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:

This is intended, we believe, to be a code of conduct, driven by the requirement in S122 DPA 2018 where the Commissioner is required to provide 'practical guidance in relation to the carrying out of direct marketing....'. We are greatly concerned that the draft guidance reads more as a re-write of both the legislation itself but perhaps more worryingly appears to contradict a lot of the good and sound advice and guidance provided by the Commissioner over the last 18 months. Industry has of course acted and implemented that guidance only now to find that the commission has changed its mind?

GDPR is a not a codified set of prescriptive rules but a principle-based regulation. The draft code is contrary to this spirit and effectively enforces a single interpretation of the legislation onto the Direct Marketing Sector. It is written using emotive and negative language which gives the strong impression that the intention of the ICO is to prevent any targeted communication with the British consumer.

This is contrary to the stated aim of GDPR. The regulation was always designed to 'enable' direct marketing (recital 47) whilst rightly protecting and enhancing the continuing rights of data subjects. It also ignores the inalienable right of the millions of British citizens who wish to continue receiving targeted communications from thousands of organisations. This draft code will deny them that right and far from allowing them to control the communications they receive will leave them being inundated with poorly targeted and irrelevant messages, just like it was 20 years ago.

Reviewing the draft code, we cannot find any referencing to the Articles and Recitals of the GDPR and PECR regulations. This would enable better alignment when referencing the code against the regulations. In addition, the examples provided in the code would seem to be outdated and or inappropriate and misleading, as an example:

Get consent for all your direct marketing regardless of whether PECR requires it or not. This gives you the benefit of only having to deal with one basis for your direct marketing as well as increasing individuals' trust and control. See the section How does consent apply to direct marketing? for the requirements of consent.

The code in its present form is contradictory to other ICO Guidelines (and indeed GDPR itself) where controllers are advised to establish the correct basis for processing data. This approach is completely contrary to the basic tenets of the marketing profession which advocate the delivery of marketing messages that are timely, relevant and appropriate to an individual.

REaD think it is wrong to include best practice recommendations . It is not the job of the regulator to tell a sector what it considers good practice. The marketing industry and its trade associations should decide what is good practice. A regulators role is to enforce the laws that they have shaped. It is NOT to alter/change/enhance legislation and laws, that is the job of government. There is a well-worn path to making legislative amendments and this starts with a regulator asking government to review specific aspects of a law. Democratically the elected representatives then decide whether or not change is appropriate.

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?

REaD agree with the level of detail, but the navigation of the document could be made easier by use of numbered paragraphs and by referencing to the Articles and Recitals of the GDPR and PECR regulations.

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:

The code does cover the right issues but REaD would like to challenge a significant proportion of the recommendations and best practice examples.

REaD have set out the challenges in the attached matrix:

REaD_Group_Detailed Response to ICO Direct Marketing Code of Practice_V1.1_31.01.20

Each challenge and our recommendations can be referenced back to a page number in the draft code and Article number of the associated regulations where applicable.

We have also set out a summary response to the draft code in the attached document:

REaD_Group_Response to ICO Consultation on New Direct Marketing Code of Practice-V2.0_31.01.20

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

REaD believe the code covers the correct issues, but the code in its current form represents a significantly retrograde step for any company and consumer and will:

- Ignore the rights and interests of 99.99% of consumers who are happy to receive targeted and relevant communications.
- Drive direct marketing back to the bad old days of untargeted junk mail
- Impact vulnerable individuals that the code purports to be trying to protect
- Have a huge environmental impact, as the volumes of printed material will rise exponentially
- Fail to represent the interest of consumers who will be bombarded with irrelevant and unwanted material
- Create an anti-competitive platform where it becomes almost impossible for new entrants to find customers
- Damage brands who can no longer effectively communicate with existing customers
- Directly result in loss of jobs in the Direct Marketing industry, a sector which employs at least 450,000 individuals and contributes 36.5 billion of GVA (Market size and exporting study. CIM/PwC Research, 2018).
- Create a flood of unwanted communications whilst companies seek consent
- Create an anti-competitive platform within the data industry by focussing on Direct Marketing and not other related sectors such as Adtech.

As the code of practice derives from statute its remit should be limited in scope to the requirements of section 122 DPA 2018. Optional good practice recommendations should not be included in this document as this is confusing to readers who will give equal weight to these as to the code. The DMA is better placed to make recommendations on good practice.

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:

Upon review of the code there is no referencing to the Articles and Recitals of the GDPR and PECR regulations. This would enable better alignment when referencing the code against the regulations, especially when the code will be a marketer's go to guide. From our experience, marketer's do not hold the level of knowledge required to understand the links between the code and the regulations and will still rely on compliance and legal counsel to interpret the code correctly, which would be contrary to what the code is trying to establishe In addition, the examples provided in the code would seem to be outdated and or inappropriate and misleading.

REaD suggest the code is made clearer with references to the correct regulations and the articles contained in the regulations. It should also be made clear that PECR only applies to electronic communications. Our experience shows us that it is easy to confuse the requirements of the different pieces of legislation, examples included in the code need to be made clearer as to whether they relate to electronic or paper communications.

It would also be useful to have paragraphs numbered in this code

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:

REaD's GDPR collection methods ensure the purpose limitation principles of the GDPR are met, data must be collected for specified, explicit and legitimate purposes only (purpose specification); and data must not be further processed in a way that is incompatible with those purposes and inline in line with Article 5 of the GDPR.

In accordance with Article 25 GDPR and as part of REaD's ongoing compliance with The Data Protection Act 2018 and its 8 guiding principles. REaD created a Compliance Management System (CMS) which dovetails with our Information Security Management System (ISMS) and ISO 27001 certification. This CMS is designed to implement the data protection principles in an effective manner bearing in mind the cost of implementation and the nature, scope, context and purposes of the processing that REaD carries out.

