

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:

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:

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:

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:

Potentially - see the following for Q7.

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

First of all - I found the code incredibly informative. It's really very good and the examples are very illustrative. It is very long but I was very engaged by it all. Bravo.

One question; P112 where the right to rectification is discussed.

Forgive me if I am wrong but should this cover Rectifying errors in use of data as much as in the data itself?

For example: Service and Marketing Messages being sent to two joint bank account holders. Clearly the messages are getting through to both of them and they are not messages they object too but explicitly consent too. However sometimes one will get the message and the other will not or vice versa.

I do not see this as specifically being a breach as the confidentiality, integrity and availability of the data has not been harmed and the availability of the data held in the text is concerning the account not the individual. The data itself does not need to be rectified, the numbers are obviously correct but the request for the bank to correct the error should be articulated in some way. So a Right to Rectification may cover the correction of "use" of data rather than "error" in data or something as hard-line as an outright objection.

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:

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.**