

The Data & Marketing  
**Commission**

# Annual Report

For the 12 months to  
31st December 2024



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## The Data & Marketing Industry

The marketing industry is important for growth in the UK economy. It is also responsible for the processing of a significant volume of personal data.

The industry has always evolved to advances in technological developments. The scale and impact of developments in the modern digital era presents new opportunities as well as threats, both for the industry as well as the individuals whose data are being processed. It is also the case that individuals are increasingly aware of their rights and one of the impacts of this is pushing the economic imperative for good data handling practices higher up the agenda for everyone.

## The Data & Marketing Association

The Data & Marketing Association (DMA) is the UK's trade association for the data and marketing industry. Its vision is a data and marketing industry where every organisation takes a 'customer-first' approach. As the voice of the data and marketing industry, its responsibility is to prove the responsible and innovative use of data in marketing drives business growth. It sets the standards for the good of marketers, and most importantly, customers.

The DMA has a comprehensive strategy for supporting its members to engage and comply with its Code. Encouraging enlightened compliance is a clear objective. It is, however, important to provide an effective mechanism of oversight and an accessible route for individuals who wish to raise complaints about the way in which their personal data have been handled if it involves a Code member.

A well-regulated industry is in everyone's interests and the DMA's Code is an important pillar in building and nurturing a trusted environment.

## The DMA Code

The DMA Code is an ethical framework that sets the standards for the data and marketing industry to which all DMA members adhere, demonstrating a commitment to build trust and drive effectiveness in marketing. It provides members five clear principles that will guide them to achieve this, and against which their conduct will be measured.

- › **Put your customer first**  
Value your customer, understand their needs and offer relevant products and services
- › **Respect privacy**  
Act in accordance with your customer's expectations
- › **Be honest and fair**  
Be honest, fair and transparent throughout your business
- › **Be diligent with data**  
Treat your customer's personal data with the utmost care and respect
- › **Take responsibility**  
Act responsibly at all times and honour your accountability

The Data & Marketing Commission (DMC) is an independent body, funded by the Association and the Advertising Standards Board of Finance (ASBOF), with responsibility for the oversight and enforcement of the Code. It does this through the investigation of complaints made by individuals about the activities of DMA members. It is also able to consider emerging issues arising from developments and complaints to contribute advice and support to the DMA to strive for higher professional standards. The DMC and DMA have also recognised the potential value of shared research or other action to build marketing understanding, awareness of industry standards and compliance.

Decisions which relate to the adjudication of complaints about a member of the DMA are taken independently by the DMC, and in addition to requiring corrective action or operational changes to ensure compliance the DMC can, in any cases of serious wrongdoing, make a recommendation to the DMA Board to terminate a company's membership.

Following an adjudication, the DMC's decision may be appealed. The DMC's Independent Appeals Commissioner is Steve Wood, a consultant, researcher and writer who was formerly Deputy Commissioner at the Information Commissioner's Office.

Complaints about the conduct of the DMC are dealt with independently by an Independent Complaints Assessor, Richard Thompson, an accredited commercial mediator with 25 years' experience in regulation, complaint handling and dispute resolution.

Minutes of the DMC Board meetings are published on the [DMC website](#).

- ▶ The DMC will address any complaints against DMA members where the complaint is within the scope of the DMA Code.
- ▶ If the complaint is not covered by the Code, it may be referred to another relevant organisation, for example, complaints which relate to TV advertising are referred to the Advertising Standards Authority.
- ▶ The Secretariat of the DMC aims to confirm receipt of all complaints within two working days and aims to achieve at least 65% satisfaction levels with the action taken by the DMC in relation to cases dealt with by formal or informal procedures.
- ▶ Every complainant is informed of the action taken and/or the outcome of investigations.
- ▶ In addition, the DMC aims to complete 80% of formal adjudications within three months of the first dialogue with a DMA member or any other party and register and progress complaints within seven working days.
- ▶ The DMC aims to have no cases reversed after action by the Independent Appeals Commissioner and no successful legal challenges, and makes available key trend information on complaints as required.