REaD have created a rigorous process for on-boarding and maintaining our data contributors. Firstly, they must satisfactorily complete REaD's due diligence questionnaire and conform to a set of mandatory GDPR rules, provide all fair processing notices and privacy policies for the data to be contributed. In addition, every single piece of information being processed holds a full audit trail and permission code. A copy of our GDPR rules policy is attached: POL053 - Data Contributor Rules

This information is then analysed by REaD Data Protection Office to ensure it aligns with the principles of the regulation, the data is only accepted once REaD are satisfied that an individual has been made aware of the purposes for which their data will be processed by REaD and that the fundamental rights of individuals is protected. REaD also conducts spot checking exercises to satisfy ongoing compliance of the approved data feeds.

It is essential for REaD that the permissions for the data accepted into our data estate can be easily traced and REaD holds a full audit trail. With this in mind, REaD have created and implemented an online permission library which enshrines the principle of privacy by design. REaD would be happy to set up a representative of the ICO as a user on the platform.

The library is set out in 2 parts. Part 1 sets out the company's approach and commitment to the guiding principles of the regulation. Part 2 of the library displays every permission statement and corresponding privacy policy an individual would have completed when giving their permission to be marketed to. Each permission statement also holds a code, which in turn links to every single piece of information REaD process. Every single record held in our marketing database has a full audit trail and corresponding permission code. The forms themselves contain no personal data, which ties into REaD's stringent GDPR rules.

The functionality of the library also allows clients to review, approve and download permissions statements and privacy policies, which in turn allows our clients to build their own documentation, and justification and be able to clearly evidence the due diligence they have conducted aligning with the accountability principles of the GDPR.

REaD deal with any Data Protection and SAR requests in conjunction with the originating source of the information. REaD has ensured that rigorous processes are in place to identify where and what information is being processed and the lawful basis being used. It is integral to our processes that consumers are able to act upon their fundamental rights and withdraw marketing permission when and where they choose. In tandem with the permissions library, REaD have built and created REaD's preference management website (My Data Choices) which provides consumers with a fast and easy way to manage their marketing preferences and suppress personal data from further processing.

Consumers are directed to the My Data Choices Suppression Request page: https://www.mydatachoices.co.uk/ via a number of different routes, including a link from REaD's groups consumer facing privacy policy and information which is displayed on direct mail correspondence and email footers. All direct mail correspondence using REaD data carries the following footer:

You have received this mail from XXXXX Limited because we believe you may be interested in our products and services. We have sourced your details from REaD Group (Data) Limited. If you would prefer not to receive information from XXXXX Limited in the future, you can opt-out of further communication by calling [XXXXX number – Client DPO]. If you would like to be removed from REaD Group (Data) Limited's database please either email dpo@readgroup.co.uk , call 02070896416 or you can visit https://mydatachoices.co.uk , to unsubscribe

REaD's record of Processing Activities (Record) describes how REaD and its subsidiaries in the United Kingdom process personal data. REaD recognises that Article 30 of the EU General Data Protection Regulation (GDPR) imposes documentation requirements on data controllers and data processors.

The ISMS and compliance management system includes over 100 policies and procedures enforcing data protection best practice, the mngt system applies risk management to all company processes and procedures, information systems and controls to ensure risks are managed effectively and that privacy is always at the forefront of business practices.

As a marketing services company we delivered in the region of 54,000,000 pieces of direct mail to consumers on behalf of clients in 2019. Each individual mailed received Article 14 information each time they received a marketing communication. The processing required was all on the basis that we and our clients had the lawful basis of legitimate interest to do so. In total in 2019 we received 114 SARs and 3721 requests to unsubscribe. In other words, the SAR rate was at 0.0002% and the unsubscribe rate was at 0.006%. This is a very strong indicator that 99.99% of the UK population are satisfied not unhappy with the way that we and our clients are currently managing direct marketing under GDPR, it is also a strong evidence indicator that the processes outlined above are working. and consumers are enjoying the benefits.

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

REaD's intention has always been to support GDPR. We recognised from the earliest days this it had the potential to enhance the relationship between data subject and industry. As the material above in our answer to Q6 demonstrates as an organisation we have fully embraced our new obligations as processors and controllers of personal data for direct marketing. However, we are of the strongly held opinion that without amendment and refinement the code of practice being proposed will have a detrimental effect for the consumer. The DM industry has embraced the overriding principles of the GDPR – namely transparency, data minimisation, purpose limitation, accuracy, storage limitation , integrity and confidentiality. We have established new working practices which incorporate these principles and educated our clients and partners to do the same.

It is disappointing that all this work, especially in establishing legitimate interest as the most workable lawful basis on which to process data for direct mail is about to be quashed for no good reason. Given the exacting requirements for valid consent the impact of this will be to end the concept of prospecting for new customers other than by untargeted (junk) mail .

REaD would like to understand the underlying policy decisions that the ICO have taken which have informed this draft code of practice. On the evidence we have, more than 99% of consumers are comfortable with the use of their data for direct marketing.

REaD would recommend that

- the ICO implements a working party approach and work in conjunction with the industry to ensure best practice can be agreed at a practical level considering the views of both business and consumers.
- the ICO conducts impact assessments and consumer led forums which would demonstrate whether the code will reflect the true interests of the consumer.

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:

REaD

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

Response to ICO Consultation on New Direct Marketing Code of Practice_V2.0_February_2020

Established in 1991 REaD Group is one of the direct marketing industry's best known companies. We are the UK's leading data hygiene company. Our founder is credited with inventing the concept of suppression – (keeping data up to date and free of home movers, deceased and don't wants) Our market leading products The Bereavement Register, The Gone Away Suppression File and Qinetic have transformed the amount of unwanted direct mail received by UK citizens.

Last year we screened hundreds of millions pieces of data and stopped tens of millions pieces of direct mail going to people who had died and those who had moved home. Saving business around £70 million a year, saving citizens untold frustration and heartache and saving the environment by limiting production of wasted mailings. Around 6% of the population move house every year and just over 1% die.

In the last 23 years we estimate that we have saved industry over £1.8 billion and have stopped a staggering 3 billion letters being sent to the wrong people.

