

The Data & Marketing  
**Commission**  
Enforcing Higher Industry Standards

## Annual Report 2019/20

# The DMA Code Principles

## / Respect privacy

Act in accordance with your customer's expectations

## / Be honest and fair

Be honest, fair and transparent throughout your business

## / Be diligent with data

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

## / Take responsibility

Act responsibly at all times and honour your accountability

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## About the Data & Marketing Commission

The Data & Marketing Commission (DMC) manages (accepts and hears) complaints made against the activities of the Data & 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.



**Amerdeep Somal**  
*Chief Commissioner*

Amerdeep Somal is Chief Commissioner at the Data & Marketing Commission. She was appointed

the Complaints Commissioner to the financial regulators (Bank of England, FCA and PRA) on 1st November 2020 and Judge of the Asylum and Immigration Tribunal.

She was the Independent Assessor to the Financial Ombudsman Service and Board member at the General Medical Council. She is a former founding Commissioner at the Independent Police Complaints Commission, has held a number of Board roles and her earlier career was as a senior civil servant.



**Dr Simon Davey**  
*Independent member*

Simon runs independent management consultancy Omega Alpha, working with

organisations as a Change Leader to transform business models, optimise processes and change cultures, bottom up and top down, to achieve better economic and social returns.

He has worked extensively in the access to justice and charity sectors, working across strategy, digital, data and change, to improve and sustain social outcomes and address and resolve systemic strategic issues. Alongside his DMC role, he is an Independent Person for Standards in the London Borough of Bromley and a trustee of a charity.

Outside of work, Simon enjoys running, classical music and building Lego to support his strategic thinking.



**Fedelma Good**  
*Industry member*

Fedelma is co-lead of PwC's Data Protection Strategy, Law and Compliance practice in London. The team operates

as part of PwC's global data protection network, providing privacy advice and guidance to some of the world's best-known brands.

Fedelma has contributed to a number of industry working groups over her years in the industry including, for example, those relating to cookies and the development of best practice guidelines for the use of data for marketing purposes. She is recognised particularly for her digital marketing/e-privacy knowledge and her ability to translate complex technical and legal issues into practical, understandable details.

She is former deputy chair of the UK DMA board, is an honorary fellow of the IDM and a frequent presenter at data protection, privacy, e-privacy and information governance conferences across Europe.



**Karen McArthur**  
*Independent member*

An experienced and values driven Non-Executive Director with a portfolio of roles in public protection

which include Chair/Adjudicator/Panel Member for Social Work England, Bar Standard Board, Chartered Institute Management Accountants, Teacher Regulation Agency as well as an independent member on the Armed Forces Service Complaints panel.

Karen is also a board member of London Travel Watch, the Welsh

Housing Regulator, the Waterways Ombudsman, British Gas Energy Trust and the National Trust Nomination Committee.

Prior to this Karen worked in CR/sustainability in a global role at Thomson Reuters and for Vodafone.



**Charles Ping**  
*Industry member*

Charles is an established leader in data and marketing and is the Managing Director of Winterberry

Group, a specialised management consultancy, and 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 non-Executive Director for the Advertising 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

by Amerdeep Somal



This is my first Annual Report as Chief Commissioner of the Data & Marketing Commission.

The Data & Marketing Association (DMA) owns the Code we enforce. Businesses sign up to the Code when joining the Association and as a self-regulatory independent body we investigate complaints against the

principles-based Code. Respecting privacy, being honest and fair, being diligent with data and being responsible are self-explanatory principles that customers should be able to take as a given. However, that isn't always the case and the DMC takes a dim view of the few members who having signed up to the rules of membership, do not act in the spirit of the Code and its principles.

The DMC plays an important informal dispute resolution role as well as conducting formal adjudications and publishing decisions. It has been pivotal in resolving issues, settling disputes informally and in those cases referred for formal adjudication it will examine the scale and cause of harms and the intent of those involved – was it deliberate or reckless?

