded to a formal position though later reverted to an informal decision with a formal reminder of obligations under the DMA Code to ensure sub-contractors comply with the Code and accept responsibility for the consequences of non-compliance by the contractor and maintain adequate records to demonstrate Code compliance. Although demonstrable evidence had been received which showed that the tracking information provided in this case seemed genuine, alongside assurances from the member that they had had regular telephone contact and signed materials with their sub-contractor, the Commission was concerned about the industry standard of 'validation on request' and advised the DMA and its relevant Committee.

When we look at possible breaches of the DMA Code, we look at whether the issue is specific to the individual complainant or possibly a symptom of a wider and more systemic problem.

The Complaint Process

The DMC investigates complaints against DMA members involving breaches of the DMA Code. It will investigate any complaint made against a DMA member that relates to one-to-one marketing activity and falls under the scope of the Code. The chart below explains how the DMC handles its complaints.



Respect, responsibility and fairness – why business transformation is easier and more valuable than you think

Dr Simon Davey, Independent Commissioner



Pile it high and sell it cheap? Doing the minimum doesn't work any more – customers move on and the regulations work against you but can we see regulatory frameworks as an opportunity?

Acquiring customers can be challenging and expensive. Retaining them isn't easy but mutual respect, value exchange and a willingness to keep evolving helps make both your customers and your business sustainable. Transformation, underpinned by best practice, really is win-win.

Let's say there are challenges ahead. What can you do about it and how does the Code offer a framework for positive action?

Act in accordance with your customer's expectations

Know your customer. Customers aren't just numbers, objects or simple transactions – you need to know them. Do you really want to work with everyone or do you want to choose your audience?

Meet your customer need and their expectations. A customer is only working with you to meet a need. Understanding them, their need and where you fit in raises the third element – understanding your customer journey. Why are they dealing with you now, how are they benefiting and why would they stay? This is more than mere individual transactions – this is about customer lifecycles and key to retaining profitable customers. Do you want any other kind?

Be honest, fair and transparent

Value exchange – a business relationship (and the transactions which make it up) need to be mutually beneficial. You don't want unprofitable customers (or unprofitable products and services) and customers don't want to feel taken advantage of. There has to be a value exchange and in order to be effective, you need to know your value and theirs. It should be an equitable exchange.



Take responsibility

Act responsibly at all times and honour your accountability

Open up what can be opened up – commercial confidentiality is important but that doesn't apply to burying terms and conditions and ways of working in the small print. Be open about what you do and why, your standards (assuming they are high ones) and be clear. Don't hide things you don't need to hide.

Use feedback as an opportunity to learn – transparency brings opportunities. Is there

a different or better way of doing things that you'll only learn from feedback? Not all feedback is criticism and not all criticism is negative or personal. Seek feedback and how to do things better.

Deliver what you promise – you now know your customer and what they need. You've agreed your value exchange. Deliver what you promise always. Sometimes this may disadvantage you – work doesn't always go to plan but openness will win you respect and the credibility of customers. If it doesn't, perhaps you're working with the wrong customer base.

Deliver what you promise – you now know your customer and what they need. You've agreed your value exchange. Deliver what you promise always.

Respect, responsibility and fairness – why business transformation is easier and more valuable than you think continued

Be diligent

Safeguard and secure – much as safeguarding children is critical in schools, safeguarding and securing data is essential to your business. Ensure you have the right systems and processes in place and that everyone who works for you, and with you, understands them. Then double check it.

Know your weaknesses – every business in the world gets something wrong but the smarter ones seek to understand why. Customers will no doubt provide feedback but it's important to give yourself your own space to think, reflect and correct as well. Many a good business opportunity has come from addressing a mistake well.

Continue improving – once you know your weaknesses, prioritise what has the most impact and work on that first. Continuous improvement at the right rate should enable you to stay ahead of your competition, to innovate and grow volumes and profitability.

Act responsibly

Operating protocols with resources and systems – the right ways of working have a systematic approach. Agree your protocols and back them up with the right resources and systems. Stress test them, subject them to independent review and change what needs to change. Responsibility only applies if they deliver the right result – make sure they do. Don't rely on tickboxes and pieces of paper as mitigation.

Hold yourself accountable as partner for credit and blame – very few business transactions are simple two-party affairs. Just as you need to know your customer and their needs, you need to know your suppliers and partners and their needs (and challenges and weaknesses) too. Things go wrong on all sides but holding yourself accountable will build trust and credibility.

