

# / The Code

DM  
Data &  
Marketing  
Association A



The DMA Code is an ethical framework that sets the standards for the data and marketing industry to which all DMA members adhere, demonstrating a commitment to build trust and drive effectiveness in marketing.

The Code stands as an agreement between you, the DMA and your fellow members to serve each customer with fairness and respect and, in consequence, to cultivate a profitable and successful commercial ecosystem.

Under the hero principle, Put your customer first, the Code promotes the evolution of marketing as an exchange of value between your organisation, looking to prosper, and your customer, looking to benefit.

Under the people principle, Put your people at the heart of your data and marketing, the Code recognises that the people in our data and marketing teams are at the heart of an organisation's output. This principle is geared towards encouraging and developing diverse and knowledgeable talent.

The DMA is committed to helping put customers and your people at the heart of everything you do.

# Putting your customer first



# Value your customer, understand their needs and offer relevant products and services

## Outcomes

Customers receive a positive and transparent experience throughout their association with an organisation.

Customers receive marketing information that is meaningful to them and reflects their preferences across all relevant channels.

Customers receive prompt, efficient and courteous service, which recognises and respects different customer needs.

Customers receive marketing that is appropriate and pertinent.

From the outset, members plan and produce their data and marketing activities according to the principles in this Code:

- / Respect privacy
- / Be honest and fair
- / Be diligent with data
- / Take responsibility
- / Put your people at the heart of your marketing



# Respect privacy

# Act in accordance with your customer's expectations

## Outcomes

Organisations have a clear understanding of the value exchange when sharing personal information.

Organisations are open, honest and upfront about why they are collecting data and how they intend to use it.

Organisations are sensitive to their customers' needs and avoid marketing that is intrusive or excessive.

Organisations recognise vulnerable customers and market to them responsibly.

## Rules

**1.1** Members must not send or instigate the sending of direct marketing or process personal data for marketing unless they comply with the Data Protection Act 2018 and all other applicable legislation including the Privacy and Electronic Communication Regulations 2003 (as amended 2011) and UK GDPR.

**1.2** Members must maintain files which include the least amount of contact details necessary to identify customers who have indicated they do not wish to receive marketing communications via all or particular channels.

Where the member is a third party supplier, records of an unsubscribe, opt out or do not call must be kept by the supplier and the end user.

**1.3** Members must ensure that prospect files containing contact details are not used for marketing purposes unless the list has been cleaned against the relevant preference services – TPS and CTPS.

Members must also screen against industry standards (typically non-statutory screening services) prior to sending out cold marketing communications. These include MPS, BMPS, Facsimile, Fundraising Preference Service and, Your Choice.

**1.4** Members must take all reasonable steps to ensure customers do not receive commercial telephone calls or SMS messages at times considered antisocial.

Members must consider their target audience when scheduling the delivery of commercial communications.

**1.5** Members must screen data to remove files of deceased people so that they are not used for marketing.

**1.6** Members must not undertake random number or sequential dialling, whether manually or by computer, or any number scanning activities (any activity designed to establish the validity of telephone numbers).

# Be honest and fair

A person is shown from the chest up, gesturing with both hands while speaking. They are wearing a red and blue plaid shirt. The background is blurred, showing other people in a meeting. A large yellow and black diagonal graphic is overlaid on the image, with the text 'Be honest and fair' in white.

# Be honest, fair and transparent throughout your business

## Outcomes

Organisations are clear, open and transparent.

Organisations treat their customers and members of the public they engage with fairly.

Customers have control of their personal data.

Organisational decisions are fair, non-biased and transparent.

## Rules

- 2.1** Members must provide clear and simple information about how personal data will be used and meet the expectations set in that information. This information should explain the benefits to the customer of providing the requested information and explain the consequences of opting out, in a fair and balanced way.

This information should also be accessible to groups of customers with differing needs and explain, in easy to understand ways, how certain technologies are used by the member.

- 2.2** Where automated decision-making or AI tools are being used, members must inform customers that this is the case and explain in what ways it is being used and how to object.

- 2.3** Members must not mislead customers, whether through omission, exaggeration or other means.