Dealing with services and how data is used continues to come up in our complaints. The failure to use data to deliver offers and services that are relevant to consumers' personal needs, interests and preferences. Issues around consent for digital marketing and unwanted cold calls still come up time and time again. How many of us continue to see our other preferences and rights ignored? Companies continue to send messages and make calls which we have not agreed to, or worse still, we have expressly said we do not want – I have lost count of the number of cold calls telling me about the accidents I am supposed to have had – those companies undertaking sharp practices to pursue short-term gain damage trust and confidence in the industry. It is the business that makes brilliant creative use of data, delivering offers and services that are in line with our personal needs and preferences that uphold the reputation of the sector – they are the ones which garner customer trust, loyalty and retain a strong brand and personal reputation.

Issues around the failure to deliver against door drop contracts was the subject of a recent formal adjudication which highlighted a member's poor behaviour, with concerns over the business's failure to engage with its customers or with the DMC in its investigation. The case raised a very important point – that a member cannot join the DMA community and then wholly disregard the Code and the independent body designated to adjudicate on alleged breaches of the Code. Membership of any club, confers on it responsibilities as well as benefits and members cannot cherry pick.

Underlying all the complaints that we see is the standard and quality of an organisation's customer service. Understanding how customers think and feel, and what drives their behaviours, is key to customer management and to maximising customer loyalty. How does a business capture the right information to get to the heart of what matters to a customer and act on this information to improve customer experience? This will be more important than ever during these challenging times, the pandemic and post Brexit.

The increased use of Artificial Intelligence which might customise services and offers to what seem to be my habits and preferences is growing fast, and needs to be used responsibly and appropriately so customers are not bombarded with offers that are of no interest or relevance to them. And of course businesses need to be conscious of their customers' vulnerabilities, as an example, we know that mental health problems have intensified during the recent pandemic.

The impact the pandemic has had on our society cannot be underestimated and we all have a crucial part to play in weathering the storm and ensuring the Code, its principles and the behaviours it encourages remain relevant for today's world, and into the future.

But more important still, is the change that is required within the industry itself to ensure it retains, and in some cases regains customer support. That means keeping front of mind the lessons of the lockdown that the success of the industry is founded on customer support, which should never be abused or taken for granted.

**“The DMC plays an important informal dispute resolution role as well as conducting formal adjudications and publishing decisions.**

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## Chief Commissioner's Report continued

Complying with customer wishes is essential for creating effective marketing, earning consumer trust and preventing complaints. The simple message from the DMA Code is to put the customer first at all times. Provided that stays firmly at the centre of what members do, we should see improved standards, behaviours, and customer confidence in the business and fewer complaints.

There is real opportunity for the industry to behave responsibly with renewed vision to ensure it acts legally and ethically. The industry needs to ensure customer concerns are handled quickly, fairly and proportionately, that the root cause is clear and remedial action is taken. The DMC sees the full range of complaints on a sliding scale of severity and complexity and whilst most complaints are informally resolved, those that are unsuitable for informal resolution progress to full adjudication and are subject to rigorous scrutiny by the Commissioners.

The Commissioners believe member compliance with the Code is critical to the effectiveness and credibility of self-regulatory arrangements, and businesses that subscribe to a self-regulatory jurisdiction are under a clear duty to co-operate fully. I would like to thank our panel of industry and lay Commissioners whose expertise is so crucial to the DMC's work, and in particular George Kidd, my predecessor and Simon Davey, one of our independent Commissioners who will be resigning later this year, having served us so well over two terms.

The DMC will continue to be rigorous in its scrutiny to measure member conduct against the principles of the DMA Code. The positive values and goals of the Code are essential for the benefit of the customer and the industry into the future.

### **Respect privacy**

### **Be honest and fair**

### **Be diligent with data**

### **Take responsibility**

**“ The DMC sees the full range of complaints on a sliding scale of severity and complexity and whilst most complaints are informally resolved, those that are unsuitable for informal resolution progress to full adjudication and are subject to rigorous scrutiny by the Commissioners.**



# Complaints History

This year the DMC recorded 63 complaints against businesses in the data driven marketing sector which was considerably less than last year which recorded over 130. This was largely due to the period of lockdown during the Coronavirus pandemic when complaints were extremely low between the end of March to July 2020. The DMC's Secretariat investigated 15 consumer complaints and 8 business to business complaints involving members and 40 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 a business that lay outside of membership to inform it of its legal commitments and request that it unsubscribes the individual's email address.