Do unto others as you would have them do unto you – why wouldn't you? A responsible, fair, accountable relationship between you and your customers is in everyone's best interests. Unless you're a bottom feeder out for a quick buck.

It sounds right, it feels right and it points the way. This is change you can believe in and will lead to more valuable customers, a better return on investment and a less challenging time running your business. Regulatory change does present opportunities. Worth a thought?

Do unto others as you would have them do unto you – why wouldn't you? A responsible, fair, accountable relationship between you and your customers is in everyone's best interests.

Companies who chase audiences for their own gain not the consumer's gain – don't do it just because you legally can – keep in line with customer expectations.

Charles Ping, Industry Commissioner



It's easy to get distracted by numbers. It's what we do by default because numbers are easy to compare. There's a target, identified by a number and beating it is the objective. This brings to mind the Ferris wheel scene in the film *The Third Man* where Orson Welles' character, Harry Lime,

describes people as "dots" and expresses supreme indifference to their fate as long as he is adequately compensated for his actions.

There is a part of the marketing world that has taken a similar, if not quite so severe, approach to marketing. Whether it's the rather old-fashioned pursuit of vanishingly small direct mail response rates with little thought about the 99+% of people who don't engage with the communication right through to the indiscriminate use of email simply because it has an almost zero incremental cost. They are both manifestations of the same problem. Recently the charity sector has been dealing with the legacy of forgetting the consumer in their chase for donations. The wholesale swapping of donor data with very little regard for what consumers had actually specified or wanted created a massive scandal that hit national headlines and garnered regulatory interventions. Many in the sector professed surprise at the practices and vowed to change but the mechanised and externally organised data swapping ecosystem had been around for decades.



Put your customer first
Value your customer,
understand their needs
and offer relevant
products and services

The lesson from the charity revelations is not to try and paint "goodies" or "baddies". For the record I'm pretty certain that the charity sector is motivated by the right reasons and that the people working within it want to do good and make a real difference. What it highlights is that as marketers we tend to accept "custom and practice" as acceptable and look to what others do as a template for our own standards, whether in practice or via our

interpretation of the law. It's critical that the data supply chain fully aligns with this needed change.

Readers of this report will be all too familiar with GDPR. The date of 25 May 2018 is looming fast and terms like pseudonymisation, PII and "hashed data" will be thrown around with abandon. These are very specific terms that have very specific definitions. They need to be understood and used in the UK with

caution and marketers and marketing technologists would be wise to consider why such concepts have evolved, why the law considers them as important and where the consumer sits. As the soup of digital data capable of describing consumers grows ever larger then more opportunities to "enhance targeting" will be presented to marketers whether as a way of driving acquisition or improving retention. Smart marketers will, of course, evaluate to the improvements that can be made. The ones that are smarter still will want to know about the nature of the data and ask some simple questions: Did the consumer know that they were giving away this data? How would they view my brand if they understood what we're doing? What do the significant majority of people who haven't reacted or responded to our marketing think of us? It's really not that difficult to think like a consumer and walk a mile or two in their shoes but the marketers and suppliers that do embrace this path will reap the benefits.

Recently the charity sector has been dealing with the legacy of forgetting the consumer in their chase for donations.

Digital marketing by social influencers

Rosaleen Hubbard, Independent Commissioner



The nature of media and advertising is constantly changing. Viewing content created by social influencers is part of normal daily life for many people. There is an increasing use of affiliate marketing by bloggers, vloggers, instagrammers and twitters. Millennials and Generation Z'ers are

digital natives who have turned traditional marketing strategy on its head. Social media managers are now an intrinsic part of the marketing 'machine' and must know which platforms are used by their target audiences and adapt their message to suit the platform. They must ensure that it is clear and unambiguous when a posting is advertorial in nature. Brands of all shapes and sizes need to comply with ASA guidance on the use of social influencers and should not rely on affiliates to correctly tag adverts. They have primary responsibility in ensuring that affiliates are compliant with the CAP code.

When it comes to communicating advertising messages via social influencers it's all about the fit, but the 'message' must always be clear to their followers when the content they are viewing is an advertisement. Protecting consumers by letting them know upfront if something is an advertisement gives the consumer the choice on whether to engage with it or not. It is not always obvious in a social media posting that some of the content is an advertisement or brand promotion. Studies have shown that Generation Z'ers want to get straight to the point and move along to the next post, so it is very important that the post is tagged as an advertisement.

