



DBS Data Simple Guide to Data Compliance for Direct Marketing

For those of you who are building a direct marketing strategy for the first time or have recently moved into direct marketing, this guide will help you through the complexities of data compliance. For the purposes of this guide, direct marketing includes the direct communication of any advertising or marketing material to individuals and the promotion of aims and ideals by commercial businesses and not for profit organisations. We have tried to simplify the main points of the ICO Direct Marketing Guidelines to help you stay within current data compliance legislation.

1 – Consent

It is important to obtain consent before acquiring, holding or using personal data for direct marketing. Provide a clear statement explaining what the data will be used for and who it may be disclosed to. It is important that you can demonstrate that consent was knowingly and freely given & that you keep records of content. We recommend that opt-in boxes are used. Rules on calls, texts and emails are stricter than for mail and must be more specific.

2 – Sensitivity of data

Take particular care with sensitive data (i.e. information relating to race, political opinion, physical or mental health, religious belief, memberships, sexuality, criminal offences). Such information should only be held and used where strictly necessary. Always obtain clear consent from the people concerned and notify them of likely use of such data.

3 – Age of data

Only use clean and fresh data. Securely dispose or delete any data is out of date, irrelevant or no longer required. As a rule of thumb any data that has not been refreshed for 6 months or more should be considered out of date and should be cleaned and have consent refreshed.

4 – Telephone Data

It is permissible to make live marketing calls to numbers not registered with TPS and where consent has been given. If you are making marketing calls you must allow your number (or alternative contact number) to be displayed to the person receiving the call. You must not make automated pre-recorded marketing calls without specific prior consent. It is vital to ensure that the numbers you wish to call have

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been screened against TPS within the previous 28 days.

5 – Email/Text Data

You must not send marketing texts or emails to individuals without their specific prior consent. You must stop sending marketing messages to any person who objects or opts out of receiving them. It is recommended that you carry out rigorous checks before relying on indirect consent (ie consent originally given to a third party).

6 – Marketing Lists

Buy your marketing lists from reputable data suppliers only, ones who are members of the DMA (Direct Marketing Association) and have specific compliance criteria stated publicly on their websites. Bought in call lists must be regularly screened against TPS. Your suppliers must be able to demonstrate sufficient evidence of appropriate consent for third party use of the data you are buying.

7 – The cost of getting it wrong

Right now The ICO may use its enforcement powers to fine up to £500,000 when an organisation persistently ignores individual's objections to marketing or otherwise fails to comply with Data Protection Laws. In May 2018 their enforcement powers will increase to up to €20,000,000 or 4% of global pretax profit!

We can help you get it right...

If you are unsure about how your company can comply with the latest and upcoming personal data legislation, talk to us. We can do an audit of your current processes to identify any issues. We can provide consultancy to help you develop company data compliance processes and training for your staff so that they understand their role in meeting data compliance legislation. We are also able to help with all services to keep your existing data clean and provide you with new compliant data to support your sales and marketing activities.

Contact us today to find out how we can help: 01245 397 570

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