



# Data Protection Act 2018

## 2018 CHAPTER 12

### PART 5

#### THE INFORMATION COMMISSIONER

##### *Codes of practice*

#### **122 Direct marketing code**

- (1) The Commissioner must prepare a code of practice which contains—
  - (a) practical guidance in relation to the carrying out of direct marketing in accordance with the requirements of the data protection legislation and the Privacy and Electronic Communications (EC Directive) Regulations 2003 (S.I. 2003/2426), and
  - (b) such other guidance as the Commissioner considers appropriate to promote good practice in direct marketing.
- (2) Where a code under this section is in force, the Commissioner may prepare amendments of the code or a replacement code.
- (3) Before preparing a code or amendments under this section, the Commissioner must consult the Secretary of State and such of the following as the Commissioner considers appropriate—
  - (a) trade associations;
  - (b) data subjects;
  - (c) persons who appear to the Commissioner to represent the interests of data subjects.
- (4) A code under this section may include transitional provision or savings.
- (5) In this section—

“direct marketing” means the communication (by whatever means) of advertising or marketing material which is directed to particular individuals;

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*Status: This is the original version (as it was originally enacted).*

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“good practice in direct marketing” means such practice in direct marketing as appears to the Commissioner to be desirable having regard to the interests of data subjects and others, including compliance with the requirements mentioned in subsection (1)(a);

“trade association” includes a body representing controllers or processors.