## Other organisations that might be able to help

Non-member complaints

Referred to:

**Action Fraud** – the UK’s national reporting centre for fraud and cybercrime.

**Advertising Standards Authority** – the UK’s independent regulator of advertising across all media.

**Citizens Advice** – a free, confidential service that provides advice on a wide range of topics.

**Financial Ombudsman Service** – financial dispute resolution that’s fair and impartial.

**Information Commissioner’s Office** – the UK’s independent regulator for data protection and information rights.

**Mailing Preference Service** – the free service to opt-out of unwanted marketing mailings.

**OFCOM** – the regulator for the communication services that we rely on every day.

**Telephone Preference Service** – the free service to opt-out of unsolicited sales or marketing calls.

**Trading Standards** – a service that aims to protect consumers and businesses from unfair and unsafe trading practices.



the DMC at DMA meetings and other events and meetings as required and will help promote and communicate the DMC.

The Commissioners are expected to demonstrate sound judgement and analytical skills and have the ability to digest and make good sense of often complex cases, taking both a big picture and fine detail view. They must have the ability to work and debate effectively and adjudicate, acting objectively on the evidence applying the principles of natural justice.

The DMC Board comprises of an independent Chief Commissioner, two independent Commissioners and two industry Commissioners. Independent Commissioners serve on a paid basis and industry Commissioners serve on a voluntary basis. The DMC Board meet quarterly and act as an adjudicating panel for complaints which reach formal investigation stage. They review case material and produce a consensus evidence-based decision working to the principles and procedures set out in the DMA Code. On an ongoing basis, the Commissioners review emerging issues and monthly DMC complaints reports and support the Secretariat on day-to-day issues including agreeing responses and considering arising issues. They will represent



**Emma Martins**  
*Chief Commissioner*

Emma has worked in data protection for over 25 years. Starting her career as a data protection officer in the public sector, she moved to work in the regulatory office for Jersey, Channel Islands, in 2002.

Since then, she has been Commissioner for Jersey and, since 2018, for the Bailiwick of Guernsey where she worked with a team responsible for implementation, oversight, and adequacy assessment for the new GDPR-standard legal framework for the Islands.

Her fixed term in that role finished in December 2023. In January 2024, Emma was appointed as Chief Commissioner for the Data and Marketing Commission. She also has a small portfolio of work acting in an advisory role and is a charity trustee.

Throughout her career, Emma has been committed to driving high standards of ethical and legal data handling and encouraging more inclusive and accessible conversations around the role of data in our lives. She is a strong advocate of cultural engagement and has spearheaded a number of community-wide initiatives to support social and economic benefits that come with effective data protection.



**Robert Bond**  
*Industry Commissioner*

Robert is a Solicitor, Notary Public, Chartered IT Professional and Compliance & Ethics Professional. Robert has over 45 years' experience in the fields of IT, e-commerce, computer games, media and publishing, data protection, AI, information security and cyber risks.

Robert is Head of the Examination Board for the Practitioner Certificate in Data Protection, a Past President of the Board of the Society for Corporate Compliance & Ethics, Chairman of the Data Protection Network, a Director of South West Grid for Learning, Vice President of the Notaries' Society, a founder member of the Advisory Group on the Governance of Data and AI to the United Nations, a Fellow of the Society of Advanced Legal Studies and a Companion of the British Computer Society.





**Gilbert Hill**  
*Industry Commissioner*

Gilbert is a privacy technologist, entrepreneur and speaker. He was previously CEO at Tapmydata, a VC-funded Web3 startup building wallets for data control and portability. Gilbert advises brands, boards and crypto projects on data strategy and execution as a NED, and he is a Founding Member of the Data Privacy Protocol Alliance.

After a career in Finance, as MD of a London digital agency Gilbert grew fascinated by the relationship between data, digital marketing and regulation, founding Optanon, a pioneering software product in the PrivTech sector, and Cookiepedia, knowledge base for consumer tracking on the Web. These businesses were acquired by OneTrust and he led the deal, migration of legacy clients, team and technology while establishing new operational units across Europe.

On a voluntary basis, Gilbert is Fellow and Senior Tutor on Privacy & Ethics at the Institute of Data & Marketing, and a regular contributor to events and media in the UK and internationally.