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 DMC 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 will provide feedback to the DMA 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 DMC could distribute messages to its membership about Code compliance and how the DMC is interpreting the Code.

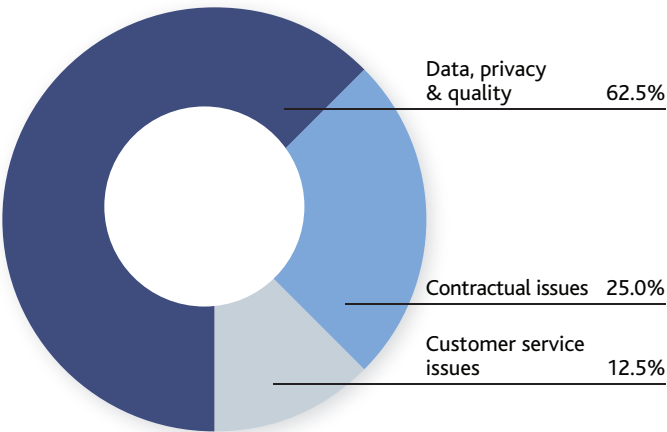
During the year in question, the DMC Board formally investigated one member. The case involved complaints from two businesses who had paid for leaflets to be delivered to specified post code areas. Neither complainants had been satisfied that the deliveries they had ordered had been carried out adequately and they had both described their relationship with the member as strongly lacking in terms of engagement, responses and assurance that their leaflets had been delivered.

The Commissioners did not think that the member had complied with any of the Code's key principles which asks members to value their customers, to act in accordance with their expectations, to be honest, fair and transparent and to act responsibly at all times.

The lack of engagement and responses to the member's two clients was also mirrored in its lack of engagement with the DMC's process. The Commissioners did not think the member had co-operated fully with its investigations or enquiries and it had ignored frequent approaches. In conclusion, the DMC reached the view that the member had shown itself unconcerned by a failure to meet contractual commitments, with failures thereafter to engage with clients or in any meaningful way with the DMC and therefore recommended to the DMA Board that it considered removing the company from membership of the Association. The DMA Board approved the sanction imposed and the member was removed from membership.