- 2.4** Members must not exploit the credibility, lack of knowledge or inexperience of any customer and take care when dealing with children and customers in vulnerable circumstances.

Members must also consider and assess the risks and risks of harm to customers whose data they wish to process for marketing purposes.

- 2.5** Members must clearly identify the advertiser on any one-to-one marketing communication that they send or instigate.

Members must provide caller line identification, to which a return call can be made, whenever they undertake any outbound calls either directly or through an outsourced supplier.

- 2.6** Members must provide a valid postal address, email address, or unsubscribe link on any marketing communication, through which the customer can opt out of all or specific future communications.

**2.7** Members must not send goods or provide services for which payment is requested to any customer without first having received an instruction to supply such goods or services.

Members must not demand that any customer either pay for or return unsolicited products, except for substitute products.

**2.8** Members must not misrepresent themselves as carrying out research or a survey when the real purpose of the contact is to sell goods or services, or to solicit donations.

When members collect personal information for the purposes of research or a survey and intend to use this information for any other purpose, such as to market to the customer, they must make clear the purposes.

**2.9** Members must not adopt high-pressure selling techniques in any contact with any customer or business.

**2.10** Members must not conceal or obscure their identity and must be upfront about whether they are using AI tools or humans for customer interactions.

A close-up photograph of a hand pointing at a laptop screen. The image is framed by a large red diagonal shape that cuts across the frame from the top-left to the bottom-right. The laptop is silver, and the screen shows some blurred content. The hand is light-skinned, and the index finger is pointing towards the screen.

# Be diligent with data

# Treat your customer's personal data with the utmost care and respect

## Outcomes

Customers always know who is collecting their data, why it is being collected and what it will be used for. All customer data held by organisations is accurate, up to date and not held longer than necessary.

Organisations always hold customers' data safely and securely.

Organisations minimise the personal information they are processing.

## Rules

**3.1** When collecting personal data for marketing purposes, members must provide all the information required by the Data Protection Act 2018 and all other associated legislation, which includes their identify and details of the person ultimately responsible for customer data within their organisation, and the lawful basis under which the data will be processed.

**3.2** Personal data should be:

- a. processed lawfully, fairly and in a transparent manner.
- b. collected for specific, explicit and legitimate purposes.
- c. adequate, relevant and limited to what is necessary for the purpose for which it has been collected.
- d. accurate and up to date and should not be kept for longer than necessary for the purpose for which it has been collected.
- e. processed in accordance with the rights of the consumer.
- f. protected using appropriate technical and organisational measures to ensure data is not processed unlawfully or without authority and is protected from accidental loss, destruction or damage.

**3.3** Members must not use special category data for marketing purposes without the explicit consent of the consumer concerned.

**3.4** When buying or renting personal data, members must carry out documented due diligence to satisfy themselves that the data has been properly sourced, permissioned and cleaned.

Where using technologies such as AI, members must also undertake documented due diligence to ensure that foundation models and training datasets have an appropriate lawful basis for the data processed.

Members must undertake a documented risk assessment for any 'high risk' data processing.

**3.5** When using AI systems, members must ensure traceability including all datasets, processes and decisions made during the AI lifecycle.

**3.6** Members must apply a systematic risk management approach to automated decision-making and AI system development and use, including the risks to privacy, digital security, safety, and bias.

**3.7** Members must carefully consider the use of privacy enhancing technologies which can help them demonstrate 'data protection by design and by default,' and minimise their personal data processing.

A woman with short grey hair, wearing a dark blazer over a white polka-dot shirt, is standing and gesturing with her hands while speaking to an audience. She is positioned in front of a brick wall. To her left is a whiteboard with some handwritten notes, including the word 'structure' and a circle containing '1230'. In the foreground, the backs of several audience members' heads are visible, showing they are seated and facing the speaker. The image is framed by large blue triangular shapes on the left and right sides.

# Take responsibility

# Act responsibly at all times and honour your accountability

## Outcomes

Organisations have the resources and systems in place to carry out agreed contracts.

