**MINUTES**

**of the**

**DATA & MARKETING COMMISSION**

**BOARD**

**Thursday 10th February 2022**

**10.30am DMA-hybrid office/Zoom**

**Present:**

Amerdeep Somal, Chief Commissioner (AS)

Fedelma Good, Industry Commissioner (FG) - via Zoom

Quinton Quayle, Independent Commissioner (QQ) – via Zoom

Karen McArthur, Independent Commissioner (KM) – via Zoom

**In Attendance:**

Simon Davey, independent consultant – item 3c only (SD)

Suzi Higman, Secretary, DMC (SH)

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

1. **Welcome and Apologies**

Charles Ping, Industry Commissioner and John Mitchison, DMA Director, Policy & Compliance had sent apologies.

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

The last minutes of Thursday 9th December had been circulated and were agreed. All Action Points had been progressed.

The introduction meeting between John Edwards, the new Information Commissioner and AS, FG and CP had been postponed by his office but SH would chase up a replacement appointment in early Spring.

1. **General update**

**Industry Monitoring Body**

ML reported that Chris Combemale was now leading the GDPR Code draft and for some of the content would be utilising the guidance initially issued by the DMA – and approved by the ICO - at the onset of GDPR in 2018. ML would circulate copies of the guidance if required. It was hoped that the next draft would be ready before Chris Combemale’s meeting with John Edwards in March.

The Commissioners discussed other contacts at the ICO, which could be useful to the DMC. FG offered to foster an introduction with Steve Bonner, Executive Director, Regulatory Futures and Paul Arnold, the ICO’s Deputy Chief Executive and Chief Operating Officer.

**Simon Davey, IMB application** **consultant**

As part of the DMC Independent Monitoring Body application, SD had drafted a number of supplementary documents to meet the ICO’s requirements for evidence and processes to support the application. There were some specific papers, which SD presented at this meeting for Commissioner agreement and feedback.

SD pointed out that the processes and documentation were important in so far as they were a starting point so the ICO could see the procedures in place but that they may well evolve and change over time.

ML confirmed that he would like to submit both the application and Code draft around the same time in March.

The Commissioners recognised the value of the provision of Risk Registers and noted they were important to maintain the impartiality and independence of the Commission’s decisions. They supported the documentation provided by SD and the following key actions were agreed:

* The Risk Register would be a standing item at every Board meeting – honing in on one risk every meeting. KM suggested a couple of amendments, including the addition of a post-mitigation score.
* The Conflicts of Interest declaration would also be a standing item.
* The Recruitment Process document could be more explicit around recruiting a more diverse and inclusive set of Commissioners (e.g. through advertising on Women on Boards, via professional services firms etc.). The DMC should be encouraging individuals from different backgrounds to apply and FG pointed out that there was still a need for a different age profile – even if only for Board observation purposes.
* All Commissioners would have an annual appraisal.
* It was agreed that the annual appraisal of the Chief Commissioner would be overseen by a Senior Independent Commissioner (SID) who would gather input and feedback to the Chief Commissioner. If QQ or KM were invited to send expressions of interest in this role to AS.
* For the training process, it would be helpful for the DMC to commit to a rolling programme of industry talks, news etc., so that Commissioners remained up to date with issues facing the industry, e.g. FG would be talking about cookies at the next meeting.
* There would be a direct link to share resources with the ICO – this would not provide access to DMC work that relates to DMA members but would provide specific access to the relevant parts of the Salesforce database and the monthly reports. ICO access to DMC would be via Salesforce and Sharepoint. SH would upload monthly reports and initially a summary on a quarterly basis.
* SH would look at revising the DMA Code Risk Monitoring Document to update the content. This complements the Risk Register and would be reviewed quarterly.

AS on behalf of the DMC thanked SD for an excellent piece of work.

**Promotion tracker**

SH updated Commissioners on progress of the promotion tracker, which identified the Commissioners’ input into the first phase of the communication to stakeholders about the new IMB model. Some input was still required and SH would chase this up.

