**MINUTES**

**of the**

**DATA & MARKETING COMMISSION**

**Thursday 10th September 2020 at 10.30am**

**on ‘Zoom’**

**Present:**

Amerdeep Somal, Chief Commissioner (AS)

Karen McArthur, Independent Commissioner (KM)

## Dr Simon Davey, Independent Commissioner (SD)

Fedelma Good, Industry Commissioner (FG)

Charles Ping, Industry Commissioner (CP)

**In Attendance:**

Suzi Higman, Secretary, DMC (SH)

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

Mike Lordan, Director, External Affairs, DMA (ML)

1. **Welcome and apologies**

There were no apologies for absence.

AS and GK had attended the DMA Board meeting in June – this had been an opportunity for GK to reflect on the changes over his tenure and AS on initial impressions as the incoming Chief Commissioner.

SH would organise a fitting tribute to GK as soon as face-to-face social activity was possible and would also book a date for an AwayDay. AS had access to other offices for the day if necessary and FG could also host at her offices. AS asked if anyone had any thoughts on the agenda for the AwayDay to let SH know.

**Action Point: Commissioners to send SH any proposed agenda items for Away Day.**

1. **Minutes of last meeting + matters arising**
2. **Minutes of Monday 18th May**

The minutes of the last meeting on Monday 18th May had been circulated and approved.

1. **Action points**

The Commissioners had previously agreed that the DMC would in future assess cases - where data had been processed under Legitimate Interest - against the current DMA’s guidelines for consent timescales. JM had agreed at the last meeting to look at how this could be promoted to DMA members. JM confirmed he was preparing an article for the DMA website which explains that Consent and LI are to work to the same timescales.

At the last meeting, SH had agreed to look at how other bodies distribute case materials. SH was waiting for a meeting with the Systems Manager at ASA to discuss their system for handling case files. There were other recommended solutions such as BoardPacks or OneDrive for Business and KM had suggested Caselines and Bundledocs. There were no particular concerns about the security of the current system for sharing papers on Dropbox, but SD thought it worth considering that any Information Security and Confidentiality Policy was annually reinforced. Depending on the DMC’s future model, no decision as to any new system would be made at this time.

1. **General update**
2. **DMC structure – independence and a co-regulatory role**

JM updated Commissioners on progress with the DMC’s new co-regulatory model. JM had circulated materials to the Commissioners comprising a Hierarchy of the Law, Codes and Guidance; documentation on how to gain monitoring body accreditation and the requirements; a proposed new DMC management structure; and a matrix showing which type of complaints would be handled under which Codes depending on the type of complaint. The DMA lawyer was currently working on the GDPR industry code for the UK.

JM agreed to look at the ASA/CAP alliance and how this should be brought into the new process.

JM confirmed that the next steps would be to adapt the DMC current complaints process and create an equivalent process for the GDPR Code. All agreed that JM’s proposals around the flow and the way complaints would be handled were acceptable, but that it was important to ensure the right messaging and communications to the wider audience.

**Action Points:**

* **JM to look at revising the Hierarchy of Codes chart and matrix to reflect the relationship with the ASA/CAP and its Code.**
* **JM to produce a complaints process for GDPR Code.**

1. **Independent Commissioner positions/SD tenure**

This position had now been advertised as SD was to step down at the end of December, after two terms. AS, CP and FG had met earlier in the week to discuss the 15 applications received and had shortlisted to 4 candidates. SH confirmed that the advertisements on InTouch Networks and Women on Boards as well as on the DMC website and promotion on Commissioner’s Linked-In sites had been helpful in securing a good volume of applicants.

SH agreed for future shortlists, to measure the statistical breakdown of the diversity of candidates and to measure at what stage there is attrition.

1. **DMC annual report 2019-20**

SH was now planning the next DMC Annual Report which would run from 1st July 2019 to 30tht June 2020.

It was agreed to follow a similar format with more graphics and photographs if possible. AS and KM would use the opportunity as new Commissioners to look to the future of DMC, and perhaps could reflect on their experience of similar roles in other organisations and what the learning might be.

All agreed to send their articles to SH within one month – possible topics could include the new independent monitoring process and the cross border data flow vis Brexit.

**Action Point: Commissioners to send contributions to SH by mid October.**

1. **ASA/CAP - flowchart**

SH had made contact with Shahriar Coupal, Director of Committees at ASA and following his written sequencing had produced a flow-chart outlining the process for when a complaint is passed to DMC for advice from Commissioners and then returned to ASA. This had been circulated to Commissioners.

1. **Complaints**
2. **June – August complaints**

A breakdown of complaints for the last three months had been circulated to Commissioners. Complaint numbers remained low due to the ongoing Covid-19 crisis but there had been a steady rise in complaints against non-member companies.

SH reported on one recent enquiry about a DMA Member which related to the use of email marketing messages which the member considered to be service messages. SH was waiting for clarity from the complainant as to whether they wished to raise a formal complaint before raising with the member.

SH updated Commissioners on a recent conversation with the DMA’s Head of Membership which looked at the process in place for ensuring they were aware of formal cases after which the member had left the DMA either due to expulsion or because they lapsed membership. There had been incidences where previous members or their directors having formed a new company, had attempted to re-join. SH had agreed to keep DMA membership informed of companies and director names in these instances.

SH agreed to monitor the volume and nature of repeated complaints against previous members.

It was also agreed to ensure that the DMC website was clear that the DMC’s remit of investigation was to take complaints against members. SH would continue to refer non-member complaints but would make the DMC remit clear on the home page.

**Action Point: To put a message on the DMA website about the DMC handling complaints about DMA members only.**

1. **Responsible Marketing**
2. **Responsible Marketing Committee**

SH had circulated minutes of the last two meetings on 18th June and 23rd July.

1. **AI Working Groups**

SH had circulated a summary of the last meetings on 21st May and 18th June. FG and SD would be attending the following week’s AI meeting.

1. **Any other business**

AS had been appointed as Complaints Commissioner for the Financial Regulators (Bank of England, Prudential Regulation Authority and the Financial Conduct Authority). A press statement had just been released and it was agreed that AS would send the link to Commissioners, JM and ML for sharing on their Linked-In profiles. The press statement had referenced AS’s role with the DMC.

SD offered to return as a ‘guest’ if the DMC AwayDay took place after his tenure had completed. It was likely the AwayDay would take place early in the New Year.

SH agreed to arrange next year’s meetings as soon as possible

**Action Point: SH to arrange DMC meetings for 2021.**

1. **Future meetings 2020**

Thursday 10 December and Xmas lunch (TBC) – 10.30am at DMA/Zoom.