Organisations take responsibility for the entire customer experience, whether provided in-house or outsourced to a third party.

Organisations take responsibility for their commitments and fix things if they go wrong.

Organisations provide accessible customer support in real time with customer service representatives.

## Rules

- 4.1** Members must act decently, fairly and reasonably, fulfilling their contractual obligations at all times.
- 4.2** Members must ensure that they do nothing that could bring into disrepute the public image of one-to-one marketing or the DMA.
- 4.3** Members must accept that in the context of this Code they are normally responsible and accountable for any action (including the content of commercial communications) taken on their behalf by their staff, sales agents, agencies, marketing suppliers, sub processors and others.
- 4.4** Members working with non-DMA member organisations for direct marketing purposes should encourage such organisations to follow the principles set out in this Code. Members should undertake adequate due diligence to ensure that any non-DMA member they work with is reputable and abides with the law.
- 4.5** Where members sub-contract work to non-DMA members, they must promote the principles of this Code and satisfy themselves that the contractor acts in accordance with the Code in respect of the sub-contracted work – and must accept responsibility for the consequences of non-compliance by the contractor.
- 4.6** Members must maintain adequate records to demonstrate compliance with the Code and must maintain an adequate system of monitoring and auditing.
- 4.7** Members must ensure that they market in an environmentally sustainable way and must have a documented environmental policy in place.
- 4.8** Members must always give prompt, efficient and courteous service to customers and ensure they have adequate administrative procedures and resources to achieve this.
- 4.9** Members must accept the jurisdiction of the Data and Marketing Commission (DMC) and co-operate fully with their investigations or enquiries.
- Members must comply with any conclusion reached by the DMC, including any decision to take disciplinary action resulting from a breach of the Code.
- 4.10** Members must accept the right of the DMA to monitor compliance with the Code through an audit scheme, mystery shopping exercises or other activity.
- As a result of these activities, the DMA may raise compliance issues with the member and take appropriate recommendations to prevent a possible breach of the Code.
- Failure to accept such recommendations may result in a referral to the DMC for adjudication and, where such adjudication is negative, to sanctions for a breach of the Code.
- More information about the DMC and what principles in the Code it can oversee and enforce is detailed below.

# Put your people at the heart of your data and marketing



## / Put your people at the heart of your data and marketing

# Build and develop skilled, diverse and inclusive data and marketing teams

### Outcomes

Organisations produce marketing that is relevant, representative and authentic.

Organisations build brand reputation via an equitable culture and motivated, professional and fulfilled marketers.

Organisations create an environment where its people can continually grow and learn to deliver best practice and combat bias with innovative marketing, harnessing data, technology and creativity.

### Rules

- 5.1 Members act in accordance with the requirements of the Equality Act 2010.
- 5.2 Members create policies which support diversity, equality and inclusion incorporating anti-bullying, anti-racist, whistleblowing and inclusive recruitment processes.
- 5.3 Members provide individuals with a work and development plan that fits with their needs.
- 5.4 Members provide a structured approach to professional development by advocating for one hour a week of learning for every marketer.
- 5.5 Members assess risks in terms of identifying potential bias and discrimination that could impact customers and take reasonable steps to minimise or eliminate those when processing personal data.
- 5.6 Members satisfy themselves that any risk of bias or discrimination when the organisation is processing personal data for direct marketing purposes is assessed and resolved appropriately in their data, algorithms and outputs when using AI models.

# Legislation and Codes

Principal rules affecting  
data driven marketing

# / Legislation and codes

A number of laws and regulations must be followed when carrying out one-to-one marketing activities in the UK.