A one pager had been produced to help Commissioners explain our remit and what the DMC was looking to achieve. FG suggested a couple of revisions - to make reference to programmatic and online advertising and to tweak the sentence around aspirational agreements. FG would make the changes and send back to SH.

AS agreed a communications plan would be prepared in due course, once approval had been achieved.

Action Points:

* SH to chase up input for the promotion tracker.
* FG to make revisions for the one pager and return to SH.

**New commissioners – DMA members or non-member**

AS reported that under the DMC’s Articles, members of the DMA could serve as DMC industry commissioners. The Commissioners discussed at what point the DMC drew a line and whether or not taking on members of the DMA diluted its independence. It was agreed that the recruitment net should be cast as widely as possible initially. Should the DMC receive interest from DMA Board members or other DMA Committee or Council members, any conflicts of interest would be considered at that time.

1. **Complaints**

**December ‘21 to January ‘22 complaints**

SH had circulated reports on complaints for the last three months.

**Cases**

SH reported on two cases against a member in the data broking business. One complaint had now been informally resolved and closed though the complainant was unhappy with the DMC’s response. It was agreed that a final response would be sent to the complainant, which explained again that the case remained closed but if the complainant wished to explore any further options, they could speak to their MP or take independent legal advice. The DMC would not be communicating further on this complaint but if there was a new complaint about a member, it was open for them to refer it to DMC and it would be considered.

Action Point: SH to revert to complainant as discussed.

Another case related to a complaint about an unwanted mailing from a company in the drinks industry. The drinks company had bought the complainant’s data from a DMA member. The complainant thought this was unethical as the promotion related to alcoholic drinks. FG pointed out that from the DMC’s perspective it was necessary to be assured that the data was gathered compliantly –in terms of marketing from companies in this type of product area, there were some real challenges and presently there is no opt-out service for this sector. SH reported that the investigation was ongoing at the current time and the DMC was looking into the additional checks made by the member when passing on data to companies in this product sector. FG offered to help with any response back to the complainant.

**Informal meeting**

SH reported on details of an informal meeting with a DMA member. The meeting, chaired by CP, discussed the members’ due diligence around its data suppliers. SH reported that this had been a very helpful meeting and all agreed on the benefit of working informally with members.

1. **Responsible Marketing**

**Responsible Marketing Group**

SH had circulated minutes of the last two meetings on 20th January 2022.

SH had also circulated a link to the Data Reform consultation response from the DMA.

**AI Working Groups**

There was nothing specific to report – FG was attending a meeting the next day and would provide feedback at a later date.

1. **General Matters**

**DMA activities**

ML reported that the DMA was entering the budget phase for the next year. ML was also meeting with Ken Goulding, Finance Director to put together a DMC budget later for discussion with AS.

**Annual Report**

SH had circulated links to press coverage for the Annual Report. Good press coverage.

1. **Any other business**

SH reported on a CPS communication (publicly available and released to the media) that had been received from the South West regional organised crime unit and which related to a number of individuals who had been charged with fraud and money laundering targeting timeshare owners. This had been of interest to former Commissioners who had been involved in the investigation of a timeshare company that had subsequently resigned from membership a few years previously.

SH reported that a recent Responsible Marketing Committee meeting had looked at the DMA Code, with a view to adding a ‘people pillar’. This followed the DMA’s plans for a new membership integrated proposition, which would incorporate both the learning and training part of the business – the IDM - into a membership bundle for corporate clients. AS had informed the Committee that the DMC’s remit needed to be absolutely clear as to its limitations, as it would not be viable to take on complaints from individuals as employees of member companies.

QQ suggested that the IMB application should reflect how DMC would deal with a whistle-blower.

Action Point: SH would raise the above with Simon Davey.

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

**Thursday 12th May**

**Tuesday 6th September**

**Thursday 8th December**