**MINUTES**

**of the**

**DATA & MARKETING COMMISSION**

**BOARD**

**Wednesday 24th May 2023 at 10.30am**

**The Oriental Club, Stratford Place, London W1 and via Zoom**

**Present:**

Amerdeep Somal, Chief Commissioner (AS)

Quinton Quayle, Independent Commissioner (QQ)

Gilbert Hill, Industry Commissioner (GH)

**In Attendance:**

Suzi Higman, DMC Secretary (SH)

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

Chris Combemale, CEO, DMA – in part/Zoom (CC)

1. **Welcome and apologies**

AS welcomed all. Robert Bond (Industry Commissioner), Kate Staples (new Independent Commissioner) and Mike Lordan (DMA Director, External Affairs) had sent apologies. AS confirmed that the meeting was quorate with the two independent Commissioners in the majority. Consent was given for the meeting to be recorded.

1. **Minutes of last Meeting + Matters Arising:**
2. **Minutes – Thursday 8th February**

SH had circulated a copy of last minutes – these were approved. All action points had been progressed although the DMA Governance Committee’s Terms of Reference had not yet been provided by DMA – these were required for the formal IMB application.

1. **Independence + Impartiality + Funding Risk**

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

AS confirmed that her new role as Chair of the Board of the Law Society commencing January 2024 had been announced and this was now reflected in her recently updated Register of Interests. Quinton Quayle had also updated his Register of Interests form. AS declared a conflict of interest in item 6a on the agenda and recused herself on it.

It was agreed to update the DMC Risk Register to capture financial and reputational risk – for example if DMC was unable to reach agreement with the ICO on its new role as a co-regulator. SH would work with SD on updating the Risk Register to accommodate these risks.

GH offered to lead on promotion of the new DMC to help start raising awareness and would send a list of key points to ensure there is a consistent message around awareness when talking to other parties.

Action Points:

* SD/SH to update DMC Risk Register as above.
* GH to send key points to Commissioners to aid profile and awareness.
1. **Complaints:**
2. **Breakdown of Complaints February - April**

SH had circulated casework summaries for investigations in February, March and April. There had been three key complaints against DMA Members – two cases had related to door drop complaints and one had been informally resolved with no evidence of a breach of the DMA Code, the other was awaiting further information from the complainant. A third complaint against a seller of collectible goods was discussed – there had been issues around customer service including the returns and debt collection process and Commissioners discussed whether the case required a more formal investigation leading to adjudication. It was decided that the case should proceed to a formal stage. SH would progress this and offer an information gathering meeting pre-adjudication to the member. QQ and GH offered to attend the meeting.

Action Point:

* SH to progress formal investigation and arrange meeting.
1. **IMB application/GDPR Code of Conduct – update:**
2. **GDPR Code: Chris Combemale, DMA CEO**

CC reported that the latest draft GDPR Code had been submitted to ICO two weeks previously. If all went well, it was thought that the Code (including DPDI amendments) might be approved around October/November around the same time that the DPDI obtains Royal Assent. After the Committee meets on 13th June, DMA will know if there are any objections.

It had been agreed that DMA would work collaboratively with the ICO to find solutions to Article 14 transparency issues on third party data particularly when using publicly sourced data. This had been an area highlighted in the Experian case, and it had been agreed that a solution needed to be found equally for all data providers.

In terms of remit, it appeared that PECR would now be included in the GDPR Code. CC agreed to send over the legislative text which identified this. As long as this was approved by Parliament then it solved the issue of the remit of the Code.

In summary, DMA was working towards having a fully approved Code of Conduct, covering GDPR and PECR and fully up to date with the DPDI 2 amendments.

CC believed that good progress was being made and it was hoped that the approval of the Code, the IMB application and Royal Assent for the new legislation would be ready by end November. Some aspects would then progress into the Bill immediately, others may be in waiting. CC thought it possible to go live from January 2024 but there were always unknowns, although it did not appear there were any serious objections.

**Timetable – GDPR Code of Conduct:**

Following ICO feedback to the DMA on the latest informal submission, the Code would then be revised with DPDI amendments for a further informal submission to ICO and this would include any Committee changes (meeting on June 13th) – target for informal submission end July. CC pointed out that there would also need to be an industry consultation (during August) before formal submission. It was possible therefore that it could be into September before the formal submission was made after which there would be an 8-12 week process undertaken by ICO.