**Quinton Quayle**  
*Senior Independent Director and Independent Commissioner*

Quinton has sat on a wide range of boards, with a focus on regulation, health and the legal sector. He has chaired the Remuneration and Appointments Committees of several boards. He currently serves as Chair/Panel Member of High Speed 2's and East West Rail's "Need to Sell" Panels.

Quinton is a fluent Thai speaker and currently serves as Senior Adviser to Gurin Energy which is investing in renewable energy projects in Asia, including Thailand.

Prior to joining the private sector, Quinton was a member of the Diplomatic Service and served as British Ambassador to Romania and to Thailand.



**Kate Staples**  
*Independent Commissioner*

Kate is a qualified solicitor with experience in a range of industries and sectors. In her early career she specialised in high value construction and engineering disputes at a leading City practice, before moving to the Dept for Transport, primarily advising on public law and policy in the aviation arena. Kate was the General Counsel & Secretary to the CAA until December 2021, holding the role for over 11 years. Kate was also a Trustee of the Air Travel Trust, of the CAA's pension scheme, and company secretary to the CAA's two subsidiaries: ASSI Ltd and CAA International Ltd. Following a short stint as Director of Governance and Legal Services at the Care Quality Commission Kate has focused on her non-executive career, including the DMC and re-joining the Board of CAAPS Ltd. She continues to focus on regulatory excellence and enabling purposeful and successful businesses.

Kate enjoys the arts, travel, developing her photography skills and following the fortunes of Liverpool FC.

**The complaint:** *A vulnerable and elderly lady had received unordered goods and was pursued by debt collection agencies. She was unable to make contact with the member.*

**The findings:** *There was an inadequacy and lack of resource in the member's customer service process and there should have been an easily accessible phone system in place to take calls of concern about the return process and debt collection issue rather than relying on an internet led process which was not always an appropriate method for the elderly and vulnerable. The lady should not have been asked to return the goods.*

**The DMA Code:** *Members must not demand consumers pay for or return unsolicited products. Members are responsible and accountable for actions taken on their behalf by their staff, suppliers and others and must have in place prompt and efficient customer service with adequate administrative procedures to achieve this.*



# Chief Commissioner's Report

by Emma Martins



I am pleased to present this Annual Report for the period 1st January to 31st December 2024.

It was a privilege, in January, for me to take over the role of Chief Commissioner from Amerdeep Somal, whose tenure came to an end in December 2023.

2024 was my first year in this role. The early months saw us heavily involved with preparations for our plans to become an accredited monitoring body to the Information Commissioner's Office (ICO) under new powers provided for in the UK's Data Protection and Digital Information Bill (DPDI).

The Bill was scheduled to enter the House of Lords' Report stage on 10th June 2024 with the expectation that it would receive Royal Assent before the summer recess. The Bill passed the Committee stage on 24th April 2024. The announcement of an early election was a surprise to us, as it was to many. The UK Parliament was dissolved on 30th May 2024 ahead of the July general election and before the Bill could be passed in the "wash up period". Along with a number of other proposed laws which were not enacted prior to the dissolution of Parliament, the Bill was then considered failed and was not carried over to the new Parliament.

We immediately paused our work on monitoring body status at that time, although much of the groundwork had been completed.

Despite our ambitions for the future of the DMC, and our commitment to the project for us to become an accredited body, this pause provided an opportunity to focus on our current role and responsibilities, and to review and refresh our internal policies and procedures. We also want to ensure that we provide relevant and useful information to both the industry and individuals. The activities of the marketing sector are as broad as they are deep, and it can be a challenge for citizens to navigate the best route if they have queries, concerns or complaints. On page 6 we have set out details of the other organisations and agencies that may be involved and we will be building on this information in the coming months.

The marketing sector plays an important role in our economy. It also touches many of our lives as it is responsible for the handling of personal data of many millions of people. There is a legal and ethical imperative to encourage and support organisations to engage with both these imperatives in a proactive and constructive manner.

The DMA Code sits at the heart of this sector's activities and the principles of the Code are set out on page 4 of this Report. They are based on the simple but important fact that the relationships this sector relies on need to be built on the foundations of trust and confidence. Whilst the technologies that this sector utilise may change, the principles of how to build trust and confidence do not.