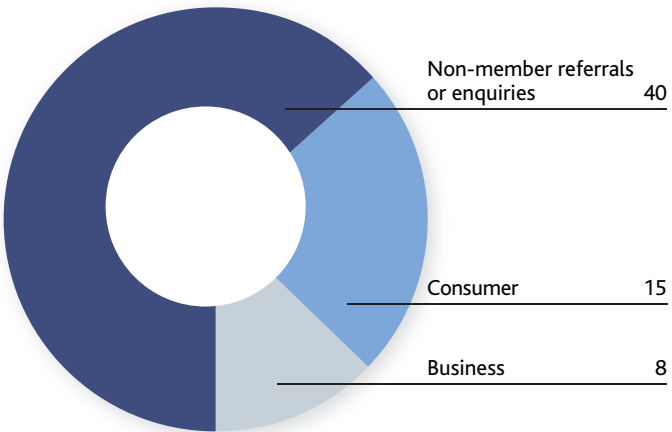
## General Nature of Complaints

1 July 2019 – 30 June 2020



## Number of Complaints

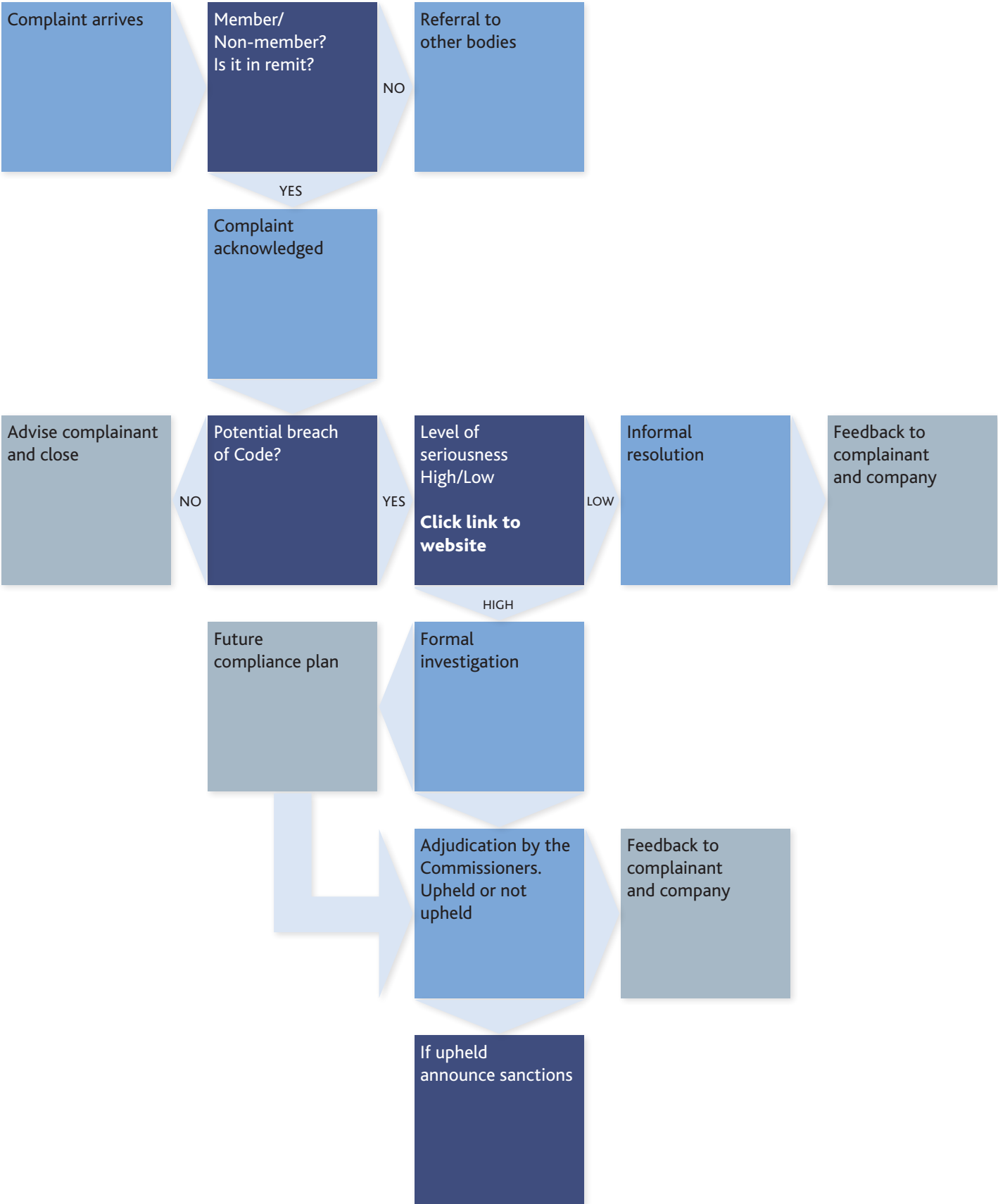
1 July 2019 – 30 June 2020



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.





## DMC Reflections on two terms as an Independent Commissioner – on big decisions, learning and evolving

Dr Simon Davey, Independent Commissioner



*"The Code and DMC are there to give effective protection to recipients, users and practitioners of the data driven marketing sector. It aims to ensure companies observe the highest standards of integrity and trade fairly with their customers and with each other. This is achieved by investigating complaints and identifying trends in data driven marketing that might raise issues for consumers and the sector."*

There are two key aspects to the role of Independent Commissioner:

- "Act with fellow Commissioners as adjudicator for complaints which reach formal investigation stage"
- "Review emerging issues and monthly DMC reports from a non-DM industry perspective and contribute thoughtful and robust discussion to DMC Board meetings"

In six years, the DMC has moved from 'direct marketing' to 'data and marketing' but retained its original value and mission – to 'Put the Customer First' and ensure DMA members and as far as possible the wider sector do the same.

