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Information Commissioner's Office

Consultation:

Direct Marketing Code

Start date: 8 January 2020

End date: 4 March 2020

Introduction

The Information Commissioner is producing a direct marketing code of practice, as required by the Data Protection Act 2018. A draft of the code is now out for public consultation.

The draft code of practice aims to provide practical guidance and promote good practice in regard to processing for direct marketing purposes in compliance with data protection and e-privacy rules. The draft code takes a life-cycle approach to direct marketing. It starts with a section looking at the definition of direct marketing to help you decide if the code applies to you, before moving on to cover areas such as planning your marketing, collecting data, delivering your marketing messages and individuals rights.

The public consultation on the draft code will remain open until **4 March 2020**.The Information Commissioner welcomes feedback on the specific questions set out below.

You can email your response to directmarketingcode@ico.org.uk

Or print and post to:

Direct Marketing Code Consultation Team
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

If you would like further information on the consultation, please email the Direct Marketing Code team.

Privacy statement

For this consultation we will publish all responses received from organisations except for those where the response indicates that they are an individual acting in a private capacity (eg a member of the public). All responses from organisations and individuals acting in a professional capacity (eg sole traders, academics etc) will be published but any personal data will be removed before publication (including email addresses and telephone numbers).

For more information about what we do with personal data please see our privacy notice

Q1 Is the draft code clear and easy to understand?

Yes, overall feedback received from Legal, Marketing, Data Science and Communications departments within Smart Pension indicate that the Code is relatively clear.

If no please explain why and how we could improve this:

Q2 Does the draft code contain the right level of detail? (When answering please remember that the code does not seek to duplicate all our existing data protection and e-privacy guidance)

Although the Code is 123 pages long, the level of details appears appropriate and is written in plain clear language.

If no please explain what changes or improvements you would like to see?

Q3 Does the draft code cover the right issues about direct marketing?

The Code is clearly rightly focused on direct marketing, but perhaps a distinction can be made between the processing activity in the context of direct marketing and the same processing activity where no direct marketing is involved.

If no please outline what additional areas you would like to see covered:

Regarding the section '**Profiling and data enrichment'**

Our Data Science team reviewed the Code with great interest and suggested that the ICO should produce perhaps separate guidance which is more applicable to professional data analysts. Indeed, the ICO could produce guidance specifically for data scientists.

The data science team indicated that guidance on the aggregation of personal data from official or publicly available records would be very useful, even where such processing is performed only to acquire a deeper understanding of customer behaviour/interest for service purposes and where no direct marketing activity is undertaken.

Q4 Does the draft code address the areas of data protection and e-privacy that are having an impact on your organisation's direct marketing practices?

Can we use data cleansing and tracing services?

Yes, Regarding pages 61-64. In the course of service delivery, (not direct marketing) the guidance on data cleansing and tracing services provided confirming clarity to this organisation. Particularly in relation to keeping its database compliant when utilising tracing services by following the accuracy and data minimisation principles.

What due diligence do we need to consider when using profiling or enrichment services?

The guidance at page 63 regarding due diligence requirements provides pragmatic advice in order to ask third party service providers when on-boarding. This guidance will be useful in strengthening existing due diligence procedures.

If no please outline what additional areas you would like to see covered

Q5 Is it easy to find information in the draft code?

Yes, the contents are clearly set out and particular topics/subjects are easy to find.

If no, please provide your suggestions on how the structure could be improved:

Q6 Do you have any examples of direct marketing in practice, good or bad, that you think it would be useful to include in the code:

No

If yes, please provide your direct marketing examples :

Q7 Do you have any other suggestions for the direct marketing

code?

Checklists

At the end of each section, we would suggest a summary **'How To Get Things Right Checklist'** which would provide a step by step guide for organizations when managing particular elements of the Code.

<u>About you</u>

Q8 Are you answering as:

- On behalf of an organization in the capacity of the Data Protection Officer.

Please specify the name of your organisation:

- Smart Pension Limited

If other please specify:

Q9 How did you find out about this survey?

- ICO Website

Thank you for taking the time to complete the survey