You can find up-to-date documents on legislation at [www.legislation.gov.uk](http://www.legislation.gov.uk)

## Key for data marketing industry

Privacy and Electronic Communications (EC Directive) Regulations 2003 (as amended 2011) and Electronic Communications (EC Directive) Regulations 2003 (as amended 2011) (PECR)

UK General Data Protection Regulation (UK GDPR)

Data Protection Act 2018 (DPA)

## Other important legislation

Business Protection from Misleading Marketing Regulations 2008

Communications Act 2003

Data Protection Act 2018

Disability Discrimination Act 2005

Electronic Communications Act 2000

Electronic Commerce (EC Directive) Regulations 2002

Gambling Act 2005

Representation of the People Act 2000

Representation of the People (England and Wales) (Amendment) Regulations 2002

Representation of the People (England and Wales) (Amendment) Regulations 2006

Representation of the People (England and Wales) (Amendment) Regulations 2015

Representation of the People (England and Wales) (Description of Electoral Registers and Amendment) Regulations 2013

## Charity

Charities Act 1992

Charities Act 2006

Charities Act 2011

Charities (Protection and Social Investment) Act 2016

## Industry codes of practice

There are also several codes of practice that must be adhered to, the most important of which are:

### BCAP Code

The UK Code of Broadcast Advertising

### CAP Code

The UK Code of Non-broadcast Advertising and Direct & Promotional Marketing

## Consumer

The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013

Consumer Protection Act 1987

The Consumer Protection (Amendment) Regulations 2014

Consumer Protection from Unfair Trading Regulations 2008

The Consumer Rights Act 2015

Consumer Rights (Payment Surcharges) Regulations 2012

Enterprise Act 2002

Fair Trading Act 1973

Price Marking Order 2004

Sale and Supply of Goods Act 1994

Sale of Goods Act 1979

Supply of Goods and Services Act 1982

Trade Descriptions Act 1968

Unfair Contract Terms Act 1977

Unsolicited Goods and Services Act 1971

## Employment

Conduct of Employment Agencies and Employment Business Regulations 2003 (as amended)

National Minimum Wages Regulations 1999 (as amended)

Working Time Regulations 1998 (as amended)

## Financial services

Consumer Credit Act 1974 (as amended by the Consumer Credit Act 2006)

Consumer Credit (Advertisement) Regulations 2010

Consumer Credit (Agreements) Regulations 2010

Consumer Credit (Amendment) Regulations 2010

Consumer Credit (Amendment) Regulations 2011

Consumer Credit (Early Settlement) Regulations 2004 as amended by Consumer Credit (Early Settlement) Regulations 2010

Consumer Credit (Disclosure of Information) Regulations 2010

Consumer Credit (EU Directive) Regulations 2010

Consumer Credit (Disclosure of Information) Regulations 2010

Consumer Credit (Total Charge for Credit) Regulations 2010

Consumer Credit (Total Charge for Credit) (Amendment) Regulations 2012

Financial Services and Markets Act 2000

Financial Services (Distance Marketing) Regulations 2004

The FCA's Consumer Duty

## Intellectual property

Copyright and Related Rights Regulations 2003

Copyright Designs and Patents Act 1988

Trademarks Act 1994

## Specialist

Offensive Weapons Act 1996

Theft Act 1978

## Telecommunications

Regulation of Investigatory Powers Act 2000

Telecommunications Act 1984

Telecommunications Lawful Business Practice (Interception of Communications) Regulations 2000

## Regulators

The regulators who enforce compliance with the DPA and PECR are:

### ICO

The Information Commissioner's Office

### Ofcom

The Office of Communications

# Glossary

# / Glossary

## **Advertiser**

Any person or company that initiates a commercial communication to promote its products, services or aims

## **Artificial Intelligence (AI)**

AI is the science and engineering of making intelligent machines, especially intelligent computer programs. AI systems work by ingesting large amounts of labeled training data, analyzing the data for correlations and patterns, and using these patterns to make predictions. AI is the umbrella term for all kinds of machinery with human-like intelligence

## **BMPS**

The Baby Mailing Preference Service

## **Client**

An advertiser, or agency acting on the advertiser's behalf

## **The Code**

This "Code" or "the Code" is the DMA Code of Practice 4th Edition

## **Commercial communication**

Any communication that carries a marketing message: including sales promotions, fundraising and all advertising

## **The Commission / DMC**

The Data & Marketing Commission

## **CTPS**

The Corporate Telephone Preference Service

## **Customer**

An individual who has made a purchase or who has entered into negotiations to purchase a product or service

## **Data**

Information gathered or stored for analytical, decision-making or marketing purposes