While some forms of affiliate marketing will be obviously identifiable as advertising because of the nature or context of the content, such material is not always obvious in social media, vlogs, and blogs. Much of the material on those platforms is non-commercial content or created with seemingly editorial independence, which is why people viewing these sites should be made aware from the start when something is an advertisement.

The advertising rules are not designed to discourage affiliate marketing or interfere with the commercial relationship between an affiliate and a business, but affiliate marketing is advertising and therefore falls under the advertising rules. This means the content should make it obvious that it's advertising as well as sticking to the general rules that require advertisements to be truthful, responsible and avoid causing harm or offence.



Be honest and fair

Be honest, fair
and transparent
throughout
your business

In terms of vlogging there is an assumption that any mention of a brand is an independent decision of the vlogger as the 'publisher'. However, the ASA have stated that if there is a commercial relationship between the brand and the vlogger, this needs to be made clear, so consumers can choose whether to engage or not.

To determine whether a video should be labelled as an advertisement, the ASA have stated that if the content is controlled by the marketer and not the vlogger and is written in exchange for payment this is considered an advertisement.

Where the brand sends a vlogger items for free without any control of the content if a vlogger chooses to vlog on the item, this scenario is not covered by the Code and therefore, there is no need to label the video as an advertisement. However, to comply with The Consumer Protection from Unfair Trading Regulations 2008, vloggers will need to tell consumers that items have been given on the condition the vlogger talks about their item. This is so consumers are not misled.

Social media posts which include affiliate links must be identifiable as advertising. This can be achieved by putting the word 'ad' on the post. If the affiliate posts several links, with some of the links as affiliate links and others not, the affiliate will need to clearly show which links are advertisements and which are not.

And finally – nothing lasts for ever – as Generation Z comes of age and is overtaken by Generation Alpha marketing teams will have to adapt and learn to communicate in new ways across new forms of social media.

While some forms of affiliate marketing will be obviously identifiable as advertising because of the nature or context of the content, such material is not always obvious in social media, vlogs, and blogs.

The GDPR: Taking an empathetic approach

Fedelma Good, Industry Commissioner



As I write this article the GDPR 'go live' date of 25 May 2018 is only six months away. The number of GDPR related newsletters and articles dropping in to my inbox is increasing daily and the pace of activity on GDPR projects seems to be reaching quite a crescendo!

I was asked recently what I thought the most important tasks were for organisations to complete in their final GDPR preparations. The question gave me pause for thought. Was there an easy checklist to reel off? Could it be that simple? Surely the fact that the GDPR introduces the greatest level of change to our data protection laws that we have seen in 20 years means that the issue is far too complex to reduce to a list? And then I thought again.

Elizabeth Denham, the UK privacy regulator, has made it abundantly clear that the GDPR is an evolution in data protection, not a revolution. It is not about increased fines or a restriction on innovation, or even about making day-to-day business activity impossible. She emphasises instead that it is all about greater transparency, enhanced rights for citizens and increased accountability.



Respect privacy
Act in accordance
with your customer's
expectations

If organisations assess their GDPR programmes through those lenses then it strikes me that they need to ask themselves just a few straightforward questions:

- Have we really put people front and centre in our GDPR programme?
- Have we really understood what increased accountability means and how can we demonstrate this?

Put simply, the GDPR is all about people; people like you and me, our friends and our families – grandparents, children, aunts, uncles and cousins – our colleagues, the person who knows how we like our coffee and the couple we see in the park at the weekend walking their dog. When organisations gather data from these living individuals they must ensure that they treat it with care and respect: that they look after that data, keep it safe, use it in the

way intended and in accord with the individual's wishes and of course don't keep it any longer than they need to. Essentially organisations need to treat personal data the way they would like to see their own data treated. The GDPR may be introducing change but it isn't rocket science, it's common sense.

In my view, applying the common sense approach – not to mention a dose of empathy – to your GDPR programme can have an effect as great as powering it with rocket fuel.

Essentially organisations need to treat personal data the way they would like to see their own data treated. The GDPR may be introducing change but it isn't rocket science, it's common sense.

Direct Marketing Commission

Registered Number: 6469055

Registered Office:

70 Margaret Street

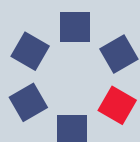
London

W1W 8SS

Telephone: 020 7291 3350

Email: dm@dmcommission.com

Web: www.dmcommission.com



**The Direct Marketing
Commission**

Enforcing Higher Industry Standards