SD pointed out that time would be needed to produce the outstanding materials needed to go with the IMB application once there was a final version of the Code - these included the assessor tools for the compliance + monitoring role by ABC, the website and other content. This would add two to three weeks to the IMB application work required. CC thought many legislative changes would not necessarily drive huge changes in the Code.

**DMA activities update:** CC said there was a re-focus on the corporate membership proposition, which was key to the DMA mission. DMA was reverting back to its core roots positioning itself as a Trade Association which meant more focus on legislative issues, and cross council collaboration. The Governance Committee (formerly Responsible Marketing Group) was working on updating all the guidance materials with upcoming legislation. There was also to be a taskforce on AI. The DMA was close to finalising new premises at Sagacity’s offices at London Bridge.

1. **DMC Application: Simon Davey, External Consultant**

SD had circulated a covering note updating the Board on progress.

All agreed that the DMC did not need to make another informal submission at this stage but did however need clarity on the expected format of the application form and a timeline for the website to fit in with the project plan. It made sense to share some key documents with Michelle at ICO in June and then look at an informal submission from the DMC around the same time as DMA submit their next informal submission at the end of July.

SH agreed to share the new DMC branding produced by the agency with Commissioners. GH could then share this at the upcoming FEDMA event.

Action Points:

* SH and SD to liaise with ICO re format of application and share key documents.
* SH to share new DMC branding with Commissioners.
1. **Compliance and Monitoring Assessments (ABC appointed)**

SH reported that ABC who had been appointed to be the new DMC’s monitoring and assessment company had signed a letter of intent to confirm that they had been selected and a formal contract would be provided in due course once DMC was in a position to confirm the contract start date. ABC’s three key staff involved had attended the DMA data conference and met AS, SH and GH. SH agreed to keep them updated on an ongoing basis and would feedback on the latest timings after this meeting.

Action Point:

* SH to feedback to ABC on latest IMB and GDPR Code progress and timings.
1. **Financial Director/Company Secretary role – Scope of Work by Ken Goulding**

At the last meeting, it was agreed that KG would provide a scope of work required for two roles as Financial Director and Company Secretary. This had been circulated.

GH thought it would be possible for one company to undertake both roles and this may be a simpler solution than allocating Company Secretary to one of the Commissioners. GH would send over a few suggestions of possible companies to SH to contact for quotes.

Action Point:

* GH to send SH contacts of financial/co sec companies.
1. **DMC new website**

Rachel Whitter, DMA’s Director of Customer Engagement had not been available to attend. However, CC had confirmed that Michael Sturrock and RW were working on content for the new website. SH would chase RW for an update.

Action Point:

* SH to chase RW for update on website
1. **General updates:**
2. **Chief Commissioner – AS renewal approval**

It was formally noted that AS’s second tenure for three years had been agreed and had commenced 30th April.

1. **DMA activities – update**

ML had sent apologies for this meeting. DMA matters had been covered earlier by CC.

1. **DMA Governance Committee [formerly Responsible Marketing Committee]**

SH had circulated the latest minutes of 8th December 2022.

1. **AI Working Groups**

SH had circulated minutes of the Regulators and AI Working Group meeting on 16th March 2023.

GH had attended this in person – given the diverse range of regulators this was an opportunity to represent the DMC and raise awareness. GH would also be raising awareness at the upcoming FEDMA meeting.

1. **DMC Board training/team building course for discussion**

SH updated the Board on possible courses which could provide board training/team building etc.

It was agreed that Board training would be more helpful at a later stage in the development of the new model, specifically after the next meeting and lunch in September and moreover once the new Head of Operations was on board and there was more clarity in general on the new model and what the Board may need/offer – a skills matrix could help with this. The Commissioners agreed to let SH know if they knew of any other companies that could run training courses.

1. **Any other business**

There was no other business.

**Future Board Meetings 2023 – 10.30am at the Oriental Club, Boardroom**

Wednesday 6 September (in person)

Wednesday 6 December + Xmas Lunch (in person)