**MINUTES**

**DATA & MARKETING COMMISSION BOARD**

**Wednesday 26th February 2025 at 10.30am**

**DMA offices, Rapier House, Lamb’s Conduit Street, London**

**Present:**

Emma Martins, Chief Commissioner (EM)

Robert Bond, Industry Commissioner (RB)

Gilbert Hill, Industry Commissioner (GH)

Quinton Quayle, Independent Commissioner (QQ)

Kate Staples, Independent Commissioner (KS)

**In Attendance:**

Suzi Higman, DMC Secretary (SH)

Chris Combemale, CEO, DMA – in part on Teams (CC)

1. **Welcome and apologies**

EM welcomed all. There were no apologies.

1. **Minutes of last Meeting + Matters Arising:**
2. Minutes + Action Points - Tuesday 17th December

The minutes of the last meeting were approved with a couple of minor amendments. SH would amend these as agreed. Action points had been progressed but the final draft of the Articles of Association had not yet been circulated. SH would attach these with the minutes of this meeting. There had been no comments on the DMC website – SH and EM would look at this in the next few weeks but asked if anyone has any thoughts or comments to let SH know.

1. Independence + Impartiality + Funding Risk:

* *Conflicts of Interest declarations*
* *DMC Risk Register/Code Risk Monitoring Register*

There were no conflicts declared. No additions or amendments were made to the DMC Risk Register or Code Risk Monitoring Register. EM reminded Commissioners that the Code Risk Register needed updating and we would look to refresh this when re-starting work on the IMB application.

1. **General Updates:**

EM updated Commissioners on a recent meeting with the DMA’s new CEO, Rachel Aldighieri.

GH reported on the ICO’s updated guidance for electronic marketing and a consultation for feedback which closes on 15th March. The guidance would focus more on digital marketing rather than traditional marketing such as sales calls. GH reported that the new DUA Bill would bring the PECR regime into line with GDPR and as a result organisations that breach PECR may be subject to larger fines.

KT reported she was to attend a session on the regulation of industries in sectors such as AI and healthcare.

RB reported that a section of the DUA Bill relates to smart data and with the government looking at relationships between utility companies, banks and insurers in relation to smart connected banking devices, this raises issues around the right of the individual to have data ported. RB also reported on the section on verification schemes in the DUA Bill, and how this might work in practice.

1. **Complaints:**
2. Breakdown of complaints – December-January

SH reported on the summary of complaints between December 2024 and end January 2025.

One case had related to a complaint that the member had failed to process personal data correctly, had taken excessive time to respond to the initial complaint, and had not been transparent around the financial gesture offered. It had transpired that there had been errors made by two agents over a period of two years which had caused conflicting and confusing advice.

The Board agreed that it was appropriate to informally resolve the matter. SH had not found evidence of a wider issue and the organisation had provided assurances on the due diligence undertaken on its suppliers, the training procedures undertaken with agents and remedial action take to ensure the situation did not recur.

KT pointed out that the member had referred to ‘legitimate interest’ as a reason for processing in their initial response letter to the complainant and many individuals would not understand what these interests are. SH would feed this point back in response to the member so that more clarity could be provided going forward.

Action Point: SH to feedback to member on above point of clarity around ‘legitimate interest’.

1. Case investigation

SH updated Commissioners on the outcome of a recent formal investigation. The case, raised by a relative of the member’s deceased client, related to the telephone selling tactics used when dealing with an alleged vulnerable person. EM and SH had met with the member and shared their findings with the Board. They were reassured that the member had in place a robust framework to assess and monitor vulnerability in an individual. This was based on DMA training and using industry standards. Though the member had breached one of its own rules on one of the calls made to the client in terms of how many times the client refused to purchase, action had been taken to re-train the agent involved and re-brief all relevant staff. The member was co-operative and engaged in the process, and after a detailed consideration of the many factors in this case, the DMC took the opinion that the case should revert to an informal resolution and close.

It was noted that the case would provide a helpful case study for the future. Additionally, it raised questions around what the DMC could do to better its understanding of the training around vulnerability – EM thought SH may be able to attend one of the DMA’s vulnerable workshops. RB/KT identified the importance of audit trails and gathering evidence to capture the process to assess/focus on vulnerability before a sale is made– this helps reduce the risk around vulnerability.

1. **Chris Combemale - update**
2. Update on Data & Access Bill/Code of Conduct

CC had stood down as CEO at the end of December and was now in place as the DMA’s Director of Policy & Public affairs. The DMA was working with a new Board, Chair and Deputy Chair shaping RA’s vision for the organisation.

RA was working on a launch for the revised DMA Code which was centered on the ‘people pillar’ – CC explained that the pillar does not fall under the remit of the DMC as it does not relate to data protection or privacy.

CC reported that the Governance Committee will be likely to re-introduce a section updating its members on DMC activity and complaints. RB may be asked to undertake this at a future meeting.

