



DIRECT MARKETING CHECKLIST



Guidance for Organisations

This document is purely for guidance and does not constitute legal advice or legal analysis. It is intended as a starting point only, and organisations may need to seek independent legal advice when renewing, enhancing or developing their own processes and procedures or for specific legal issues and/or questions.



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What is Direct Marketing?

Direct marketing is marketing that is targeted towards specific individuals. This can take a variety of forms such as emails, letters and SMS messages.

There is no definition of direct marketing in the Data Protection (Jersey) Law 2018 (DPJL) (or, in fact, in the General Data Protection Regulation (GDPR)).

If direct marketing involves the processing of personal data (i.e. it knows the name of the person it is contacting), it must comply with the principles set out in the DPJL.

Art.36 of the DPJL allows individuals the right to object to processing that is related to direct marketing. Individuals must be told that their information is being processed for direct marketing and have a right to object to their information being processed for those purposes. This must be communicated:

- At or before the time of the controller's first communication with the data subject;
- Explicitly;
- Separately from any other matters notified to the data subject.

Once an individual provides you with written notice stating that they object to processing for direct marketing purposes, you must cease processing their data in this way.

Telling people how we use their information for direct marketing purposes

- We specify how we are going to communicate (e.g. by email, text, phone, recorded call, post);
- We name those third parties who we are passing details to and explain the reason why;
- We say if we have obtained an individual's name from a third party (e.g. from a bought in list);
- We record when and how we got consent, and exactly what it covers;
- We use opt-in boxes when relying on consent as our lawful basis.



Bought in lists

General

- We check that the seller is a member of a professional body (or is accredited in some way);
- We do not use bought-in lists for texts, emails or recorded calls (unless we have proof of recent opt-in consent which specifically named us);
- We only use the information on the lists for marketing purposes;
- We delete any irrelevant or excessive personal information;
- We screen the names on bought-in lists against our own list of people who say they don't want our calls (suppression list);
- We carry out small sampling exercises to assess the reliability of the data on the lists;
- We have procedures for dealing with inaccuracies and complaints;
- When marketing by post or email we include our company name, address and telephone number in the content;
- We tell people where we obtained their details;
- We provide people with our privacy notice;
- We tie the seller into a contract which confirms the reliability of the list and gives us the ability to audit the list.

The seller can verify that the people on the list;

- Gave specific consent to receive marketing;
- Were provided with readily accessible, clear and intelligible information about how their contact details would be used (e.g. privacy notices were easy to find and understand);
- Were offered a clear and genuine choice whether to have their details used for marketing purposes;
- Took positive action to indicate their consent (e.g. ticked a box, clicked a button or subscribed to a service);
- Gave their consent reasonably recently;
- In the case of texts, emails or automated calls, gave specific consent to receive marketing by those means.



Telephone calls

- We keep our own do-not-call list of anyone who says they don't want our calls;
- We screen against our do-not-call list;
- We display our number to the person we're calling.

Marketing by email or text

- We offer an opt-out (by reply or unsubscribe link);
- We keep a list of anyone who opts out.