The DMC have adapted and refined systems, realised the limits and the powers of our sphere of influence, improved the transparency of our decision making and made a difference for many – often (usually) those least able to speak up for themselves. We have challenged particular business practices and engaged in discussion with agencies and groups to think through and test our thinking in the name of the customer.

We have been well aware of the implications of our decisions – from a quiet but firm word, recommending suspensions or even expulsion (sometimes pre-empted by member resignation). What business models are ethical and legitimate and who are we to judge? Does removal from membership simply throw the problem over the fence? What is and isn't within our remit?

I'm particularly proud to have been involved in the development of some of the tools and structures which help make us more effective.

From data journeys (helping explain where the data came from, flowed through and ended up), a new case management system and categorisations (streamlining complaints processing and recording), decision making tools (such as the sanctions test to verify our narrative thinking), clarified role descriptions (making responsibilities explicit), effectiveness evaluations and more. We ourselves have become more data focused in our activities in the last six years.

I'm reminded of an email sent to me by our former Chair before I became an Independent Commissioner: "we need to be able to look at services and at a user experience and complaint objectively against the terms of the Code without personal views and preferences taking over." The data and tools have certainly helped this.

Over the years the DMC has become less a council of discussion and simple adjudication to one of greater influence, particularly in holding the DMA to mutual account and I believe improving the association value to its membership. The use of tools to provide 'decision assistance' to Commissioners has been a real positive with future potential application for adaptation of AI and machine learning.

We've had substantial influence, even in areas we are not allowed to talk about... regulators have various tools of influence in the toolbox and it's been an education to learn and adapt them.

The importance of different perspectives (both professional and industry expertise and direct lived experience of the impacts) are critical to providing a balanced view. As individuals but also collegiately as a DMC we have a different lens and perspective – allowing us to see all sides of the picture and acknowledge all sides of the issue or complaint. For me our USP has always been significant breadth and depth in a small group – the lawyer, the vicar, the data protection expert, the professional regulators, the marketing leaders and agency heads.

The DMC's remit has increased and will grow further, increasingly with ASA but also potentially as a wider co-regulator in the market. Our ICO contact has also broadened including participation in the Regulators Working Group on AI.

Data may be the new oil but it's also the new glitter. And whether it's oil or glitter, when someone makes a mess the consequences can be devastating. The DMC is able to spot the spills waiting to happen and act accordingly.

I will miss the DMC not only because of the people (their humour, intellect, business skills, robust discussion and social purpose) but because of the difference we collectively were able to make for individuals, encouraging and enabling higher standards in service and compliance, but always with a smile on our faces. Farewell, I will share our learnings elsewhere and will forever champion the DMC.

**“The DMC's remit has increased and will grow further, increasingly with ASA but also potentially as a wider co-regulator in the market.”**

## Pushing at the boundaries

Charles Ping, Industry Commissioner



Marketers, by their nature, like to push the boundaries. It's an industry that thrives on new ideas, both visually and strategically. And to be honest, whilst some within industry thrive on genuinely new ideas, others, as Newton observed, achieve greatness by standing on the shoulders of giants. And that's OK. If it worked for Isaac Newton, it's probably OK for 21st century marketers. Very little arrives completely out of nowhere and frankly there's always a better mousetrap out there waiting to be created.

However, against this backdrop of innovation there are boundaries within which we must operate. Some, like the standards of film classification, can change with social mores. Others are imposed by law, regulators or platform owners and are more or less immutable. These are the ones where bending an interpretation of the rules may seem a smart business approach, but it's not, especially when a whole industry risks drifting away from the rules by a process of creep.