We also control a permissioned database of individuals within the United Kingdom containing a combination of name, address, date of birth, telephone number, email address, landline and a variety of other variables which is available to end user clients for their direct marketing campaigns by targeting customers and prospects. Our analytics team undertake significant segmentation and analysis in order to deliver the best performance for our clients. This data is provided to us by a number of contributors who have obtained individual permissions to the processing of personal data for marketing by third parties. We gather permission by channel, our legal ground for processing being either consent or legitimate interest. This information is all recorded within our Online Permission Library and backed by Data Protection Impact Assessments , Legitimate Interest Assessments and Privacy impact assessments

As a marketing services company we delivered in the region of 54,000,000 pieces of direct mail to consumers on behalf of clients in 2019. Each individual mailed received Article 14 information each time they received a marketing communication. The processing required was all on the basis that we and our clients had the lawful basis of legitimate interest to do so. In total in 2019 we received 114 SARs and 3721 requests to unsubscribe. In other words the SAR rate was at 0.0002% and the unsubscribe rate was at 0.006%. This is a very strong indicator that 99.99% of the UK population are not unhappy with the way that we and our clients are currently managing direct marketing under GDPR. We suggest that the ICO's perception of the impact of direct marketing on the rights and freedoms of consumers is distorted by the fact that it's interface with consumers is to investigate complaints.

We work with clients across a range of sectors – charities, retail, financial services, media and many others and can confidently state that the adoption of this code as drafted will have a severe negative impact on each one of them. Is this the desired intention of the Information Commissioners Office?

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Without being overly dramatic the draft code represents a significantly retrograde step for any company and for consumers and will:

- Drive direct marketing back to the bad old days of untargeted junk mail
- Impact the vulnerable that the code purports to be trying to protect
- Have a huge environmental impact as the volumes of printed material will rise exponentially
- Fail to represent the interest of consumers who will be bombarded with irrelevant and unwanted material
- Ignore the rights and interests of 99.99% of consumers who are happy to receive targeted and relevant communications.
- Create an anti-competitive platform where it becomes almost impossible for new entrants to find customers
- Damage brands who can no longer effectively communicate with existing customers
- Directly result in loss of jobs in the Marketing industry, a sector which employs over 415,000 individuals and generates £36.5 billion of GVA (Market size and exporting study. CIM/PwC Research, 2018).
- Create a flood of unwanted communications whilst companies seek consent
- Create an anti-competitive platform within the data industry by focussing on Direct Marketing and not other related sectors such as Adtech.

Fundamentally we are extremely concerned about both the specific content of the draft Code of Practice and the motives behind the draft. It is clear that a regulators role is to enforce the law, not to make the law, that is the role of Government. Yet this draft code appears to re-write significant swathes of the regulation and perhaps more damagingly rewrite previously issued advice and guidance. We recognise that there is a requirement under S122 DPA 2018 however this is clear that it should be 'practical guidance' not far reaching changes to a piece of legislation that was 10 years in the making. As the code of practice derives from statute its remit should be limited in scope to the requirements of section 122 DPA. Optional good practice recommendations should not be included in this document as this is confusing to readers who will give equal weight to these as to the code.

It is clear that industry is best placed to build a consensus around the best way to implement the principles of GDPR, and to our knowledge has done so with significant success. On this basis it seems a logical progression to have a code of conduct (and subsequent best practice guidelines) built by industry and for industry. We say again the role of the regulator is to regulate the law and the foregoing allows it to do just that.

GDPR is a not a codified set of prescriptive rules but a principle-based regulation. The draft code is contrary to this spirit and effectively enforces a single interpretation of the legislation onto the Direct Marketing Sector. It is written using emotive and negative language which gives the strong impression that the intention of the ICO is to prevent any targeted communication with the British consumer. It is contradictory to other ICO Guidelines where controllers are advised to establish the correct basis for processing data. This approach is completely contrary to the basic tenets of the marketing profession which advocate the delivery of marketing messages that are timely, relevant and appropriate to the individual.

We highlight the following areas for further consideration by the ICO:

ARTICLE 14:

GDPR Text: Art 14 (3) The controller shall provide the information referred to in paragraphs 1 and 2:

(a) within a reasonable period after obtaining the personal data, but at the latest within one month, having regard to the specific circumstances in which the personal data are processed;

(b) if the personal data are to be used for communication with the data subject, at the latest at the time of the first communication to that data subject; or

(c) if a disclosure to another recipient is envisaged, at the latest when the personal data are first disclosed.

- Please explain why you consider that the requirement to provide article 14 information within one month (art 14.3(a)) overrides sub-paragraphs (b) and (c)? This is not what is stated in the text above. We ensure Art 14 notices are given on first communication and if we share data with a client then as a controller they must also comply with this regulation.
- You state that the Art 14 requirement extends to publicly available information. Have you carried out an impact assessment on the effect of this requirement in relation to the Edited Electoral Roll. Do you know how many companies process the Edited Electoral Roll? Have you any idea how many postal communications will be generated as a result of this requirement? Why do you consider that Art 14 should apply to the Edited Electoral Roll when this information is gathered annually and there is a clear mechanism to optout? The principle of the EER is that it is available as a tool for any business that wishes to use it. What basis does the ICO have for changing this long standing and well understood principle?

GDPR Text: Art 14(5) Paragraphs 1 to 4 shall not apply where and insofar as:

the data subject already has the information.

the provision of such information proves impossible or would involve a disproportionate effort, in particular for processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, subject to the conditions and safeguards referred to in Article 89(1) or in so far as the obligation referred to in paragraph 1 of this Article is likely to render impossible or seriously impair the achievement of the objectives of that processing. In such cases the controller shall take appropriate measures to protect the data subject's rights and freedoms and legitimate interests, including making the information publicly available.

- Why do you consider that disproportionate effect is unlikely to apply when data is collected from various sources to build profiles for direct marketing purposes? When individuals supply this data, they are made aware of these purposes and therefore to tell them again before point of first communication is disproportionate.
- Where the privacy information is available on a website a link to which is given to the individual at the point of data and permission capture and the individual is given Art 14 information again when they are first contacted do you agree that a further communication would be disproportionate effort?
- Have you considered the environmental cost of all these additional postal communications?
- Have you considered the nuisance factor to consumers of constant repetitive Article 14 notices?

