**MINUTES**

**of the**

**DATA & MARKETING COMMISSION**

**BOARD**

**Thursday 9th December 2021**

**10.30am via Zoom**

**Present:**

Amerdeep Somal, Chief Commissioner (AS)

Charles Ping, Industry Commissioner (CP)

Fedelma Good, Industry Commissioner (FG)

Quinton Quayle, Independent Commissioner (QQ)

Karen McArthur, Independent Commissioner (KM)

**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**

This meeting was to be in person, but due to the new Covid variant the meeting had been moved to Zoom. There were no apologies.

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

The last minutes of Thursday 9th September had been circulated alongside the Away Day notes and were approved. The Action Points from the minutes had been progressed. AS asked that a tracker timeline was set up to follow through on the agreed actions from the Away Day in relation to the promotion of the new DMC.

Action Point: SH to set up tracker timeline for DMC promotion plan.

1. **General update**

Industry Monitoring Body

ML reported that progress on this was slow, and ML/JM were awaiting a date to resume discussions. AS and SH had met with Simon McDougall, formerly at ICO who had provided one possible contact name. FG and KM also offered help on identifying possible senior contacts. The new Information Commissioner, John Edwards, was not due to commence his role until January. AS would arrange to meet with him as soon as possible in January.

ML reported that Simon Davey, a former Independent Commissioner had been recruited on a consultancy basis to help with the IMB application process which had identified a need for some additional policy and procedural work.

Action Point: SH to arrange meeting for AS and Information Commissioner.

1. **Complaints**

September to November 2021 complaints

SH reported on complaints for the last three months.

SH reported on one ongoing investigation, which related to a complaint about the obligations of a company in relation to the erasure of personal data and the use of explicit consent. SH had sought advice from CP on this matter. The case would be informally resolved and closed and FG suggested making reference to the ICO guidance on erasure in correspondence with the complainant. Separate from the case in question, CP advised that it may be helpful to have an informal conversation with the member to find out more about its due diligence and scrutiny on its list of data suppliers.

Action Point: SH to arrange informal meeting with member.

SH also updated the Board on a recently resolved case against a member. This had related to an unwanted postal mailing promoting life insurance which led to the complainant’s concerns about how personal data had been collected and passed on for marketing purposes. Whilst there was no evidence of a breach of the DMA Code in terms of the complaint, there was a concern around the timeframe for processing the data. An informal meeting had taken place with KM, SH and FG and whilst the matter was informally resolved, the member had been advised to re-evaluate its ageing data.

All agreed that informal conversations with members during an investigation really help draw out additional information that may not be so available in writing.

KM suggested that it could be helpful to explain, on our website, the difference between suppression and erasure of data, and generally help consumers understand some of the technical terms used in marketing. It was agreed that this would be very helpful when preparing content for the new DMC website.

KM also suggested that it may be helpful to create a risk register (this would be from an organisational basis) to capture broader reputational risk.

1. **Responsible Marketing**

Responsible Marketing Group

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

JM and ML updated the Board on the Data Reform consultation which had been previously circulated to Commissioners. The DCMS had been complimentary about the DMA and its efforts. DCMS would be publishing their results and hope to get the legislation before parliament during 2022.

AI Working Groups

FG reported on the most recent meeting of this group and would share the materials from the meeting when they were available. This was a content rich meeting which highlighted the extent of the focus and development of best practice and guidelines and controls in the context of AI.

CP offered to make an introduction to his contact at the Centre of Ethics and Innovation if this was needed at any point.

1. **General Matters**

DMA activities

* TPS had been awarded a one-year extension by the ICO.
* Response to the DCMS consultation (previously circulated to Commissioners).
* DMA had met with the GDMA, the Global Association of DMA’s. This had been a helpful meeting providing an insight into other Associations.

Annual Report

SH reported that the designer had now completed the Report. Three alternate designs had been suggested. QQ made some suggested minor amendments and it was agreed to use the alternative cover 2 design.

Action Point: SH to make suggested amendments to Annual Report copy.

Register of Interest forms

SH had previously circulated the Commissioners’ Register of Interest forms for update. CP would update his asap.

1. **Any other business**

There was no further business.

1. **Future Meetings 2022 – 10.30am at the DMA/Zoom**

**Thursday 10th February**

**Thursday 12th May**

**Tuesday 6th September**

**Thursday 8th December**