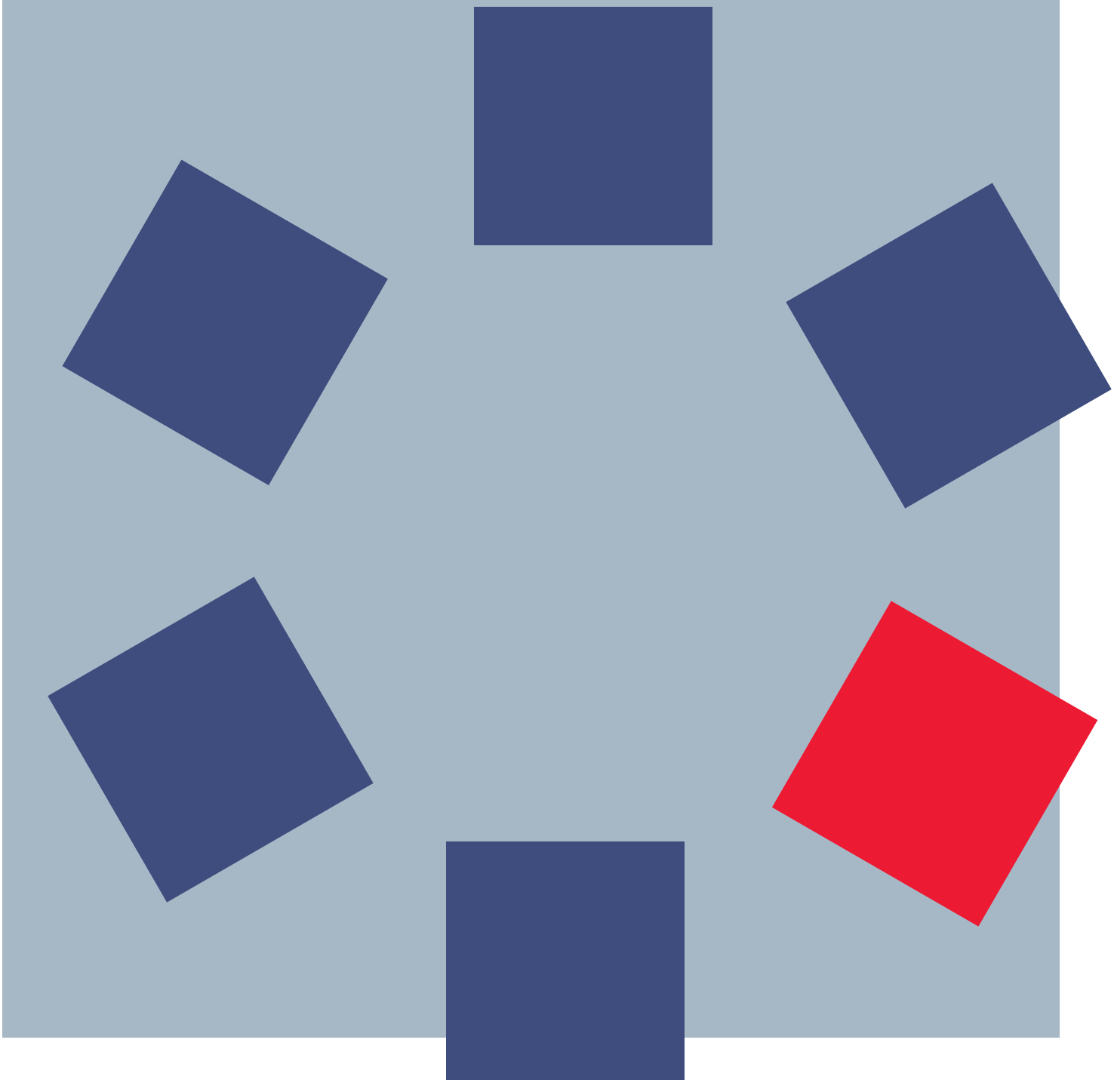
The Direct Marketing Commission

Enforcing Higher Industry Standards

# Annual Report 2017/18



# 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

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# 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 achieved through the investigation of complaints, direct marketing issues and practices. 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. In addition to requiring corrective action or operational changes to ensure compliance the DMC can, in any cases of serious wrongdoing make a recommendation to the DMA Board to terminate a company's membership.