ARTICLE 6 – LAWFULNESS OF PROCESSING

GDPR Text: Art 6 (1) Processing shall be lawful only if and to the extent that at least one of the following applies:

(a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;

(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;

(c) processing is necessary for compliance with a legal obligation to which the controller is subject;

(d) processing is necessary in order to protect the vital interests of the data subject or of another natural person;

(e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;

(f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

GDPR Text: Recital 47 The legitimate interests of a controller, including those of a controller to which the personal data may be disclosed, or of a third party, may provide a legal basis for processing, provided that the interests or the fundamental rights and freedoms of the data subject are not overriding, taking into consideration the reasonable expectations of data subjects based on their relationship with the controller. Such legitimate interest could exist for example where there is a relevant and appropriate relationship between the data subject and the controller in situations such as where the data subject is a client or in the service of the controller. At any rate the existence of a legitimate interest would need careful assessment including whether a data subject can reasonably expect at the time and in the context of the collection of the personal data that processing for that purpose may take place. The interests and fundamental rights of the data subject could in particular override the interest of the data controller where personal data are processed in circumstances where data subjects do not reasonably expect further processing. Given that it is for the legislator to provide by law for the legal basis for public authorities to process personal data, that legal basis should not apply to the processing by public authorities in the performance of their tasks. The processing of personal data strictly necessary for the purposes of preventing fraud also constitutes a legitimate interest of the data controller concerned. The processing of personal data for direct marketing purposes may be regarded as carried out for a legitimate interest.

- Why have you made it a Good practice recommendation to get consent for all direct marketing when this contradicts other ICO guidelines which instruct a controller to establish the correct lawful basis for the processing in question? This recommendation implies that there is a hierarchy inbuilt into Art 6 which is not borne out by the text. If consent is not achievable and legitimate interest has been discounted then the only option for marketeers who cannot afford expensive above the line advertising is unaddressed door drops which are, wasteful, environmentally unfriendly and do not differentiate vulnerable recipients.

- What are your reasons for advocating against legitimate interests as the lawful basis for processing personal data for direct marketing? This ignores Recital 47 where there is a specific reference to processing for direct marketing. It is the logical choice for direct mail so long as an LIA has been completed.

ARTICLE 21- RIGHT TO OBJECT

GDPR Text: Art 21(1) and (2)

(1) The data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her which is based on point (e) or (f) of Article 6(1), including profiling based on those provisions. The controller shall no longer process the personal data unless the controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims.

(2) Where personal data are processed for direct marketing purposes, the data subject shall have the right to object at any time to processing of personal data concerning him or her for such marketing, which includes profiling to the extent that it is related to such direct marketing.

- When GDPR states that there is an opt- out for processing for profiling and for direct marketing why do the guidelines effectively make this opt -in by stating that it is unlikely that legitimate interests will the lawful basis for such processing?

ARTICLE 5 – PRINCIPLES RELATING TO THE PROCESSING OF PERSONAL DATA

GDPR Text: Art 5(1)(d) : Personal data shall be:

(d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');

- Why do you consider that tracing is very difficult for direct marketing purposes? How do you justify this position if the individual has been told that their details will be updated if new information becomes available?
- Why do you consider that updating details is intrusive? Have you any evidence that this is the case?
- If new details are available but not used then is there a breach of Art 5 (1) (d) by the controller?
- The requirement under Art 5 (1) (d) is that personal data shall be kept up to date. Why have you made a good practice recommendation that consent cannot be relied upon if given more than 6 months ago? Have you evidence that consumers are more likely to complain if their consent is older than this? What grounds are there for picking this period over any other?

GDPR Text: Art 5 (1) (a): Personal data shall be:

(a) processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency');

- If an individual has been told that their data will be subject to profiling and enrichment then why do you consider that buying additional contact details is likely to be unfair?

- What evidence have you that profiling can pose significant risks to the rights and freedoms of individuals in the context of whether an individual will or will not receive a marketing campaign. Where is the risk? How have you quantified this?
- Have you considered the impact of producing a marketing campaign without profiling? How will it then be possible to take measures to ensure that vulnerable individuals are not targeted?
- What do you mean by 'intrusive' profiling? Use of emotive, subjective language is not helpful to marketeers.

PECR v GDPR

- We suggest that it is made clear that PECR only applies to electronic communications. Our experience is that it is easy to confuse the requirements of the different pieces of legislation.
- We suggest that you make sure that it is clear from your examples whether they are electronic or paper communications.

CONCLUSION

It is not our intention to avoid the obligations placed upon us as processors and controllers of personal data for direct marketing. However, we are of the strongly held opinion that without amendment and refinement the code of practice being proposed will have a significant negative effect on the interests of the consumer. The DM industry has embraced the overriding principles of the GDPR – namely transparency, data minimisation, purpose limitation, accuracy, storage limitation, integrity and confidentiality. We have established new working practices which incorporate these principles and educated our clients and partners to do the same.

It is disappointing that all this work, especially in establishing legitimate interest as the most workable lawful basis on which to process data for direct mail is about to be quashed for no good reason. Given the exacting requirements for valid consent the impact of this will be to end the concept of prospecting for new customers other than by piles of junk mail on our doormats. Has the ICO properly considered the consequences of the advice it is giving?

We would like to understand the underlying policy decisions that the ICO has taken which have informed this draft code of practice. As we stated in our introduction, we have seen a SAR rate of 0.0002% and an unsubscribe rate was at 0.006% in 2019. In most industries rates like these would be discounted as de minimis and yet it appears that this code has been drafted with this tiny proportion of individuals in mind.

