**MINUTES**

**of the**

**DATA & MARKETING COMMISSION**

**BOARD**

**Thursday 8th December 2022**

**11.00am DMA offices**

**Present:**

Amerdeep Somal, Chief Commissioner (AS)

Quinton Quayle, Independent Commissioner (QQ)

Robert Bond, Industry Commissioner (RB)

Gilbert Hill, Industry Commissioner – incoming (GH)

Karen McArthur (KM)

**In Attendance:**

Charles Ping, Industry Commissioner (CP) - retired

Mike Lordan, DMA Director External Affairs (ML)

Simon Davey, DMC Independent External Consultant – in part (SD)

Suzi Higman, DMC Secretary (SH)

1. **Welcome and apologies**

There were no apologies. AS welcomed Gilbert Hill (GH) as the new Industry Commissioner replacing CP. CP would be acting in an observer capacity for the duration of the meeting.

1. **Minutes of last meeting + Matters Arising:**
2. **Minutes – Tuesday 6th September**

SH had circulated minutes of the last meeting. These were approved.

1. **Action points**

All points had been progressed and actioned.

1. **Independence + Impartiality**

**[*Conflicts of Interest declarations - Risk Register/Code Risk Monitoring*]**

There were no conflicts of interest declared for this meeting and SH confirmed that annual declarations had been received.

**Funding risk of new DMC:**

CP, who sits on the ASBOF Board reported back on a meeting with the Chair of ASBOF, Mark Lund and offered reassurances to the Commissioners about the guarantee of funding to support DMC through the initial period of growth in the first year. If a letter was required from ASBOF then this could be arranged.

Commissioners discussed the importance of companies signing up pre-launch to the new scheme. RB agreed to support AS in some of the conversations needed to help with this with contacts such as Phil Smith, Director General at ISBA, Steve Woodford, CEO AA, Guy Parker, Chief Executive at the ASA.

It was agreed that the DMC Risk Register – [point 8 on finance] should be reduced to probability 2 and impact 4.

Action Points:

* SH to amend the DMC Risk Register.
* SH to put have ‘funding’ risk as a standing item for future Board meetings.

1. **DMC updates:**
2. **Complaints: September – November**

SH had circulated complaints for the above three month period. There had been no DMA member complaints though there had been several non-member complaints. AS suggested that for the appropriate companies, it could be an opportunity to suggest DMA membership to those businesses where there had been a seemingly minor breach or no breach of rules.

1. **DMC Annual Report – update**

SH had circulated the final copy of the Annual Report – this had been placed on the DMA’s and DMC website together with a media release and had been circulated to Commissioners to share on their social networks.

SH clarified that the Report in its current guise would not exist next year, as the branding would be different and there would be a number of additions around financial reporting.

It was agreed that the access to minutes on the DMC website should be clearly signposted for the new DMC site as they were not easy to find on the current site.

GH suggested that as the new DMC there would be an opportunity to provide social media platforms for consumers, e.g. Twitter.

1. **Independent Appeals Commissioner – update**

AS reported that the candidate selected for this position was Steve Wood, former Deputy Commissioner at the ICO. Steve is currently an Independent consultant, researcher & writer who has his own company, PrivacyX Consulting.  He has replaced John Bridgeman CBE TD. He would be commencing his position on 1st January 2023.

1. **Independent Complaints Assessor – update**

AS reported that this position had now been selected and the role was to be undertaken by Richard Thompson who would be commencing on 1st January 2023. Richard is an Executive Director responsible for leading strategic approach and operational delivery of high-volume casework, quality assurance and customer excellence.  He is an accredited commercial mediator with 25 years’ experience in regulation, complaint handling and dispute resolution.

1. **Independent Commissioner – update**

This had been advertised with a recent closing date of 1st December. SH reported that out of five applicants, four were deemed suitable for interview with the fifth applicant more suited to an industry role rather than independent. Interviews would take place in January and Rosaleen Hubbard, former Independent Commissioner had agreed to Chair the independent recruitment panel. GH would join the panel alongside AS.

1. **IMB application/GDPR Code of Conduct – update:**

Simon Davey (SD) Independent Consultant for the IMB application joined the meeting at this point.

SD asked for comments on some draft documentation to be supplied to the ICO for the IMB application:

1. ***Actions thresholds (IMB002b)***

This related to the settings and enforcing sanctions procedure and the internal sanctions checklist and associated thresholds for assessing risk. All approved the thresholds that SD had set out.

1. ***Record of Commissioner briefing/training (IMB058****)*

All approved SD’s draft record of briefing/training. It was agreed that Commissioners would complete the record annually.

1. ***Code Signatory T&C’s – notice period (IMB071)***

It was agreed that the notice period should be 6 months but there was likely to be some flexibility allowed by Commissioners in specific cases of need.

1. ***Read-through – formal application***

RB agreed to do a ‘read through’ of the IMB submission when it is time for the final and formal submission to ICO.

SD also pointed out the following for consideration, which may be raised by ICO:

* How will DMC apply the new JDs and responsibilities to existing posts (notably Commissioners and SH)?
* Does DMC submit the revised Articles of Association to Companies House before the formal Application to ICO?
* How will DMC recruit to new roles?
* What is the DMC contract/MoU with the DMA?

On the latter point, it was agreed that as we have an MOU with the ASA it might be helpful to have a simple MOU with DMA.

**Compliance and Monitoring Tender process**

SH reported that this process was underway. Seven companies had applied, two had withdrawn and the written responses had now been received. There would be a shortlist of three that would be asked to pitch on 11th January.

**IMB submission – timings**

SH reported that the DMA had recently submitted another informal submission of the draft GDPR Code followed by a further informal submission by the DMC. Simon Davey and SH were meeting the ICO on 20th December to discuss any comments.

**DMA office closure**

SH reported that the DMA offices were to close by Christmas. No offices had yet been secured and it was thought that staff would work from home for the next three months or so. The DMA’s new address would be at Menzies (who look after the Company Secretarial duties for DMA). It was agreed that DMC, for the time being, would use Menzies’ address. SH would liaise with Ken Goulding, the DMC’s current Company Secretary.

**Action Point: SH to liaise with Ken Goulding re the new office address.**

1. **General Matters:**
2. **DMA activities**

There was nothing to report on this, as it had been covered above under office closure.

1. **Responsible Marketing Committee**

GH had now stepped down from chairing the group so there would be no actual or perceived conflict of interest with his work at DMC. SH had circulated minutes of the meeting on 8th September. RB would now attend the Group instead of GH.

1. **AI Working Groups – update**

GH was now due to attend these meetings. SH would chase up any recent meeting minutes.

Action Point: SH to chase up meeting minutes for AI Group.

1. **Any other business**

* Data 2023 would take place on Tuesday 28th March, 9-2pm, central London. Further details would be provided in due course.
* AS warmly thanked CP for all his help over the course of his tenure at DMC. Further thanks would be given at the farewell lunch.

**Future DMC Board Meetings at 10.30am (Zoom/hybrid)**

Wednesday 8 February

Wednesday 24 May

Wednesday 6 September

Wednesday 6 December + Xmas Lunch