**The complaint:** An individual received unwanted emails and he thought the content contained marketing. He disagreed with the member assertion that the emails were 'service' messages.

**The findings:** The member had a robust system in place to challenge whether potential messages were 'service' or 'marketing' and these messages were continually reviewed. There was one message, however, which following the DMC's investigation, they further clarified to make its purpose clearer to its customers.

**The DMA Code:** It says that companies must not mislead customers, whether through omission, exaggeration or other means, companies must be clear and transparent. Members must not send or instigate the sending of direct marketing unless they comply with legislation.



**We also want to ensure that we provide relevant and useful information to both the industry and individuals.**

And our role at the DMC is to support that work, acting as the independent body with oversight of the DMA Code. We were established because the DMA recognised that if it was serious about the principles contained within the Code, it needed to provide assurances about its application and, importantly, a sufficiently independent route for individuals to raise concerns or complaints.

I know I speak for all the DMC Commissioners when I say that we take that responsibility extremely seriously and in this year's Report we have included our own commitments to apply the Seven Principles of Public Life (also known as the Nolan Principles) to our work and our conduct.

This is a good opportunity for me to thank my fellow Commissioners who, without exception, have welcomed me and supported me so generously throughout the year. More importantly, they have provided a service to this community, acting independently and with integrity in all that they have done.

It is from these solid foundations that we look ahead to 2025.

On 24th October 2024, the UK Department for Science Innovation and Technology announced new data protection legislation in the form of the new Data Use and Access Bill. It contains many of the elements of the DPDI Bill, but also includes a number of broader areas, such as rules for digital identity verification.

Importantly for us, this means an imminent restart to our accredited body application work. Our aim, for now, is to ensure as much of the groundwork is done to allow that work to continue as efficiently and effectively as possible once there is some further certainty about the new Bill.

The sector is changing, and the regulatory landscape is changing. There are principles that endure, and there are ways in which we need to respond and adapt. As we look ahead to what will be an exciting new chapter for the DMC, we are committed to paying attention to both.

**The complaint:** *A consumer is unhappy about the number of unwanted telephone marketing calls they are receiving from a member.*

**The findings:** *The member could not be assured as to the provenance of the data as there was an extended supply chain and the necessary consents were not in place.*

**The DMA Code:** *It says members are responsible for the proper sourcing, consents and cleansing of the data they trade and that members are responsible for the actions of their suppliers. The DMC wants to make sure that these rules are applied. It is a problem if things go wrong and members tell us they relied on the assurances of others that consent has been given for the use of data but nothing is done to check this is true.*

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**The sector is changing, and the regulatory landscape is changing.**

In the one year period of this Report, the DMC recorded 38 complaints against businesses in the data-driven marketing sector. These also included non-member complaints and, where appropriate, the Secretariat referred these to other statutory or self-regulatory bodies. In some cases, particularly those relating to concerns from consumers who were unable to unsubscribe from unwanted emails, the Secretariat contacted businesses that lie outside of membership to inform them of their legal commitments and request that they unsubscribe the individual's email address. The majority of businesses responded positively to this approach.

When the DMC considers possible breaches of the DMA Code, it considers whether the issue is specific to the individual complainant or whether it may be evidence of a more systemic problem. Each case is examined thoroughly, fairly and proportionately and where there are serious breaches of the Code, repeated breaches or ongoing complaints, the matter will progress to a formal investigation which culminates in an adjudication and an independent review from the DMC Board. There may be some cases which revert to an informal investigation if it becomes clear that the case did not merit a substantive process and formal outcome.