REaD Group Limited – Detailed Response to ICO Direct marketing code of practice_V1.1_ 31.01.20

DM Code Page Number	ICO Wording	REaD Group Comment
3	In most cases it is unlikely that you will be able to make using an individual's data for direct marketing purposes a condition of your service or buying your product.	Why is LI not available for contact by post if contact is in the reasonable expectation of the consumer and a 3 part balancing test has been conducted to ensure the fundamental rights of both business and consumer are of equal measure? There are six lawful bases for processing under the GDPR and no hierarchy, no lawful basis is better or more important than the others - which basis is appropriate to use depends on your purpose and relationship with data subjects - this is detailed on the ICO website: https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/ Why is soft-opt in not available via email?
4	If you collect personal data from sources other than the individual (eg public sources or from third parties) you must provide privacy information within a reasonable period of obtaining the data and no later than one month from the date of collection.	Why is point of first contact (Article 14 (3) (b)) ignored? Why is the exemption that there will be disproportionate effort not available when the information will be given at point of first contact? And the obligation of Article 14 part 1 (a-f) have been met in the collection of the personal data
4	In most instances, buying additional contact details for your existing customers or supporters is likely to be unfair unless the individual has previously agreed to	Why is this likely to be unfair if the individual has been served this information and their fundamental rights have been explained at the point their data was collected? There is a contradiction with Article 5 (1) (d) which requires a controller to keep data up to date and accurate. If this information is available to

	you having these extra contact details.	a controller then how can they justify retaining out of date information?
5	You are unlikely to be able to justify tracing an individual in order to send direct marketing to their new address – such tracing takes away control from the individual to be able to choose not to tell you their new details.	Why is this unlikely if you have told the individual that you will do this? There is a contradiction with Article 5 (1) (d) which requires a controller to keep data up to date and accurate. If this information is available to a controller then how can they justify retaining out of date information?
5	PECR may still apply even if you ask someone else to send your electronic direct marketing messages.	Use of word 'may' is unhelpful an example would be useful
14	Contacting individuals to ask them for consent to direct marketing.	If seeking consent of itself constitutes DM then how can consent be lawfully obtained? Especially as you also state that "In most cases it is unlikely that you will be able to make using an individual's data for direct marketing purposes a condition of your service or buying your product"?
16	Indiscriminate blanket marketing does not therefore fall within this definition of direct marketing. For example, leaflets delivered to every house in an area	Is the ICO advocating a return to the days of untargeted and junk mail on the door mat?
17	An individual submits an online form to a double-glazing company requesting a quote. By sending this quote to the individual the company is responding to the individuals request and so the marketing is solicited.	Why is sending a quote marketing? the contact has been initiated by the individual to obtain a price.
24	However if PECR requires consent then in practice consent will be your lawful basis under GDPR	Why? Electronic marketing my require consent but postal marketing can be as a legitimate interest. Different processing activities can be conducted, and it is possible that more than one basis applies to the processing
29	invisible processing – eg list brokering, online tracking	Why do you consider list brokering to be invisible processing? Notices are given to

	by third parties, online advertising, re-use of publicly available data;	consumers where the obligation of Article 14 part 1 (a-f) have been met in the collection of the personal data and at every point of contact , in most cases data is gathered with this purpose in mind. It is completely different to on -line advertising. Why is a DPIA required for use of publicly available data such as Edited Electoral Roll? This is gathered annually with an opt -out. Individuals have been served privacy information on the annual canvas explaining how business can use the Open Register data
31	Your choice between these two bases is likely to be affected by a number of factors including whether you want to give individuals choice and control (consent) or whether you want to take responsibility for protecting the individual's interests (legitimate interests). However, the first thing you need to consider is PECR.	Why consider PECR first if no electronic marketing?
31	If you have obtained consent in compliance with PECR (which must be to the GDPR standard), then in practice consent is also the appropriate lawful basis under the GDPR. Trying to apply legitimate interests when you already have GDPR-compliant consent would be an entirely unnecessary exercise and would cause confusion for individuals.	Why if lawful basis is established separately for each channel? It is possible to have consent for electronic marketing but process for postal campaigns under legitimate interests. Why do you state that this could cause confusion if this is clearly explained at the point of data capture and the obligations of Article 14 part 1 (a-f) have been served to the individual? Different processing activities can be conducted, and it is possible more than one lawful basis applies to the processing
32	Good Practice Recommendation: Get consent for all your direct marketing activities regardless of whether PECR requires it or not	This recommendation should be deleted from the code. How is it possible to gain consent from consumers who are not yet customers? It is a legitimate interest of any business to find new customers and so long as balancing tests are completed LI is a lawful basis for

		processing personal data. Recital 47 refers to this specifically. There are six lawful bases under the GDPR and no hierarchy, no lawful basis is better or more important than the others - which basis is appropriate to use depends on your purpose and relationship with data subjects - this is detailed on the ICO website: https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/
35	the purposes of the processing – you need to be specific about your direct marketing purposes; the types of processing activity – where possible you should provide granular consent options for each separate type of processing (eg consent to profiling to better target your marketing or different methods of sending the marketing), unless those activities are clearly interdependent – but as a minimum you must specifically cover all processing activities; and	Has the ICO considered the impact of this recommendation? Privacy Policies are already long and cumbersome documents – they are only going to become more so which will impact on the likelihood of a consumer being able to properly digest and understand all of the information being given.
36	If you do not need consent under PECR, then you might be able to rely on legitimate interests for your direct marketing purposes if you can show the way you use people's data is proportionate, has a minimal privacy impact and is not a surprise to people or they are not likely to	The header should state that it relates to direct marketing under GDPR only. The immediate reference to consent under PECR is confusing and implies again that this is the preferred legal basis.