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, for example, complaints which relate to TV advertising are referred to the Advertising Standards Authority. 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.

**George Kidd**
*Chief Commissioner*
In addition to his role at the Direct Marketing Commission, George is Chief Executive of the Online Dating Association, the trade body responsible for raising standards, developing best practice and promoting responsibility in the dating sector. George was formerly Chief Executive of the Senet Group, a standards and risk-awareness group in the gambling sector and Chief Executive of PhonepayPlus. George served on the boards of the Fundraising Regulator and the Council of Licensed Conveyancers, and chaired 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 transform systems and 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 technology, data and information management for social outcomes with a specific focus on access to justice.

**Rosaleen Hubbard**
*Independent member*
Rosaleen Hubbard is the founder and Senior Partner of Towerhouse 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 DMA, 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 an established leader in data and marketing and is the founder of Charles Ping Associates, advising both clients and agencies on marketing, strategy, leadership and regulation.

He has worked at a senior level as a client, a supplier and in the agency world. He was most recently Chief Executive and Chairman of Fuel Data and UK board member of Engine.

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) and sits on the Governance Board of the Data Protection Network.

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

# Chief Commissioner's Report

George Kidd

It's an honour to introduce our 2018 Annual Report.

This has been quite a year for anyone and everyone involved in the marketing data lifecycle. The GDPR has put direct marketing in the spotlight as never before.

The question now is "Has this made a difference?" My sense, and others will have their own view, is for most yes and for some no.

Awareness has been heightened. So surely has the appreciation of the value of customer relationships and their consent to marketing and other activity. Brands may once have been casual over the source of leads or the basis on which they are using personal data for marketing. That may not have mattered so much when marketing was largely print and telephony; both of which can work fantastically but which cannot have the same reach as various forms of digital marketing. Today most businesses, charities and others are highly invested in the importance of their customer and donor relationships and conscious of the impact on their brands when people believe their wishes are disregarded or over-ridden. I know this from my personal involvement in setting up the Fundraising Preference Service in response to worries over the volume and frequency of messages being sent, particularly to elderly and vulnerable individuals.

Why do I say that GDPR makes no difference for some? Because, sadly, there is a dreadful minority whose whole purpose in life seems to be to "spam and scam": who misrepresent themselves to customers, who mislead or "con" those they target and who have no regard whatsoever for the laws of the land, except, perhaps if the changes really do expose them to tougher action.

These outfits are not going to be in DMA membership or part of any other reputable club and statutory regulators deserve credit for the stubbornness with which they pursue them. But, it can seem an impossible task when the regulators must follow Marquess of Queensberry rules and due process and the rogues can do as they please.

I remain convinced that non-statutory commercially-based action could make a huge difference: if a scammer cannot get their messages out or cannot recover the funds through the system, they might just pack it in. To get us there, government needs to be more creative and to work with the sectors involved. Anyone looking at the personal injury and claims management cold-calling flood should have realised pensions liberalisation would open the same gates and risks. We raised this concern in 2014/5 when the changes were introduced. It should not have taken until 2019 to prohibit cold calling. Was the risk really so hard to see back then?

This prompts us to look at the relationship between laws and statutory regulation and self-regulation and at the distinction between self or "co" regulation where rules are enforced by some non-statutory body and the role of ethics and ethical standards.

Codes, by their nature set out the "do's and don'ts" that apply. As such they play a part in underpinning an ethical approach. But it is important we recognise the difference between the two.

In this report, my co-commissioners set out their thoughts on how statutes and self-regulation co-exist. This matters as even the most high profile "centre-driven" laws, such as the GDPR, now include provisions that allow, and arguably encourage, sectors to step forward and regulate themselves under Codes and arrangements that are recognised as fit for this purpose.

Thus the GDPR starts to recognise and deal in a proportionate way with those who commit to industry Codes and standards, allowing the sector body itself to deal with routine questions or complaints over compliance. This, in turn allows state regulators with big powers but tight budgets, and sometimes clunky processes, to focus on those who are intent on the wilful spam and scan activities identified above.