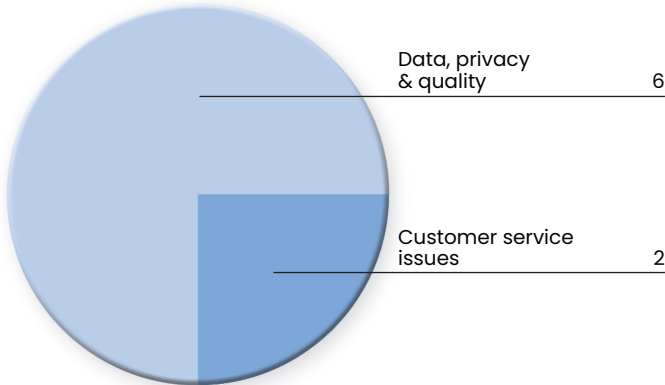
Many of the informal investigations during this period related to complaints about unwanted marketing mail and in some of these cases, the issues raised involved more than one marketing channel. One investigation involved a DMA member in the door drop industry. The complainant contacted the company using the member website's online form to complain about receiving unwanted unaddressed mail but every time he submitted the form he received an unsolicited marketing email. Though the contact form was optimised for business clients, it is a legal requirement that marketing emails should not be sent to individuals without specific consent. The member rectified the issue ensuring that in future individuals would not receive unwanted marketing emails as a result of making a complaint. In another case, an individual was in receipt of marketing mailings addressed to a former occupier. It transpired that the addresses for both the former occupier and the complainant were very similar and the member's system had allocated the same identifier, leading to the complainant receiving the unwanted post. The member rectified the matter and assured the DMC of its processes in place to ensure accurate and up to date data.

In many of the formal investigations undertaken by the DMC, part of the adjudication process looks at the remedial actions and assurances that need to be in place to prevent a recurrence of the issue. As an example, a formal adjudication late in the previous year on a member who ran an affiliate network, had identified weaknesses relating to the consent mechanism at the data source and the lack of a contractual agreement in place with the affiliate. This had led to an individual receiving a number of unwanted marketing emails. The DMC adjudication team had requested a follow up report within three months and this had been presented earlier this year alongside an updated contractual agreement. At this point the case was then concluded. And not all investigations involve breaches of privacy and unwanted marketing. A more recent and ongoing investigation is looking at concerns from the family of a deceased individual who had suffered health issues and, it has been claimed, was encouraged to purchase high value goods. The DMC are looking at the sales tactics used in this case.

The DMC recognises the importance of learning lessons from complaints and their outcomes and in such cases will provide feedback and observations to the DMA following the conclusion of formal cases. Particular attention is given if the problems that have been evidenced appear to have become (or risk becoming) common practice, or where there may be a case for change in membership or compliance approach and where the DMC could distribute messages to the DMA membership about Code compliance and how the DMC is interpreting the Code.

