

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](#).

Questions

Q1 Is the draft code clear and easy to understand?

Yes

No

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

The code uses very technical language which are not defined and then incredibly simplistic examples. On page 14 this happens. After giving example of a list of marketing technologies which an average person would not understand followed by an example that don't seem to relate to the previous list. If you are going to give examples it would be more valuable to apply them to the more complex concepts.

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:

Please see above.

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:

Our organisation is a trade union and membership is Article 9 Special Category data. On page 38 this is discussed but the example is about a supermarket marketing a baby club. It would assist us greatly if the ICO could let us know what they consider marketing to our membership. This is touched on briefly on page 39 under the baby club example but it refers to a customer list not membership. Membership to a great deal of trade unions includes discounts to services that can be marketed. To become a member a subscription must be paid monthly and there is a rulebook that must be complied with for membership. Clarification would be helpful for membership organisations.

On page 78 promoting "aims and ideals" is discussed about soft opt in. Our trade union members expect us to promote and campaign for their rights and this could be considered aims and ideals. Guidance from the ICO on this specific area would be helpful.

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:

It would be helpful if the table of contents was granular and had more sub categories under the general headings.

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?

For this code and in general for other codes Article 9 special category data is included but all of the examples are either consumer or charities. There are millions of trade union members in the UK and the specific issues to their membership are not addressed. As explained in Q4 above membership is not something simply acquired nor is it something that is immutable like racial or ethnic origin. Political opinions or philosophical beliefs are covered but there is no obligation to acquire them unlike trade union membership.

About you

Q8 Are you answering these questions as:

(Please select the one that is most appropriate)

- 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 the organisation you are representing:

UNISON

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

Please specify:

**Thank you for responding to this consultation.
We value your input.**