> "GDPR: The question now is, has this made a difference?

That begins, perhaps, to deal with another concern; how the various agencies work together to deal properly with the volume of complaints that can arise, particularly from unsolicited marketing calls, texts and messages. The DMC gets relatively few complaints over the conduct of DMA members. But everyone suffers if complaints stack up and the sense develops that those responsible for dealing with them are not in a position to do so. A joined-up approach that allows the marketing and advertising sector to deal with matters wherever they can must make sense.

So too does an increased focus on ethics. Some will argue this is "snowflake thinking"; that the only thing that works is a big stick and liberal use of it. For some – yes. But, doing things "simply because you can" is a worrying idea.

Ethics, specifically, in the field of Artificial Intelligence was a keynote issue at the DMA Data Conference in Autumn 2018. This prompted me to dig though my old files – yes a bundle of paper! The search produced an article by the Chief Rabbi Jonathan Sacks which appeared in the *Times* in 2012.

Having credited the author I will not seek to re-package his words. Prompted by a banking scandal he said *"Morality matters. Not just laws and regulations, supervisory authorities, committees of inquiry, courts, fines and punishments, but morality: the inner voice of self-restraint that tells us not to do something even when it is to our advantage, even though it may be legal and even if there is a fair chance it won't be found out. Because it's wrong. Because it is dishonourable. Because it is a breach of trust."* Sacks referenced Game Theory and the so-called Prisoner's Dilemma which shows that two or more rational agents, each acting in their own self-interest, will produce an outcome that is bad for both, individually and collectively. His conclusion; *"The key variable turns out to be trust. With it markets work… …Either you have a trust economy or a risk economy." The first "relies on people to act with due regard to the interests of those they serve".* The latter requires those regulators, courts, supervisory authorities, fines and punishment.

**Does this ring a bell?**
Eight year old Jimmy comes home from school with a note from his teacher saying "Jimmy stole a pencil from the student sitting next to him."

His father is furious. "If you needed a pencil, why didn't you ask? I could have brought dozens back from work."

Source:
Prof Dan Airley, Behavioural Economics
*"The (Honest) Truth about Dishonesty"*

Professor Airley's research found our willingness to fudge on compliance is greatest where there is a distance between an act of non-compliance with rules and regulations and the consequences for customers or others. This is food for thought with marketing as an activity.

In a further trial the Airley team tested students from two universities. The first was asked to sign an agreement that they would abide by the university's code of honour. The second group weren't. The second group cheated and the first did not. The irony was that the first university did not actually have a code of honour and the second did. What matters, the academics argues was the visible and constant reminders.

Rabbi Sacks was not arguing that laws and regulations are not needed. They create a framework of what is thought safe and appropriate. But he argues they are not enough to keep a market healthy; that "trust depends on a culture, embodied by its leaders and embraced by individuals."

This will raise some interesting challenges in our field as we go forward. The DMA Code is admirable in its principles base, in putting the customer first as a foundation and in having tests of fairness, reasonableness, diligence and responsibility. We must not lose sight of these or of the need for those "constant reminders" and positive leadership as the sector engages at a national and international level in talks about how self and co-regulation can complement the work of the European Federation of Direct Marketing bodies, the ICO and other European national regulatory authorities in terms of a co-regulatory approach to GDPR.

We will be sure to argue that the ethics of putting the customer first are not lost in the minutiae of statutes.

> "Morality matters. Not just laws and regulations… but morality: the inner voice of self-restraint.

