**MINUTES**

**of the**

**DATA & MARKETING COMMISSION**

**Thursday 20th May 2021**

**10.30am-12noon**

**on ‘Zoom’**

**Present:**

Amerdeep Somal, Chief Commissioner (AS)

Charles Ping, Industry Commissioner (CP)

Fedelma Good, Industry Commissioner (FG)

## Karen McArthur, Independent Commissioner (KM)

Quinton Quayle, Independent Commissioner (QQ)

**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.

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

Minutes Thursday 4th February 2021

These had been circulated and were approved. The Action Points had been progressed: SH now provided further detail on monthly DMC website statistics in terms of page hits. The process for finding a Board Observer had been completed, albeit no appointment had been made.

1. **General update**

DMC structure – independence and a co-regulatory role

ML reported that the DMC/DMA was unlikely to receive comments on the latest draft IMB application to the ICO until mid to end-June. A faster turnaround had been expected, but one of the main contacts was away so a further version was unlikely to be produced until mid-July. The DMA was to meet with the outgoing Information Commissioner, Elizabeth Denham in mid-June.

SH had circulated the latest re-brand proposals from Jack and three different propositions had been put forward following the recent DMC workshop. It had been agreed that the idea of the DMC as protector and guardian of data and marketing (“the village policeman”) was a strong concept.

AS confirmed that Commissioners would be kept informed on an ongoing basis about further developments on the re-brand positioning.

Board Observer – update

AS and SH reported on the quest to find a Board Observer. There had been a number of applicants, but nearly all had probably 20 plus years experience. The idea had been to find a less experienced candidate who could bring a fresh outlook and feedback from a different perspective to the Board.

SH reported that despite posting the vacancy on LinkedIn, and on DMC and DMA websites as well as through the IDM professional diploma students none of the applicants had fitted the criteria.

It was agreed that this should now be deferred until a later date, at least until after the re-brand which along with the co-regulatory model which were priorities.

1. **Complaints**

February – April 2021 complaints

SH reported on complaints for February to April. Complaint numbers had slightly increased and this now seemed to be an upward trend given the pandemic had eased.

SH reported on two complaints relating to claims of unsatisfactory door drops and the difficulties around evidencing whether or not leaflets have been delivered. A further complaint had related to the use of an auto-renewable contract and the Board agreed that this was a contractual issue, which was not for the DMC to make a judgement for or against.

Formal Investigation

CP, KM and SH updated the Board on a recent formal investigation which reverted to an informal resolution and related to two complaints about service messages which the complainants claimed were marketing messages. The member had taken Commissioners through its process set up to test, challenge and provide safeguards to ensure that the right messaging was sent to consumers and had taken remedial action in the case of one of its emails which required some change to the wording to ensure total clarity.

KM thought that two lessons had been learnt for the DMC: SH needed to be able to contact people at a higher level at the member company at an earlier time. In this case, it was not until quite far into the investigation that the matter was taken to a higher level. It was agreed that, should this situation recur with any member, SH would liaise with FG, CP or ML who may have contacts in their networks they can share with the Secretariat. Secondly, KM pointed out the potential for the DMA Code to come into conflict with other Codes (e.g. financial regulators code) and this is something the DMC should be aware of as it could arise during future investigations.

1. **Responsible Marketing**

Responsible Marketing Group

SH had circulated minutes of the last two meetings on 18th February and 11th March. QQ had attended one of the meetings and whilst there was no immediate feedback, the presentations had been interesting and the meetings provided a good insight into where the industry is heading.

AI Working Groups

FG confirmed attendance at these meetings, and going forward, will ensure the minutes are sent to SH for circulation to Commissioners.

**Action Point: FG to ensure Working Group minutes sent to SH for circulation.**

1. **General Matters**

DMA activities.

ML reported that DMA business was a little slow, though it had picked up in March.

CP said there was a large amount of interest in retail at the moment, and this might affect the DMC complaints as there were potentially more customer relationships involving direct commerce.

Decisions were still being awaited on Brexit adequacy and decisions around Schrems II (EU/US data transfers) and cross border data transfers.

The ICO were re-starting their investigation into Adtech, focusing on audits with Data Management Platforms. JM reported on a recent article, which related to an adtech system from LiveRamp, which had achieved an ROI of up to 340:1.

The E-privacy regulation had now reached the trilogue negotiations stage.

1. **Any other business**

FG suggested that the DMC may want to sign up to the International Association of Privacy Professionals – this is a global organisation that produces good and reliable updates on global data protection laws on a regular basis. FG agreed to send details to ML who would look into this.

**Action Point: ML to look at subscription to the above Association.**

1. **Future Meetings 2021 – 10.30am at the DMA/Zoom**

**George Kidd/Simon Davey’s leaving do – Thursday 8th July – venue tbc**

**Thursday 9th September**

**Thursday 9th December + Xmas Lunch**