	object to what you are doing	
37	It is important to note that the GDPR says that direct marketing may be a legitimate interest. It does not say that it is always a legitimate interest and it does not mean that you are automatically able to apply this lawful basis to your direct marketing. Whether you can apply it depends on the particular circumstances.	This paragraph should be re-worded in a less subjective manner. 'May' is used to clarify that the requirements of establishing legitimate interests are met. The implication from the ICO is that LI might not be available at all as a legal basis. No lawful basis is better or more important than the others - which basis is appropriate to use depends on your purpose and relationship with data subjects - this is detailed on the ICO website: https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/
37	It is sometimes suggested that direct marketing is in the interests of individuals, for example if they receive money-off products or offers that are directly relevant to their needs. This is unlikely however to add much weight to your balancing test, and we recommend you focus primarily on your own interests and avoid undue focus on presumed benefits to customers unless you have very clear evidence of their preferences.	This contradicts other ICO recommendations that part of the LIA is to consider the impact on the consumer of not receiving offers relevant to their needs. How is it possible to complete a balancing test without considering the rights and freedoms of the consumer, and their reasonable expectations as required by Recital 47? The ICO's own advice when conducting the 3-part test is to: *The LIA encourages you to ask yourself the right questions about your processing and objectively consider what the reasonable expectations of the individuals are and any impact of the processing on them.* *Conducting a LIA helps you ensure that your processing is lawful. It helps you to think clearly and sensibly about your processing and the impact it could have on the individual.*
37	In some cases direct marketing has the potential to have a significant negative effect on the individual, depending on their personal circumstances. For	This is a perfect illustration of the benefits of profiling which would make it much less likely that such an individual got these offers. Under this code of practice such profiling would be impossible and therefore the vulnerable individual could easily be targeted.

	example, someone known or likely to be in financial difficulties who is regularly targeted with direct marketing for high interest loans may sign up for these offers and potentially incur further debt.	
38	whether people would expect you to use their details in this way; the potential nuisance factor of unwanted marketing messages; and the effect your chosen method and frequency of communication might have on vulnerable individuals.	The impact of this code would be an increase in unwanted marketing messages and frequency of communication to vulnerable individuals. Currently profiling plays a significant role and delivers benefits such as increased efficiencies, and ensures that messages are timely, appropriate and relevant.
38	processing for direct marketing purposes that you have not told individuals about (ie invisible processing) and they would not expect; or collecting and combining vast amounts of personal data from various different sources to create personality profiles on individuals to use for direct marketing purposes.	Why is it difficult to pass the balancing test if individuals are informed at the point of data capture and Article 14 1 (a-f) have been served to the consumer?
40	There may be occasions when making direct marketing a condition of service is necessary for that service. For example, a retail loyalty scheme that is operated purely for the purposes of sending people marketing offers, is likely to	There is a contract between the individual and the loyalty provider and the lawful basis of contract would apply. There is a fair exchange – loyalty points (with a monetary value) in return for marketing.

	be able to show that the direct marketing is necessary for that service. But you need to be upfront and clear about this purpose and ensure that the consent individuals provide when signing up meets the GDPR standard. If on the other hand your loyalty scheme allows people to collect points when they shop, which they can then redeem against future purchases, you cannot require them to consent to marketing messages in order for them to collect these points.	
42	It may be sensible to periodically ask individuals to update their own details, but you do not need to take extreme measures to ensure people's contact details are up to date such as using tracing services. See the section Can we use data cleansing and tracing services? for further information.	Why do you consider that it is an 'extreme' measure to update details? If the individual has been told this will happen if new information becomes available why is this an issue – it is transparent. This contradicts Article 5 1(d) and the principles of the regulation
44	Good Practice Recommendation: When sending direct marketing to new customers on the basis of consent collected from a third party we recommend that you do not rely on consent that was given more than 6 months ago	This should be deleted. There is no legal basis for making this recommendation. It maybe more intrusive to keep going back to individuals to ask for renewed consent. This is not proportional to several sales cycles, as an example - Insurance which is usually changed or updated annually
46	If you collect data from sources other than the individual (e.g. public sources or from third parties) you must provide	What about Article 14. 3 (b)? What about disproportionate effort? Has the ICO considered the impact on the consumer of enforcing the one month limit?

	privacy information within a reasonable period of obtaining the data and no later than one month	
48	If you plan to use the personal data you obtain to send direct marketing to the individual it relates to, or to disclose to someone else, the latest point at which you must provide the information is when you first communicate with the individual or disclose their data to someone else. However it is important to remember that the one month time limit still applies in these situations. For example, if you plan on disclosing an individual's personal data to someone else for direct marketing purposes two months after obtaining it, you must still provide that individual with privacy information within a month of obtaining the data.	What about Article 14. 3 (b)? What about disproportionate effort? Has the ICO considered the impact on the consumer of enforcing the one month limit? The EER has always been available for business use. The data is gathered annually with a clear opt -out.
49	There are a number of exceptions to Article 14 requirements. The majority are unlikely to be applicable in a direct marketing context but the following may be relevant depending on the particular circumstances: the individual already has the information; or	If the individual has been notified that their data will be used for direct marketing, the fundamental rightsę safeguards and opt out processes have been explained at the point of data capture and there are transparent links to all relevant privacy policies via a layered approach, does the ICO consider that the individual already has the relevant information as per Article 14 1 (a-e)?

	providing the information to the individual would involve a disproportionate effort.	
49	You are unlikely to be able to rely on disproportionate effort in situations where you are collecting personal data from various sources to build an extensive profile of an individual's interests and characteristics for direct marketing purposes. Individuals will not reasonably expect organisations to collect and use large volumes of data in this way, especially if they do not have any direct relationship with them. If individuals do not know about such extensive processing of their data they are unable to exercise their rights over it.	If data is gathered in a transparent manner and individuals understand that their data will be used for direct marketing campaigns by third parties, then receipt of an Article 14 notice again might cause confusion to the consumer. Service of such notices will only serve to increase the amount of mail received by consumers. If an Article 14 notice is served and no opt-out received, then is obligation complied with?
	Good Practice Recommendation: if it is relatively easy for you to inform individuals and in context it is useful to them you should always do so even if the effect if the processing on individuals is minor	This should be deleted. The code is not the place for good practice recommendations.
49	If you want to rely on the disproportionate effort exception, you must assess and document whether there's a proportionate balance between the effort involved for you to give privacy information and the effect of the processing on the individual. If the	We consider that processing for Direct marketing only has a minor effect on individuals – our SAR rate is only 0.0002%. How does ICO measure 'effect of the processing on the individuals' when making its recommendations?