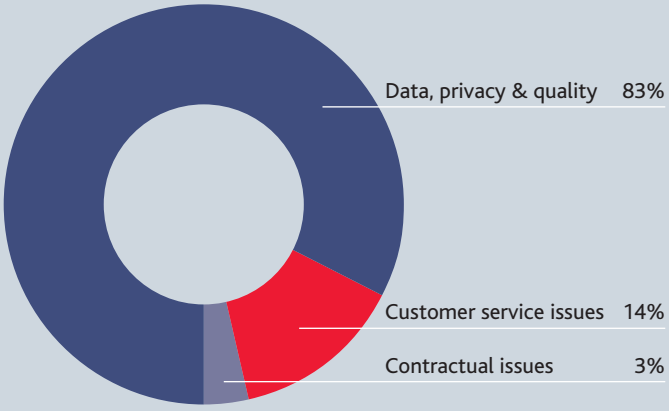
# Complaints History

This year the Commission recorded just over 100 complaints against businesses in the direct marketing sector which was considerably less than last year when we had over 200. The Commission's Secretariat investigated 18 consumer complaints and 9 business-to-business complaints involving members and 76 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 from consumers who were unable to unsubscribe from unwanted emails, the Secretariat made contact with businesses that lay outside of membership to inform them of their legal commitments and ask them to action the consumers' requests.

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 more systemic problem. We examine each case fairly and proportionately and 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. There may be some cases which revert to an informal investigation if it becomes clear that the case did not merit a substantive process and formal outcome.

We provide feedback to the DMA Board following formal cases, particularly 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 Board could articulate messages to its membership about Code compliance and how the Commission is interpreting the Code.

**General Nature of Complaints (DMA Members Only)**
1 July 2017 – 30 June 2018




Non-member complaints are referred to organisations such as Trading Standards, Information Commissioners' Office, OFCOM.

During the year in question, the Commission Board formally investigated two businesses and found one in breach of the DMA Code. Both of these cases were looked at within the context of the DMA Code and with guidance in mind taken from legislation prior to the onset of GDPR in May.

One case related to a complaint received from an individual who despite being registered on the Telephone Preference Service was contacted by a legal services company seeking to sell its services. This call was made after the person called had been identified as someone who had consented to future marketing during a lifestyle survey call made by an offshore call centre which was contacting consumers for lead generation purposes. The legal services lead generation was commissioned by the member who had acted as a broker of marketing leads.

The offshore suppliers' call script did not gain specific consent during the call but instead it listed the legal services company in a recorded message at the end of the call, alongside other entities who had sponsored the survey and the questions in it. It did so in a way that did not make a link between a question on legal services which would have allowed the consumer to make an informed choice as to whether or not a future call from a legal firm was welcome.

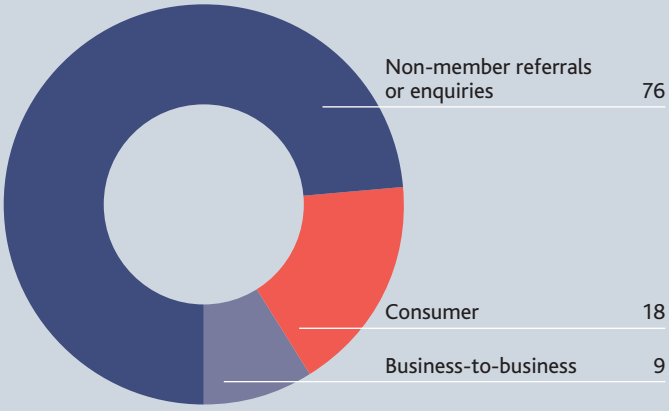
The Commission did not think that given the process described in terms of the structure of the call, and also the speed with which ways of opting out of marketing as a result of the survey call were described, that this could have been thought to have specific and informed consent for the legal company to override TPS registration. The Commission thought that the member, as the broker between the offshore supplier and the end client, had not satisfied itself adequately as to the mechanics for securing informed consent.

The Commission upheld Code breaches of 3.11 and 4.3 – when buying or renting personal data, members must satisfy themselves that the data has been properly sourced, permissioned and cleaned; members must accept that in the context of this Code they are normally responsible for any action taken on their behalf by their staff, sales agents, agencies, one-to-one marketing and others.

The Commission also noted that the off-shore supplier used a number of different trading names when making survey calls to generate marketing leads. It was concerned that there was no evident link between trading names introduced at the start of the calls in question and trading names that were used previously or subsequently during other surveys. The Commission encouraged the member to take advice on this point and reminded it of its obligations under the Code as referred to above.

