**MINUTES**

**of the**

**DIRECT MARKETING COMMISSION**

**on**

**Tuesday 1st October, 2019**

**at**

**The DMA offices**

**Present:**

George Kidd, Chief Commissioner (GK)

## Dr Simon Davey, Independent Commissioner (SD)

Fedelma Good, Industry Commissioner (FG)

Charles Ping, Industry Commissioner (CP)

Rosaleen Hubbard, Independent Commissioner (RH)

**In Attendance:**

Suzi Higman, Secretary, DMC (SH)

John Mitchison, Director, Legal & Compliance, DMA (JM)

Mike Lordan, Director, External Affairs, DMA – attended in part (ML)

Asli Yildiz, Head of Legal, DMA – attended in part (AY)

1. **Apologies for absence**

There were no apologies.

1. **Minutes of last meeting + matters arising**

The minutes of the last meeting were approved.

*DMC promotion/DMA website:*

JM agreed to follow this up to ensure improved DMC positioning on DMA website.

*DMC website hosting:*

SH reported that the DMC website had now been moved from its current host 383 Project (which had terminated its contract with DMC) to the DMA who outsource to Arch for hosting the site.

*ASA/CAP flowchart:*

Nick Hudson at ASA was to produce a flowchart to clarify the process for the DMC’s relationship with ASA/CAP in the event of cases relating to legitimate interest and data related matters. The ASA had confirmed that the flowchart would be sent as soon as possible.

*Compliance audits:*

At the last meeting Arthur Cummings described the process of compliance visits. JM said that most members are unlikely to leave membership for ‘compliance’ reasons on renewal if they have passed compliance successfully when joining the DMA. JM said the main reason for non-renewals would be budget related but he would check to see if there had been any particular issues to note.

*Succession planning for Secretariat:*

It had been agreed that training for two people would be arranged in order to support SH in the event of holiday cover or absence. SH reported that her work on the DM Trust may require additional resource, and this was currently part of a review project in progress. Once this was finalised, then it would be possible to ascertain whether additional assistance on a permanent basis would be required for DMC work or whether DMC database training would suffice for two current DMA staff.

1. **Tenures**

*Chief Commissioner/Independent Commissioner roles*

ML was finalising a media plan which was to place advertisements on various websites. ML agreed to send the website links to Commissioners in order for them to forward to any potential candidates who may be interested in the roles. All agreed on the preference to have a legal person to fulfil RH’s role.

It was agreed that RH would not be able to participate in any future adjudications, but that the DMC would remain quorate as long as it had an independent Commissioner available.

*Independent Appeals Commissioner role*

ML said there was logic in reviewing the role/term of office of the IAC as part of any substantive process of appointment and re-appointment.

1. **DMC re-brand**

*Rachel Aldighieri, DMA MD – update*

RA updated Commissioners on re-branding plan for the DMC. Due to budgetary constraints, the DMC was now looking to re-brand in the new financial year (from April 2020). It was agreed that in the interim the name change to Data & Marketing Commission would take place and the DMA’s design team would change the logo to the new wording.

All agreed that there was no need, at this stage, to register the new logo in the UK and Europe as a trademark until the re-brand takes place.

GK signed the Written Resolution drafted by the DMA legal team. All items such as the logo, website changes, stationery online and offline and the bank account name would be altered to reflect the new name.

**Action Point: SH to progress name-change and make the relevant changes.**

1. **Complaints:**

*June to September complaints*

SH had circulated summaries of complaints for the last three months.

The following complaints were noted in particular:

* Complaint from a consumer about a renewal notice received from an insurance company. Commissioners discussed whether or not the renewal notice received constituted ‘direct marketing’. FG/SH would draft a note back to the consumer.

**Action Point: SH to draft note back to consumer on renewal notice**

* Complaint from a consumer about a marketing survey call which led to unwanted calls from third-parties. The member identified by the consumer had not made any calls to the consumer nor held the consumer’s data on its database, although it had sponsored questions on the survey. The company which made the call was not a DMA member and SH agreed to amend the DMC database accordingly.

**Action Point: SH to amend DMC database.**

* Complaint about a door drop delivery that the client did not believe to have been carried out satisfactorily. CP suggested obtaining a copy of the leaflet to ascertain whether or not it had a ‘call to action’.

*Non-member complaints – DMC extended remit*

At the last meeting the Commissioners had discussed looking at non-member complaints in cases which had been identified as those that would benefit from an ASA investigation, with support from the DMC in its role as an advisory body. SH had circulated a summary of non-member complaints over the last three months. If any future complaints were raised which appeared to identify serious issues in terms of legitimate interest, SH would flag these up with Commissioners before any referrals.

*Formal Investigations*

GK and SH reported on a recent formal investigation involving three complaints against a DMA member. GK, CP and SH had recently met with the member for an informal pre-adjudication meeting. It was agreed that SH would write to the member with a clear message on which issues were to be investigated for adjudication purposes together with the accompanying Code rules.

**Action Point: SH to draft letter to member.**

1. **Responsible Marketing Group**

SH had circulated minutes of the last three meetings of the Responsible Marketing Committee.

SD reported on the latest AI Working Group activity. The general view was that the DMC had a lot to contribute to the meetings which were made up of both ‘learners’ and ‘leaders’. SD thought it would be useful, at some future point, to consider some sort of ‘triage’ or ‘decision trees’ which could be usefully applied to the DMC database to aid decision making.

SH agreed to forward the DMA’s AI document produced by the Data Council.

**Action Point: SH to circulate AI document.**

1. **General Matters:**

*DMA activities:*

ML, AY and JM updated the Board – points to note:

* TPS tender – there was a new 3 year contract with options for two further one year extensions
* Talks were continuing on the possibility of recognition of the draft FEDMA Code of Practice as a basis for co-regulatory arrangements. If recognized, the Code could provide a basis for bi-lateral arrangements that could allow the DMC to work with and support the ICO. If progress is made there would be a need to review the roles, procedures and structure at DMC. In the meantime DMA would share drafts of the FEDMA Code with DMC.
* The ICO was focusing specifically on new Cookie guidelines and the Adtech industry (programmatic and RTB – Real Time Bidding). Commissioners were aware that media coverage prompted by ICO activity may lead to DMC complaints about the new issues particularly in terms of third party data and cookies. The DMA was working on best practice guidelines on cookies (which should be available in a couple of months) as well as on guidance for Adtech.
* A new Chair of the DMA Board would be appointed at the end of the year.

**Action Point: JM to provide rough drafts of guidance at the next DMC meeting.**

*Annual Report 2018-19*

The next Annual Report was due to be completed by December. GK asked Commissioners to give thought to items they may want in the report.

**Action Point: Commissioners to suggest ideas for Annual Report content.**

*DMC extended remit – ASA/CAP flowchart*

The ASA were to produce a flowchart to clarify the process between the ASA and DMC when cases on legitimate interest and data related matters were passed to the DMC for investigation. SH reported that the flowchart was slightly delayed but would be provided in due course.

1. **Any other business**

There was no other business.

1. **Future Meetings 2019 – 10.30am at the DMA**

**Wednesday 11th December and Xmas Lunch**

**Future meetings 2020**

**Thursday 6 February**

**Thursday 14 May**

**Thursday 10 September**

**Thursday 10 December**