CC reported that the DUA Bill had passed the House of Lords stage and was now in Committee Stage at the House of Commons. It was likely that work could resume in the Summer though CC noted that the ICO would need some time to digest the Bill. In the meantime, the DMA team were focused on launching a complete revamp of data protection guidance for marketing.

1. DMC costs

There would be a meeting the next day, with EM and SH attending, to update the new DMA finance team on the IMB and GDPR Code project. CC reported on a pre-budget meeting with ASBOF. It seemed that the earliest date for Code and IMB approval would be end of December, though CC noted that the ICO may not be ready to review the Code by this time. ASBOF remain committed to funding the start-up of the IMB with 12 months of working capital whilst assessment fees come in. CC informed the Board that there may be a possibility of funding as a loan which would be paid back after an extended period.

EM suggested it would be helpful to have an introduction to the relevant individuals at the ICO. CC agreed a joint meeting would be helpful and agreed to contact the ICO in March to arrange a meeting in April/early May.

CC left the meeting and the Board discussed implications should the funding be provided in the form of a loan.

EM confirmed that further work was needed on the DMC’s glidepath and finances and confirmed that all correspondence with CC would also be shared with RA in her new role as CEO.

1. **DMC general:**
2. Comms strategy + strategic plan

Following Commissioner input, and the incorporation of further detail around the Nolan principles, this document had now been finalised. SH would add QQ’s suggestion of the word ‘growth’ into the first paragraph of the strategic plan. The Comms plans would be incorporated into the DMC website and a short piece would be posted on LinkedIn.

Action Points:

* SH to make QQ amendment to Strategic Plan.
* SH/EM to prepare a short piece for LinkedIn and incorporate plans into DMC website

1. DMC glidepath towards IMB approval

SH had previously shared the draft glidepath with Commissioners – this had largely been produced from a project plan which Simon Davey, external consultant had drafted last year. A copy of the draft glidepath had also been shared with Rachel Aldighieri and Chris Combemale. KT suggested that we re-visit the Risk Register and SH would circulate this with the minutes.

Action Point: SH to circulate Risk Register.

1. Retention policy

EM and SH would be working on a wider retention policy to support the retention actions currently outlined on the DMC’s website Data Protection Notice. SH would circulate the policy once a final draft had been produced.

1. Whistleblower policy

Following a complaint received last year which involved an individual who wished to remain anonymous, EM and SH had prepared a DMC policy on whistleblowing – this outlined the steps DMC will take when an individual passes on information or raises a concern about alleged wrongdoing they have witnessed or experienced (usually, but not always, in the workplace). A draft of this policy had been circulated to the Commissioners. There were no further amendments required.

1. Accountability – Appeals

The DMC’s Comms Strategy and Plan had now been finalised but this had raised a query from QQ on what is meant by “we are accountable for our decisions and actions” in the DMC’s Strategic Plan. Who is the DMC collectively accountable to? It was agreed that the Comms Strategy may need some further explanation about what it means by ‘accountability’ in that context. SH and EM would look at this aspect further. SH would circulate the draft DMC Articles of Association (for our new status as IMB) and look at the current DMA’s Articles of Association.

Action Points:

* SH to circulate draft DMC Articles of Association
* SH/EM to ensure the accountability section in the Strategic Plan is clear as to its context.

1. **DMC updates:**
2. DMC Code launch update

This would now be launched on 17th March. The revised Code contains the ‘people pillar’ which will not fall under the DMC’s remit. The pillar will highlight various checks to help members meet their goals to enhance skillsets and provide continuous learning. The DMC would produce its own announcement on the Code revisions which also incorporate some amendments to the DMC process.

1. Website/branding

At the last meeting it was agreed SH would look at costs for a designer to create usable assets for the DMC’s new branding. The agency had only produced a PDF document. SH explained that licences had to be purchased and there were a number of visuals. The cost was circa £500 as quoted from a designer which was very competitive compared to a quote from the agency who produced the branding. SH had tried to attain approval for this spend, and it was hoped that it may be possible in next year’s funding for DMC – this was yet to be confirmed.

1. Annual Report 1st January – 31st December 2024

SH reported that this was nearly complete. The draft had been circulated to Commissioners. There were no further comments. SH would progress a final version with the designer.

Action Point: SH to progress final version of the Annual Report.

1. **Other Committees - updates:**
2. DMA Governance Committee

SH had circulated minutes of the meeting on 16th January. RB, who attends the Governance meetings as an observer, said work was progressing on the data protection guidance to make it user friendly. RB said he was happy to report back to the Committee on DMC activity.

1. AI Working Groups

SH had circulated minutes of the meeting on 10th February.

GH reported that there had been some progress in terms of looking at how regulators should handle AI, and DSIT were going to be introducing their own regulatory capability framework. GH noted, in particular, that the FCA were using AI to process the majority of their enquiries.

1. **Any other Business**

There was no other business.

**Future Board Meetings 2025 – 10.30am at the DMA offices**

**Wednesday 21st May**

**Wednesday 10th September**

**Wednesday 17th December + Xmas Lunch**