Another formal investigation concerned a DMA member in the business-to-business email marketing industry. There had been complaints from two companies who had continued to receive unwanted emails despite asking that they stop. One of the companies had previously raised a complaint a few months earlier with the same concerns. With this previous complaint in mind, the Commission decided to investigate the case on a formal basis and liaised directly with the member to discuss it further. The company gave assurances that remedial actions had been taken to ensure that their suppression system in place was robust. The Commission thought that to continue on a formal basis would be disproportionate given there were only two complaints and the company sent out over a million emails per month. The Commission, however, informed the company that should there be any further complaints on the same matter then it would automatically progress to a formal adjudication.

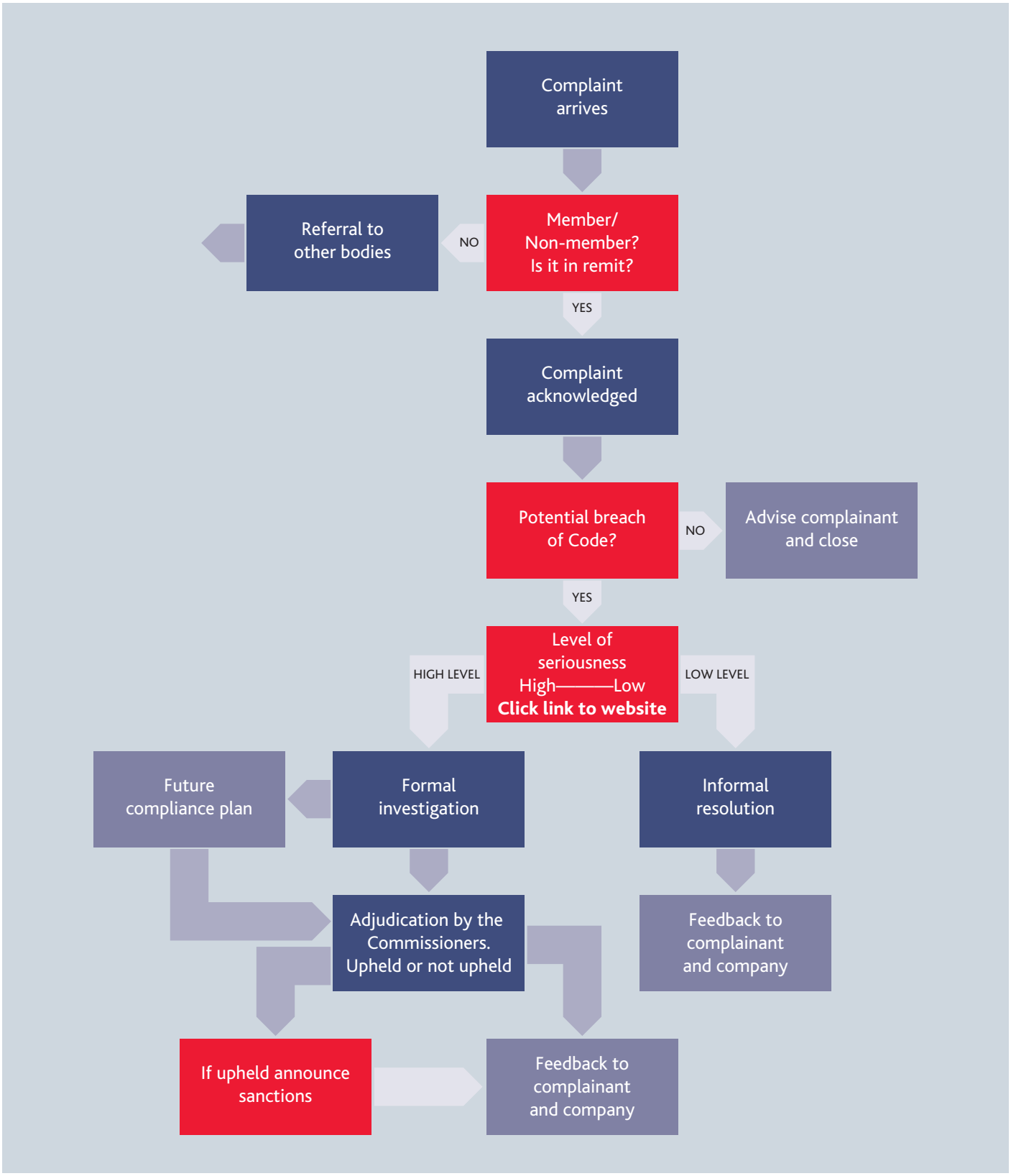
**Number of Issues Complained About**
1 July 2017 – 30 June 2018