## **Controller**

A person or organisation involved in deciding how data is processed, stored or used

## **Data processing**

Collecting, storing, processing or using information: including its destruction, transmission, sharing or other use

## **Direct marketing**

The communication (by whatever means) of advertising or marketing material which is directed to particular individuals

## **DMA**

Data & Marketing Association (UK) Ltd

## **European Economic Area (EEA)**

The member states of the EU plus Norway, Iceland and Liechtenstein

## **FPS**

The Facsimile Preference Service

## **High Risk**

The potential for any significant physical, material or non-material harm to individuals. Members need to consider both the likelihood and severity of any potential harm to individuals. 'High risk' implies that the harm is more likely, or because the potential harm is more severe, or a combination of the two

## **Identifiable natural person**

An individual identified or identifiable, directly or indirectly, from the data you are processing. For example, a name or a number, or other identifiers such as an IP address or a cookie identifier

## **Member**

An organisation that has been accepted into, remains within and is bound by the terms and conditions of the DMA

## **MPS**

The Mailing Preference Service  
Number scanning activities  
Any activity designed to establish the validity of telephone numbers

## **One-to-one marketing**

Any marketing communication to an identified individual

## **PECR**

Privacy and Electronic Communications (EC Directive) Regulations 2003 as amended

## **Personal data**

Information that relates to an identified or identifiable individual. Whether information 'relates to' an individual depends on a range of factors, including the content of the information, the purpose or purposes for which you are processing it, and the likely impact or effect of that processing on the individual

## **Processor**

A person or organisation who collects, stores or deals with personal data on behalf of a data controller (manager)

## **Random number dialling**

Randomly dialling to find valid phone numbers

## **Recipient**

Any natural or legal person, including a sole trader or a partnership, who receives a commercial communication

## **Special categories of personal data**

Personal data relating to racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership- and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation

## **Sequential dialling**

Calling digits in numerical order to find valid phone numbers

## **SMS**

Communication sent via a mobile handset using text, picture or video messaging

## **Suppression file**

A list of individuals who have opted-out of all future marketing communications

## **Third party**

Any person or organisation other than the advertiser (with the exception of data processors). This includes associated and/or affiliated companies

## **TPS**

The Telephone Preference Service

## **Unsolicited commercial communication**

Marketing to a consumer with whom the sender does not have an ongoing commercial or contractual relationship or where such direct marketing is otherwise uninvited

## **Vulnerable consumers**

Consumers in circumstances which cause them additional risk of harm or disadvantage. Importantly this also includes risks and harms of how an organisation engages, communicates or works with consumers. These vulnerabilities may be ongoing, temporary, transitory or recurring

## **Your Choice**

A DMA scheme through which householders can register their wish to not receive unaddressed items to their home address from DMA members

# Data & Marketing Commission

# / Data & Marketing Commission

## About

The DMA Code is an ethical framework that sets the standards for the data and marketing industry. All DMA members adhere to the Code, demonstrating their commitment to build trust and drive effectiveness in marketing.

The DMC investigates and adjudicates on reported breaches of the Code by DMA members. However, its scope does not extend to investigating or adjudicating on the People Principle contained within the DMA Code.

The DMC can also pass comments and recommendations to the DMA regarding particular aspects of the Code and the promotion of compliance.

The DMC may consult consumer, enforcement and advisory services to ensure the Code's relevance and effectiveness and to help identify emerging consumer issues.

The DMC produces a public annual report of its work.

More information about the DMC:  
[www.dmcommission.com](http://www.dmcommission.com)

## Complaints considered

The DMC will investigate any complaint made against a DMA member that relates to direct marketing activity and falls under the scope of the Code.

A complaint can be received directly or referred from the DMA or from a statutory, advisory, self-regulatory or enforcement body.

The DMC can also open an investigation into a DMA member on its own initiative where, in its reasonable opinion, it believes this is merited.

The DMC will investigate a complaint against any organisation if the Code is binding on that party by any regulatory, licensing, or other condition.