There are two circumstances where this is happening. All marketers will be aware of the move away from third party cookies. This initiative, born from moves by Apple and Firefox to enhance user privacy on the open web has led to the ongoing saga of Apple's ITP enhancements. ITP, Intelligent Tracking Prevention, is Apple's approach to privacy and it released (quite logically) as version 1.0. We're now up to version 2.3 and I'm sure more will come. The evolution has demonstrated the way that some sectors of marketing are willing to play cat and mouse with the rules, finding how to ignore the spirit of Apple's privacy endeavour and subvert rules. On the one hand you have to admire the creativity of thinking in how some approaches get around the rules but that's a little like admiring the ability to pick a lock, clever but wrong when applied in most circumstances. On the other hand, any marketer believing that the outcome of a *Tom and Jerry* cartoon, where the small, wily mouse outwits the large, dumb feline is a template for business is misreading the situation. Apple, an organisation with, to all intents and purposes, infinite resources is not the loveable, if slow-witted, cartoon cat.

In another corner of the communications landscape marketers are being creative around what constitutes a service email. I've seen a number of "this is a service email" statements at the bottom of emails that really don't bear close scrutiny. Rather like Legitimate Interest, the rose-tinted spectacles appear to have been worn when these were approved. The ICO has been clear with guidelines but they can never really go far enough and perhaps the ramifications of the purpose and outcomes of email communications aren't quite clear. If the email in question has a purpose to inform the consumer of a contractual change, or a status change with no marketing collateral then this is permissible. However, in my book, if the communication is a regular monthly communication, with no individual selection criteria to only market to those with status or contractual changes, then it's not the same situation. If the aim, for example, is to drive the consumer to visit a website site where traffic and revenue have a broadly direct correlation then is that really a "service message" use case? I don't think so. However, whereas Apple has the resources to play Whack-a-Mole with rule breakers, national regulators generally do not. They rely upon market participants applying the spirit of the rules, rather than finding ways to ignore them. We all know that companies who think like consumers always win in the end. Why not be on the winning side?

**“ On the other hand, any marketer believing that the outcome of a *Tom and Jerry* cartoon, where the small, wily mouse outwits the large, dumb feline is a template for business is misreading the situation.**

## Our new Independent Commissioner, Karen McArthur tells us about the experience she will bring to the DMC



I joined as a new Commissioner in March 2020 and have a long-standing interest in consumer protection which is demonstrated by my various professional and NED roles with Severn Trent Water, MCS and London Travel Watch. Later this year I will take up a role as Chair of the Waterways Ombudsman.

My current portfolio includes professional conduct roles for statutory bodies such as the Bar Standards Board, Social Work England, Teacher Regulation Agency and Thames Valley Police in addition to being an Independent Member for the MoD Service Complaints body. Since I joined there haven't been any disciplinary complaints raised against members but I hope that if there is, my extensive experience in this area will add value to the Commissioners' decisions bringing robust scrutiny, an objective perspective and structured rationale for decisions.

In addition to individual regulation my portfolio includes statutory regulation of sectors such as Welsh Social Housing where, as NED, I am involved in overseeing the development and roll out of a new compliance framework, providing assurance to the Welsh Assembly. Not only does my Board role involve overseeing breaches, regulatory judgements and the application of sanctions but it also includes providing assurance to the Welsh government in respect of the wider sustainability of the sector. This work influences lenders and commercial ratings while putting consumer protection at its heart.

My role as Chair of the Stakeholder Group at the Heat Trust is to provide assurance to the Board that the scheme is working effectively and overseeing changes to drive a more customer centric sector. I'm working with industry members, consumer bodies and Government to shape and prepare the industry for statutory regulation ahead of coming legislation next year.

Previously I was an NED for MCS, another statutory body which sets standards and accredits products and services within the low carbon and renewable sector. As part of this work I oversaw a transformation of the company and sector away from a focus on producers and suppliers to one which is customer focused.

While I have extensive experience of statutory regulation from several perspectives, I have also been involved in industry self and co-regulation. I worked at Vodafone and was involved in the development of industry codes of practice including responsible marketing and child protection measures. As part of my role with DMC I am an observer of the Responsible Marketing Group at the DMA.

My other self-regulation roles have been for the Chartered Standards Banking Board, a cross sector organisation aiming to restore trust, improve culture and conduct across its member base and I held a similar role with the Pension Quality Mark.

I have extensive change experience, regulation and customer protection across a range of sectors and hope to be able to make an important contribution to the DMC as it moves forward with its new, stronger regulatory agenda.

