**MINUTES**

**of the**

**DATA & MARKETING COMMISSION**

**Thursday 4th February 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**

AS welcomed Quinton Quayle (QQ), the DMC’s new Independent Commissioner.

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

* Minutes Thursday 10th December 2020

These had been circulated and were approved.

1. **General update**

* **DMC structure – independence and a co-regulatory role**

SH had circulated the latest draft of the GDPR Code as well as a draft budget proposal.

Budget proposal:

ML updated all on the pricing proposals that would apply to compliance verifications rather than full audits for three levels of organisations: SME’s, Corporates and those businesses which opted for Extended Compliance. The compliance fees would extend for two years.

FG thought it was important to build a period of evaluation into the business plan and consider taking on some ‘early adopters’ to test the model. CP stressed the importance of ensuring that the model was clear as to its boundaries and that it was not too restrictive in terms of its scope.

QQ and CP raised the issue of pricing levels – if pricing levels were set too high this may prevent businesses from signing up to the new scheme. ML said pricing levels would be tested over the next few months, as there was a need to validate the assumptions a little more widely.

AS reported that an initial meeting had taken place with the agency who were likely to be responsible for the DMC re-brand. It was important that the DMC understood how it was positioning itself under the new model, its purpose, value and separation from the DMA. It had been agreed at the meeting that she would be asked to quote for a half day workshop with Commissioners to discuss its proposition further.

CP suggested that, in order to estimate the resources required the budget proposal should provide two or three scenarios – proposals for a high level of member uptake, mid-level and low level as well as for a high level, mid-level and low level of complaints.

ML would be liaising with the ICO on complaint numbers to find out approximately what numbers of complaints we may be looking at under each of three scenarios.

ML, JM, QQ and AS would be discussing the budget further with Chris Combemale the following week.

GDPR Code:

The draft GDPR Code had been circulated. Any comments should be fedback to JM after this meeting. CP would forward his suggestions to JM shortly.

* **DMC annual report 2019-20**

SH had circulated a final version of the DMC Annual Report 2019-20. This had now been published on the DMA and DMC websites and circulated to key stakeholders. AS thanked all for their contributions, this had been well received with good coverage in the industry press.

* **Board Observer – update**

SH reported that approximately 13 CV’s had been received since the post was advertised early January on the DMC and DMA websites and on Commissioner LinkedIn pages – most of the CV’s received had been thanks to QQ’s post on his LinkedIn. Two candidates had since formally applied. The closing date was end February and SH was also to liaise with Kate Burnett, Head of DMA Talent to see whether there could be any promotion of the post through her channels.

SH agreed to contact any promising applicants whose CV’s we had received and remind them of the closing date should they wish to apply.

Action Point: SH to write to potential applicants for Board Observer position.

1. **Complaints**

* **December 2020- January 2021 complaints**

SH reported on complaints for December and January. Complaint numbers had dropped again since the renewed lockdown. All but two of the complaints had been informally resolved, one was in a formal investigation stage and the other was still awaiting further information.

* **Formal Investigation**

SH updated the Board on the current position in relation to two complaints about service messages which the complainants claimed were marketing messages. As part of the formal process, the member was given two opportunities to meet with the DMC. The first was an informal meeting which SH had arranged with CP and KM for 12 February.

AS noted that overall the same type of complaints were received repeatedly and wondered whether there was scope for the DMC or DMA to look at complaint behaviours over a six month period and then publish some learning material i.e. this is what the sector could be doing to minimise this type of complaint. Commissioners thought that the nature of complaints may change under the new model and FG thought it may not be necessary to publish but to feed into the DMA Board in terms of the areas the DMC is focused on. CP thought publishing this type of material may provide good PR but probably would not change the type of complaint we receive.

SH agreed to look at the DMC website statistics and how to refine them so the Commissioners have a fuller understanding of how the site is used, what specific pages are looked it, etc.

Action Point: SH to revise analytics overview for website statistics.

1. **Responsible Marketing**

* Responsible Marketing Group

SH had circulated minutes of the 17 December 2020. QQ was to attend the next Responsible Marketing meeting the following week.

* AI Working Groups

FG was to attend the next working group meeting.

FG offered to provide a technical overview of cookies to any of the Commissioners if required.

1. **General Matters**

* DMA activities

ML reported that the DMA Board meeting had started to put plans together for the next financial year – this would not be cemented until March.

* AS reported that the DMA Board had agreed to a year’s extension for both FG and CP – this was to help the DMC through its period of transition, as it was important to maintain some degree of stability around the industry perspective. The suggestion was, however, that their extension was staggered so that both Commissioners did not leave the DMC at the same time.

1. **Any other business**

* TCA/soft-opt in

FG had previously circulated a document which included a comparison between wording in the Trade and Co-operation Agreement (TCA) and the ICO’s current marketing guidelines. It appeared that the TCA reflected the EU’s more restrictive interpretation in relation to the scope of the soft opt-in.

FG reported that the consensus of opinion was that Europe was reflecting the original privacy directive and the assessment process was to continue for four months. There was no further information on this at present.

Away Day – 4th March

All agreed that the Away Day should be postponed until the new model was further on in its stages of development. The date of 4th March would, however, be kept in Commissioner diaries as there may be a half day workshop with the re-branding agency, on that day instead.

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

Thursday 4th March

(Away Day postponed but Commissioners to keep date in their diaries for possible workshop)

Thursday 20th May

Thursday 9th September

Thursday 9th December + Xmas Lunch