	processing has a minor effect on the individual then your assessment might find that it's not proportionate to put significant resources into informing individuals. However the more significant the effect the processing has on the individual then, the less likely you are to be able to rely on this exception.	
53	You must also comply if you are collecting personal data from publicly available sources in order to package it up and make it available to other organisations for them to use for direct marketing purposes you still need to comply with the GDPR. This means you are required to provide privacy information about your processing to the individuals whose data you collect. You must provide this within a month of obtaining the data or before you disclose their data to others, whichever is soonest.	EER point again - Has the ICO considered the impact of ensuring that every business which has processed EER will now be required to give an Article 14 notice? This is contrary to the long-standing principles which have governed use of this particular data set.
56	In most instances buying additional contact details for your existing customers or supporters is likely to be unfair unless the individual has previously agreed to you having these extra contact details	If individual is told that their record will be updated if new information becomes available is this unfair? What about legal obligation to keep data up to date and accurate under Article 5.1 (d)?
58	Profiling can help you to target your messages to people who are more likely to buy your product or	What is basis upon which the ICO have concluded that profiling for targeting direct marketing messages can potentially pose

	support your cause. But it can potentially pose significant risks to the rights and freedoms of individuals because: they might not know it is happening or fully understand what is involved; it might restrict and undermine the individual's freedom to choose; it might perpetuate stereotypes; or it might cause discrimination.	significant risks to the rights and freedoms of individuals? Our experience indicates that complaints arise when messaging is badly targeted. What experience does the ICO rely on?
58	It is unlikely that you will be able to apply legitimate interests for intrusive profiling for direct marketing purposes. This type of profiling is not generally in an individual's reasonable expectations and is rarely transparent enough.	What is 'intrusive' profiling? Profiling would only be considered intrusive and or to cause significantly significant effects if it doesn't pass the 3-part balancing test - profiling to inform marketing campaigns does not cause significant or legal effects
60	In most instances, buying additional contact details for your existing customers or supporters is likely to be unfair, unless the individual has expressly agreed. This is likely to be true no matter how clearly you explain it in your privacy information that you might seek out further personal data about individuals from third parties. This is	If this is all made clear in a privacy policy (fundamental rights and safeguards) with clear opportunity to opt -out or retract permission then why is it likely to be unfair? What is the ICO basis for this conclusion?

	because it removes people's choice about what channels you can contact them on for direct marketing purposes. Individuals use different email addresses as a way of managing their data and relationships, including as a means to limit or to manage the direct marketing they receive. By getting that information from a third party, you may be going directly against their wishes.	
61	You cannot assume that an individual wants you to contact them by other channels or has forgotten to give you the data. Even if they had forgotten, they still would not reasonably expect you to contact them via contact details they never gave you. It must be for the individual to choose what contact details they give you.	We do not agree that it is an assumption if the individual has been tolde the information has been explained in the privacy policy at point the data had been collected that information will be updated and given right to opt out or object.
61	However tracing is very difficult to do for direct marketing purposes in a way that is compliant.	Why is tracing difficult if only used on customer records where the privacy policy served at data collection has clearly explained to the individual that their record will be updated?`
69	In order to be fair to individuals you should not make calls to them which would unduly distress people or cause them other unjustified harm. Be particularly careful if you are aware that someone is elderly or vulnerable, or if	This a very good example of why profiling is necessary for well targeted calls.

	the nature of the direct marketing call might cause offence or stress. You should avoid frequent redialling of unanswered numbers or making calls at antisocial hours.	
77	You must give individuals a clear opportunity to opt-out of your direct marketing when you first collect their details. You cannot assume that individuals who engage with you are automatically happy to receive direct marketing from you in the future. It must be simple to opt out. When first collecting a customer's details, this should be part of the same process. For example, your online forms should include a prominent opt-out box, and staff taking down details verbally should specifically offer an opt-out.	This is a confusing message for marketeers: If data is being collected online then there will need to be an opt in box. Why would you use an opt out box as well? The fundamental right would be served in the privacy policy so the individual understands the route /process to retract permission
102	You need to ensure that you provide individuals with privacy information that clearly explains what you will be doing with their data, what the source of their personal data is and how they can exercise their rights including the right to object to direct marketing. You must provide this information to the individual within a month of collecting their data. See the section on Generating leads and collecting contact details for further information.	We challenge the Article 14 notice within one month either on the basis that it will be disproportionate effort or that the information will have been given in a layered but transparent manner at point of data capture or that the information will be given at point of first communication.

102	Where data is shared with you for direct marketing purposes on the basis of consent, then the appropriate lawful basis for your subsequent processing for direct marketing purposes will also be consent. It is not appropriate to switch to legitimate interests for your further processing for direct marketing purposes. Switching to legitimate interests would mean the original consent was no longer specific or informed, and misrepresented the degree of control and the nature of the relationship with the individual. This misrepresentation and the impact on the effectiveness of consent withdrawal mechanisms would cause a problem with the balancing test, meaning that it would inevitably cause the balance to be against you.	Why if this is clearly stated in the privacy policy? It is also the decision of the data controller if they want to change the lawful basis based on a balancing test
103	If you are considering collecting and subsequently processing using legitimate interests as your lawful basis, you need to objectively work through the three-part test (the legitimate interests assessment) prior to the processing and record the outcome. A key part of the balancing test is the reasonable expectations of individuals, and	What is basis for ICO stance that it will be difficult to build profiles under LI when GDPR states that profiling is opt -out (unless amounts to automated decision making). Explicit consent is not required if the profiling does not have a legal or similarly significant impact, which most profiling for marketing purposes lacks

	transparency will be vital. It is unlikely to be in people's reasonable expectations that you will be building extensive profiles on them in order to sell these to lots of other organisations.	
103	Example – European Article 29 Working Party 03.2013 and 06/2014	Why does ICO use opinions given prior to GDPR?
107	You must make individuals aware of their right to object to processing for direct marketing purposes. Article 21(4) says this must be 'at the latest' at the time of your first communication with them. This right must be explicitly brought to the individual's attention, presented clearly and separately from other matters, and in plain language. It is also important to remember that the right to be informed (Articles 13 and 14) requires you to tell people of their right to object when you collect their details. See the section on Generating leads and collecting contact details for further information.	As illustrated here – GDPR does envisage that the right time to inform individuals of their rights can be 'at the latest; at the time of first communication. The same wording appears on Article 14.3 (b) so why does the ICO dismiss it there?