**“ I have extensive change experience, regulation and customer protection across a range of sectors and hope to be able to make an important contribution to the DMC as it moves forward with its new, stronger regulatory agenda.**

## 2021 – (more) change on the horizon?

Fedelma Good, Industry Member



One reason I really enjoy working in Privacy and Data Protection is the fact that nothing ever stays the same! Technology, regulation, communication channels ... all are subject to constant change and evolution. 2021 certainly looks set to continue in this vein and brings with it a long list of issues that we will all need to keep on top of. That list includes, but is certainly not limited to: Brexit, the UK's National Data Strategy, the EU's Digital Services Act (DSA) and Digital Market Act (DMA), Schrems II, post-covid data handling, the rise of data ethics, the ongoing EU debate about the planned ePrivacy regulation and the anticipation of a renewed regulatory focus on cookies and adtech.

It's tough cutting that list down, but if asked, the three areas I'd recommend everyone gives due attention to are

1. Cross border data flows;
2. Brexit; and
3. Cookies.

### Cross border data flows

The global flow of personal data is something we all take for granted. However, just like the movement of goods and people, there are rules in place that apply to data flows. That rule book was thrown into disarray in 2020 not just by the decision about Privacy Shield and Standard Contractual Clauses (SCCs), made by the Court of Justice of the European Union (CJEU) in the case referred to as Schrems II, but also by Brexit.

The Schrems II decision, and subsequent guidance issued by the European Data Protection Board (EDPB) now requires any company making a cross-border data transfer from the EU to a non-EU location, which does not have an adequacy decision, to take the following steps:

- Document a Transfer Risk Assessment on a case-by-case basis for each cross-border data transfer
- Implement technical measures to ensure that the data is afforded an equivalent level of protection as EU data privacy law.

In addition, in November 2020, the European Commission issued updated versions of the SCCs. The current SCCs will be repealed once the new ones are finalised, which is expected to be in early 2021. Once finalised, all companies will have 12 months to ensure that all new and existing SCCs are 'switched' to the new version.

In the absence of an adequacy decision the UK will become a third country to which these requirements will apply.

### Brexit

Whilst the issue of data flows is key, Brexit also necessitates some other actions and considerations:

1. **Update contracts, privacy notices etc:** Policies and other documents that make reference to EU/EEA law, etc. will need to be updated.
2. **Appoint an EEA representative:** UK-based organisations targeting goods or services to, or monitoring, individuals in the EU will need to comply with the EU GDPR after the transition period ends. The GDPR requires the appointment of a representative in the EEA. This representative will need to be set up in an EU state where some of the individuals whose personal data is being processed are located.
3. **Identify a new lead supervisory authority:** UK-based controllers or processors carrying out processing of personal data across member state borders, may have to assess which (if any) EU supervisory authority will become your lead supervisory authority at the end of the transition period.
4. **Review breach handling procedures:** UK and EU based organisations, processing personal data of individuals in the UK and the EU, which suffer a data breach, may need to notify the ICO and at least one EU regulator.
5. **Appoint a UK representative:** Organisations based outside the UK, but processing the personal data of individuals in the UK will need to comply with the UK GDPR / Data Protection Act 2018. The UK GDPR requires that a controller or processor located outside the UK, but processing personal data of individuals in the UK, must appoint a UK representative.

### Cookies and adtech

We've seen the level of activity taken by European Data Protection Authorities (DPAs) in relation to cookies increase since 2019. A number of DPAs have conducted cookie sweeps, many have issued updated guidance notes and we've seen some hefty fines imposed. We have also seen an increase in the number of companies announcing new 'cookie-less' technologies that will enable targeted advertising to continue and an increase in those announcing the ultimate demise of third party cookies.

Whatever the outcome of this whole evolutionary process, it's essential that DMA members remember the hero principle of the DMA Code, **Put your customer first**.

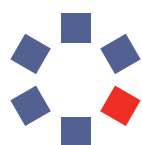
“The global flow of personal data is something we all take for granted. However, just like the movement of goods and people, there are rules in place that apply to data flows.”

**The Data & Marketing Commission**

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The Data & Marketing  
**Commission**

Enforcing Higher Industry Standards