Non-member complaints are referred to organisations such as Trading Standards, Information Commissioners' Office, OFCOM.

# 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.



# "Are you putting your customers first, second or third?"

Dr Simon Davey, Independent Commissioner

The heart of the direct marketing Code is "Put Your Customer First" – it usually applies but as ever the devil is in the detail and the three underlying outcomes (below) are not always realised:

- Customers receive a positive and transparent experience throughout their association with a company
- Customers receive marketing information that is relevant to them and reflects their preferences
- Customers receive prompt, efficient and courteous service

Customer journeys (and an individual customer's experience of those journeys) are critical to how a business and brand are perceived. It's easy to make, or perpetuate, a minor mistake which causes a major issue for an individual. Think of the customer journey as a train journey – every so often there will be an unexpected and unforeseen problem which passengers will understand. But 'leaves on the line' and 'signal problems' are neither unforeseen nor unexpected.

In the new age of GDPR, customers are told they have control of their data, and control of the information you send them, something which increases their expectations. Inability to amend preferences, inability to unsubscribe and pushing responsibilities onto the customer are not going to win you friends but rather cause you brand enemies.

Brand enemies in today's networked world can be costly. Social media amplifies word of mouth (and creates its own PR headaches costing time and money to resolve). The power of online communities might cause more disruption than a regulator could or would. If you're playing outside the lines you probably don't care, if you're trying to be good, you almost certainly should.

So what are your 'leaves on the line' or 'signal problems'?

**Am I actually unsubscribed?**
Subscriptions are a matter of choice and the customer or prospect retains the right to unsubscribe. It is one thing to unsubscribe and another to know that you have been unsubscribed and have evidence of it. You need a clear and explicit unsubscribe channel (and ideally a mechanism to pick up stray unsubscribe requests which might not start from the right location). It would save frustration on all sides to have a mechanism for confirming this back to a customer (via email, text or otherwise).

A customer who doesn't want to hear from you, and is likely to hear from you whilst the request works its way through your systems, can get mightily irritated that you either didn't receive the request or worse still blindly ignored it. In 2018, there is no excuse for not acknowledging a request, leaving a customer hanging and not managing expectations.

There's also a concern about outdated helpline numbers or email addresses. The old helpline should resolve the mistaken channel through personal contact or a recorded message, pointing the customer in the right direction, and the email address should do the same. How hard is it to use an auto-responder when the consequence of not doing so is dealing with a formal complaint and adverse PR? This isn't about regulatory obligations, it's about respecting customers and keeping the journey as straightforward as possible.

> "It's about respecting customers and keeping the journey as straightforward as possible.

**Take money in hours, repay in weeks**
As customers, we expect to be debited for products and services when they are provided (or despatched). If we return a product or cancel a service, we have similar expectations yet 'returns' services can take weeks to be processed. A customer is left with a hole in their pocket and nothing to show for it.

It is fair for a company to need 'proof' of return (either tracking information or the physical return of goods) but the resources invested in managing returns are often inadequate. The company retains funds, puts the issue down to administrative difficulties and the customer is left hanging and poorer with often very little communication in the meantime. For poor or vulnerable customers this can be devastating. The lack of connection between returns processing and customer service helplines often means customers who do chase up delays in repayment get very little comfort or useful updated information.

**Telephone bingo – press 3 to give yourself a headache and a tedious meander to a dead end**
It is unlikely to be cost effective to have a human being answer every call but as an industry we can do much better with automated answering systems and menu choices. A customer may be in a state of emotional distress when they contact you. Complex and misleading menus only serve to increase frustration. Not enough thought goes into designing the journeys and paths these menus take and consequently, when customers do end up talking to someone, they are even more frustrated and irritated (especially if they've had to wait 30 minutes without a call back option).

