

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

☐ No

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)

☒ Yes

☐ No

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

Whilst there is quite a lot of detail in the draft code we would like to see a few more examples, particularly around wealth screening and what would and wouldn't be acceptable.

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

☒ Yes

☐ No

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

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?

☒ Yes

☐ No

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

The draft code addresses all the areas, but there is one area which we feel would benefit from a bit of clarity. On page 90 under the question 'Can we target our customers or supporters on social media' it explains the process of uploading personal data you already have to the social media platform (e.g. an email address) and then it being matched and added to a list to target with messaging. It says it's likely that consent is the appropriate lawful basis for this processing, so is this referring to the data that you upload? I.e. if you upload an email address to match to a Facebook account you need consent for that email address. Or is the draft guidance saying that consent is needed from the person to receive ads from your organisation in their Facebook feed? We believe that having the email consent of the person (in our case a supporter of the charity) is enough as they have consented to receiving marketing messages from us and they regularly receive messages from us. Also that person has agreed to receive marketing messages as a user of Facebook. Therefore it's unlikely for that person to perceive marketing messages from us in their Facebook feed as unexpected. We believe this is also the position of other charities/organisations and the DMA.

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

☒ Yes

☐ No

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

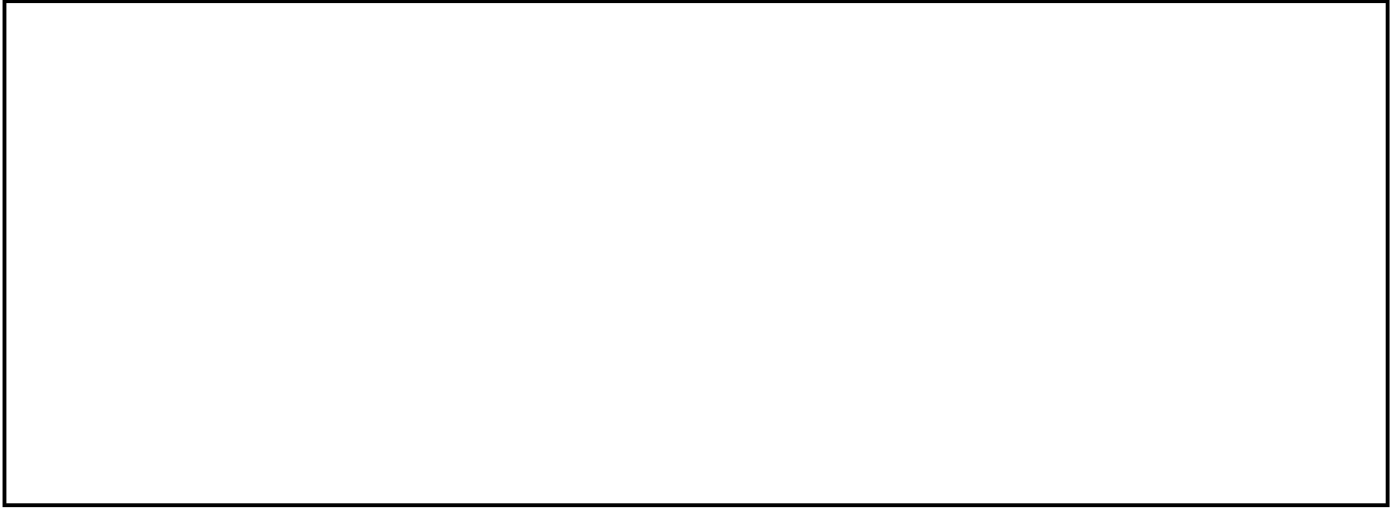
Q6 Do you have any examples of direct marketing in practice, good or bad, that you think it would be useful to include in the code

☐ Yes

☒ No

If yes, please provide your direct marketing examples :

Q7 Do you have any other suggestions for the direct marketing code?

A large, empty rectangular box with a thin black border, intended for the user to provide suggestions for the direct marketing code.

About you

Q8 Are you answering as:

- ☐ An individual acting in a private capacity (eg someone providing their views as a member of the public)
- ☐ An individual acting in a professional capacity
- ☒ On behalf of an organisation
- ☐ Other

Please specify the name of your organisation:

The Salvation Army

If other please specify:

Q9 How did you find out about this survey?

- ☐ ICO Twitter account
- ☐ ICO Facebook account
- ☐ ICO LinkedIn account
- ☒ ICO website
- ☐ ICO newsletter
- ☐ ICO staff member
- ☐ Colleague
- ☐ Personal/work Twitter account
- ☐ Personal/work Facebook account
- ☐ Personal/work LinkedIn account
- ☐ Other

If other please specify:

Thank you for taking the time to complete the survey