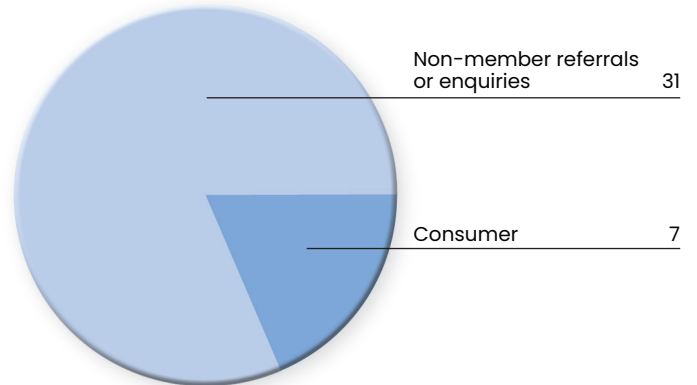
## General Nature of Complaints

1 January 2024 – 31 December 2024



## Number of Complaints

1 January 2024 – 31 December 2024



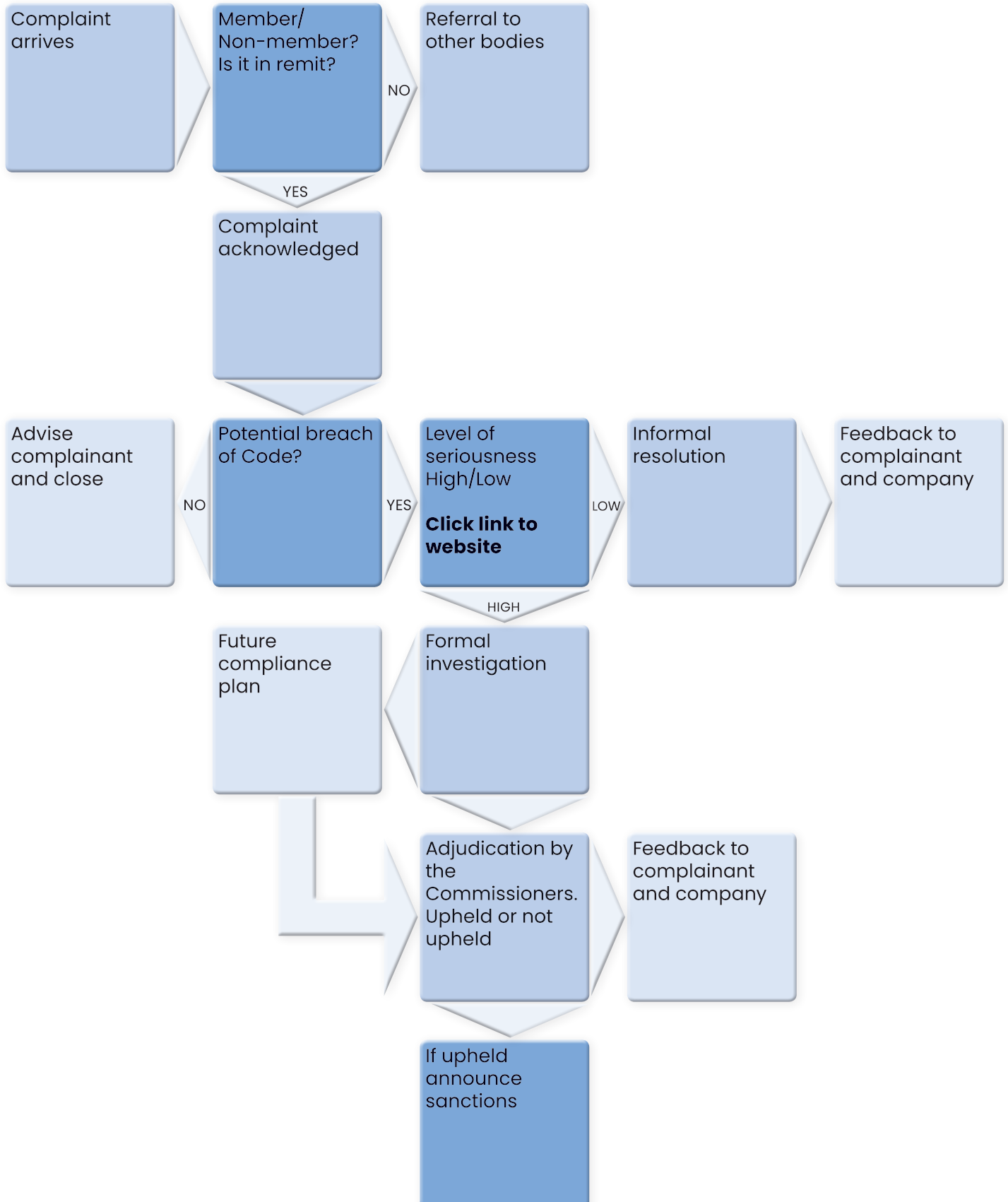
Non-member complaints are referred to organisations such as Trading Standards, Information Commissioner's Office, OFCOM.

**The complaint:** A small company had ordered a large volume leaflet drop to promote their business yet they had received a very low response from consumers.

**Findings:** The member had shown itself unconcerned by a failure to meet contractual commitments, with failure to engage with its client or in any meaningful way with the DMC. The relationship with the member was strongly lacking in terms of engagement, responses and assurance that their leaflets had been delivered.

**The DMA Code:** It asks member to value their customers, to act in accordance with their expectations, to be honest, fair and transparent and to act responsibly at all times.

The DMC investigates complaints against DMA members involving breaches of the DMA Code. It will investigate any complaint made against a DMA member that relates to one-to-one marketing activity and falls under the scope of the Code. The chart below explains how the DMC handles its complaints.



**The Data & Marketing Commission**

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Registered Office:

1st Floor

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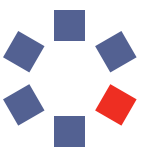
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