Better designed menu options with clearer paths and a simple way to jump to speaking to a human would save an awful lot of stress and frustration.

**It's not me, it's them**
Anyone who has recently moved house will be used to receiving mail for the previous occupant. A simple 'no longer at this address' or 'moved away' marked on the envelope and then popped in the post-box ought to do the trick. Yet it doesn't. Whether because of ineffective or painfully slow returns/'gone away' processing, or the lack of connection between different divisions of the same perceived 'brand', it can prove painfully difficult to remove the old occupier's name from a mailing list. Whilst some of us might just recycle (whilst recognising the waste of money and resources to send that communication in the first place), it's a growing source of annoyance to many.

And as is often pointed out, why should I waste my time processing your inaccurate marketing whilst you ignore my offer to correct and clean up your database?

**What to do about it**
If you truly know your customer, if you are tracking all the issues and complaints (formal, informal and those which are unreported but visible online through social media), you probably know where to concentrate your attention. Winning customers is important, retaining them even more so but politely 'breaking up' with them is even more critical, if you don't want to end up in the equivalent of a messy divorce which gets irritating, expensive and time consuming.

So fix those signals, clear those leaves and let's put the customer at the heart of the journey once again so they feel they are 'first'.

> "Let's put the customer at the heart of the journey.

# Challenging the Balance in Regulation

Charles Ping, Industry Commissioner

A key attribute in successful regulation is balance. It's the key to many things aside from regulation but in the regulation of direct marketing and data, it's particularly challenging, largely because the landscape is ever evolving. We know that codes and rules change with both technology developments and the changes in society – it's not unusual for films to be reclassified from an 18 on original release to a 15 some years down the line. This is not because they are any less shocking, it's just that we're used to that sort of shock. Add this societal change to the advances delivered by large scale data management and data science and we have a complex landscape.

When it comes to regulating marketing, it helps that the DMC works to a principles-based code, not a lengthy and specific rule book. This allows us to view practice and the impact of marketing against a broad canvas, not the specificity of merely a missing Oxford comma.

However, in 2019 the use of data in marketing will need a degree of specificity from the Information Commissioner (and perhaps others) to bring clarity to a market that is best described as "variegated". There are so many elements of data practice that currently are subject to interpretation and beauty, as ever is in the eye of the beholder. Whilst many missed the significance and utility of Legitimate Interest in the run up to the implementation of GDPR looking back I see some Legitimate Interest Impact Assessments that could only be beautiful when viewed from the eyes of the author. From any other objective assessment, they are used in an attempt to protect vested interests or perpetuate existing custom and practice.

When questioning this practice, I've heard the defence "what's the harm" or "do people complain?" or even "don't rock the boat". There are micro-scale challenges on single use cases (such as the rose-tinted Legitimate Interest Impact Assessment example) and there are macro scale challenges, such as the ongoing saga of data movements in programmatic digital advertising. Both challenges are significant for their ability to set boundaries that mean consumers and the marketing industry know the field of play and the position of the linesman.

So, my hope as we enter a new year is for clarity enabling consumers to understand their rights and their responsibilities and for brands and suppliers engaged in data driven marketing to realise that sleight of hand or asymmetrical processes aren't acceptable.

> "A key attribute in successful regulation is balance.

# DMC Q&A

Questions: Zach Thornton, DMA's Manager, External Affairs
Responders: Rosaleen Hubbard, Independent Commissioner and Fedelma Good, Industry Commissioner

*Rosaleen Hubbard*

*Fedelma Good*

**The GDPR has put data protection in the limelight and many companies undertook extensive preparatory programmes, but have organisations really maximised the potential of GDPR?**

While there was significant pressure for organisations to demonstrate GDPR-readiness in the run up to 25 May 2018, many organisations viewed that process simply as a 'check-box' exercise. But all is not lost, there is still scope for organisations to embrace the GDPR as a way to increase transparency and, in effect, to open up the data dialogue regarding personal data with their customers. That opportunity for innovative dialogue is one of the major benefits of the GDPR that is not yet being fully leveraged.