REaD Group

Data Contributor Rules
GDPR Compliance

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Contents

1. Introduction

With the impending changes to Data Protection law in the UK and in the build up to the General Data Protection Regulation (GDPR). REaD Group have set out a number of data contributor rules which will be enforced across all data supplies to the REaD Group.

At REaD Group we have been working towards adopting GDPR standards since reading the final published regulations in May 2016. We have reviewed and improved our own data collection methods, our contributor due diligence processes and have enhanced our own internal IT solutions.

REaD Group remains supportive of the GDPR. We believe it will deliver a better disposed and more engaged consumer, which should be mutually beneficial for both brands and MSPs.

From a data supply perspective, we now insist that data is permissioned correctly with clear supporting evidence. We already expect consent to be in line with the GDPR Article 4(11) "freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her".

With privacy in mind we aim to record the specific consent statement applicable to every collected piece of personal data. Our goal is to be able to provide the actual redacted statement for each part of the personal data we hold.

We will be working hard leading up to and beyond the 25th May 2018 to ensure that the implementation of GDPR allows brands to continue communicating with both customers and prospects in a collaborative and transparent manner that is based on respect and mutual consent.

If you wish to continue to provide data to REaD Group for incorporation into Active and our other products then you will be asked to ensure that your data complies with the following rules.

1.1. Rule 1 – REaD Group to be named in Contributor Privacy Policies

REaD Group must be named in all contributor privacy policies and fair processing notices ("FPN's") at point of data collection. In addition, REaD Group would like to place a URL (which links to REaD Group privacy policy) in those privacy policies and FPN's.

This is a mandatory requirement

1.2. Rule 2 - Data Source Coding

Every record supplied in a data feed to the REaD Group must contain a source code. This code will link each record to the privacy policy and/ or FPN that the consumer was exposed to in the sign-up process. In addition, we will need a link to any consent statements that were obtained when the data was captured. All corresponding consent statements, privacy policies and FPNs holding the relevant source code must be supplied to the REaD Group per feed of data. These will be added to our consent library. The statements can be redacted but in the interests of transparency and auditing we would encourage you to provide details of your data sources. REaD must be able to identify every consent permission/statement to each record in the data feed.

This is a mandatory requirement.

1.3. Rule 3 – Digital Marketing Consent and Engagement Date

Every record supplied in a data feed to the REaD Group, where digital marketing 'opt in' has been obtained must contain a consent date and where applicable a corresponding engagement date. The consent /opt in channel needs to conform to (rule 1.6) and be supplied as an unbundled consent per channel and per sector 'opt in'.

This is a mandatory requirement if digital marketing data is being supplied.

1.4. Rule 4 - Postal Marketing

REaD Group recognise that postal records may be provided either with consent or as a legitimate interest. We accept both as equally valid and legal grounds for processing personal data under GDPR.

Recital (47) of the GDPR clearly states that the processing of personal data for direct marketing purposes may be regarded as carried out for a legitimate interest

(a) Records Supplied with Consent: Every record supplied in a data feed to the REaD Group, where postal marketing 'opt in' has been obtained must contain a consent date and where applicable a corresponding engagement date. The consent /opt in channel needs to conform to (rule 1.6) and be supplied as an unbundled consent per channel and per sector 'opt in'.

(b) Records Supplied as a Legitimate Interest: Permission date should be provided. If you choose to rely on Legitimate Interest then we will need you to provide evidence that the data record was lawfully obtained and that the individual knew at that date that the information supplied may be used for marketing purposes. We will also need to see evidence that the individual has been notified as to how they can opt-out from marketing in the future.

If and where a contributor chooses to use legitimate interest for the postal channel, REaD as a controller will ensure compliance with Article 5(2) of the GDPR, to maintain a written record that a Legitimate Interest Assessment (LIAs) has been conducted and the reasons why.

REaD will decide if the data meets the balancing test elements and the data is viable to be used for third party marketing. If required and based on what personal data is disclosed we will then review the LIAs and update them where future processing activities might differ.

This is a mandatory requirement if postal data is being supplied

1.5. Rule 5 - Levels of Removal code

Every data record supplied to the REaD Group must contain a level of removal code to identify the chain of data supply and where the REaD Group stand in that supply of data. REaD group needs to identify how far removed it is from the party which originally captured the data from the individual i.e. 2nd, 3rd, 4th party data. Based on this information REaD will make a decision on the 'levels of removal' and determine if data will be available for selection in our products.

This is a mandatory requirement

1.6. Rule 6 - Consent/Permission channel

Opt in and or permission for channel and sector must be provided to the REaD Group as a separate field in the data supply, where applicable. The REaD Group will not accept bundled consent mechanisms i.e. mail, email, telephone, SMS, mobile as one consent flag.

This is a mandatory requirement

1.7. Rule 7 - URL Address

Where digital marketing consent is being supplied to REaD Group and consent has been captured via an online method, we encourage you to supply the site URL to comply with the elements of 'transparency' in the GDPR journal text. This enables the REaD to build a full and complete audit trail for data held within our products.

This is non-mandatory field

1.8. Rule 8 - IP address collection

Where digital marketing consent is being supplied to REaD Group and consent has been captured via an online method we encourage you to supply the site IP address to comply to the elements of 'transparency' in the GDPR journal text. This enables the REaD to build a full and complete audit trail for data held within our products.

This is non-mandatory field

2. Rule Compliance

REaD Group would like to gain an indication of contributor compliance to the above stated rules and require the following (REC014 - Data Contributor Rule Table) to be completed and returned to REaD Group Compliance Manager. If further information or clarity of the rules is required please contact: [redacted]@reaadgroup.co.uk