**Data scandals are fuelling consumer fears around the use of their personal data. How can businesses engender trust with their customers?**

A recent report by the Information Commissioner's Office found that 45% of customers do not trust organisations with their personal data. In light of the recent high-profile data breaches, customers are more likely to place higher value on a secure digital experience.

But that experience must not be built only from the business' own perspective. Organisations need to embrace a truly customer-centric approach. Today's digital business environment provides many innovative and creative ways to do this. Greater transparency will help to rebuild customer confidence and strengthen brand reputation.

**Do we need industry self-regulation as well the GDPR?**

Article 40 of the GDPR expressly encourages the use of codes of conduct as a means of self-regulation. The DMA has, for many years, led the way in self-regulation, through the continuous evolution of the DMA Code, (which is a great example of a layered, principles based code), by supporting the independence of the DMC and by consistently monitoring DMA members compliance with the DMA code. The DMC is thus well placed to identify areas of concern and help address the specific needs of the sector.

**The Information Commissioner's Office is increasingly working with trade bodies, like the DMA, to create sector specific guidance but should trade bodies play greater role in addressing public complaints and concerns over compliance?**

Members' direct relationship with their customers, underpinning their regulatory compliance, should drive customers trust in the industry. Whilst it is important for trade bodies to continue to influence sector specific guidance, their primary relationship is with their members – the customer relationship should ultimately lie with the entities that they engage with.

> Organisations need to embrace a truly customer-centric approach.

**Small businesses generally do not have regulatory affairs and compliance staff. What would you say to them about staying on the right side of regulators?**

Compliance with the GDPR does not need to be achieved with a mass of data protection policies. Good data handling is key and small businesses can achieve this by ensuring they know what data they have, how they use it and how they protect it. The focus should be on:

a) ensuring that employees are trained on how GDPR applies to their business and the procedure for promptly reporting personal data breaches and ensuring that they know what to do if ever a situation arises that they haven't been trained to handle (joining the DMA is a great way to gain access to cost effective support and ongoing awareness materials!); and

b) signing up to the ICO's updates to keep an eye on developments in the data protection space. The ICO website is accessible and easy to navigate. There are regular and digestible blog postings.

If a regulator does get in touch, don't ignore them – engage from the beginning and ensure that you understand the extent of their query or investigation.

**Brexit could potentially disrupt the free flow of data between the UK and EU, how best can organisations prepare for Brexit to ensure data flows can continue?**

The terms of the withdrawal agreement, if agreed and ratified, will make sure there is no interruption to cross border data flows, as EU data protection law, including current adequacy decisions, will continue to apply in the UK during the transition period. UK citizens' data will continue to be protected in EU law. What is unknown is what will happen after the transition period.

Organisations might be well advised to begin to understand some of the alternative methods of governing data flow. The natural alternative to uncertainty would seem to find itself in the comfortability of contracts, such as standard contractual clauses and binding corporate rules. At the very least, all companies should ensure they are compliant with the GDPR as we know it at present and, above all, don't panic – make sure you're compliant with the law as it is today; know where your data is held keep up to date with what the government is saying.

**How do you see the role of DMC in the new GDPR world?**

The primary duty of the DMC is to oversee and enforce the DMA Code. The GDPR and the DPA 2018 haven't changed this. Our collective aim is to protect consumers and to ensure that the industry in its broadest sense trades fairly both internally and especially with consumers and customers. To enable members, customers and consumers to get the full benefit of direct marketing it is essential that we keep up to date with all government and ICO privacy regulation initiatives. Our website publications and reports to the DMA Board are important tools to ensure that current trends in data marketing and privacy – good and bad – are identified and reported to the full membership. We encourage members not to wait to look at our website and reports until they are the subject of a complaint/ investigation by the DMC.

“Our collective aim is to protect consumers and to ensure that the industry in its broadest sense trades fairly.

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The Direct Marketing Commission

Enforcing Higher Industry Standards