## Complaints not considered

Complaints will not be adjudicated upon where it is of a commercial contractual nature or does not involve a breach of the Code.

If a complaint is not covered by the Code, or involves a company that is not a DMA member, it may be referred to another relevant organisation or enforcement body such as the ICO, OFCOM, Trading Standards etc.

The DMC may look at and express a view on the conduct of non-members in exceptional circumstances, where this is in the best interests of customers and members in the marketplace but will not seek to enforce the Code or the procedures set out here.

DMC will not accept complaints where the complainant is in a legal or court action with respect to the same case. The legal process in such circumstances will take precedence. If the complainant initiates court action before the complaint body has the possibility to rule, then the procedure in front of the complaints or appeal body is suspended.

More information about the complaints process:  
[www.dmcommission.com/make-a-complaint/](http://www.dmcommission.com/make-a-complaint/)

## Receipt of complaints

A complaint can be made in writing or online at  
[www.dmcommission.com](http://www.dmcommission.com)

The DMC aims to acknowledge a complaint within two working days and to complete a case involving investigation and adjudication within three months. A case concluded by informal resolution will commonly be closed in a shorter timeframe.

The DMC can only act on a complaint if there are reasonable grounds indicating that there is a relevant area of concern in relation to the Code and a party over which the DMC has jurisdiction.

A complaint should be accompanied by all available supporting material, such as correspondence or a copy of the relevant marketing material or communication.

## Gathering relevant information

Upon receipt of a complaint, the Secretariat will formally notify the member that a complaint has been made, setting out relevant details and requiring information or comments. The member must respond to all such requests within 10 working days of receipt.

If the member fails to respond to any request for information from the Secretariat, this may constitute a breach of the Code and result in disciplinary action.

The Secretariat may also request that the member responds directly to the complainant, with a copy of any response sent to the DMC.

The DMC may ask other bodies to co-operate in the compilation of additional relevant information to inform an investigation.

## Investigation process

The DMC has a robust governance process in place to assess all complaints and will determine whether a complaint or, related complaints, appear to require a substantive investigation and a formal adjudication or whether the matter may be resolved informally.

It is the responsibility of the DMC, and the Chief Commissioner in particular, to ensure complaints are treated in a proportionate and appropriate manner, according to all the relevant policies and procedures.

There are two types of investigation methods:

### Informal resolution

Where the Secretariat determines there to have been a minor breach of the Code and where there is no evidence of wider harm or risk, now or in the future, the Secretariat may conclude the matter with a formal reminder of the member's obligations under the Code.

Where a complaint can be responded to by the Secretariat without reference to the member, a copy of any correspondence will be sent to the member for information.

In a case where an informal resolution is being considered, the DMC retains the right to revert to open a formal investigation in the light of further relevant information or evidence of more serious or widespread harm.

If a complaint is not resolved to the satisfaction of the DMC, or it appears that there is a serious or ongoing breach of the Code, it will be referred to the DMC Board for consideration and possible adjudication.

## Formal investigation

If a complaint is referred to the DMC Board, the Secretary will inform the member and request any relevant information or comment. Members must respond to all such requests within 10 working days.

The Secretariat will submit an investigation report to the DMC Board, including all relevant material. The Board will consider the complaint, requesting any further information from relevant parties, as necessary.

Member representations will be made in writing. In a formal investigation, there will be the opportunity for face-to-face meetings as part of the evidence-gathering process and before adjudication.

Adjudication meetings may only involve Commissioners and the Secretariat unless the DMC Board agrees that other parties should attend.

A formal investigation may be concluded or informally resolved at any time during the process where there is sufficient evidence that the member has taken appropriate steps to resolve the issue and where formal adjudication would be disproportionate and not in the wider interest of the relevant parties. The decision of the DMC will be recorded and communicated in writing to the member and complainant.

A summary of the adjudication will be published on the DMC website as soon as possible where a breach is upheld in all cases following a formal investigation, in accordance with the DMC Public Statement Policy. If a company resigns from DMA membership whilst under active investigation, and prior to an adjudication, this update will be published in factual terms on the DMC website.

The DMC Board may refer a case back to the Secretariat with a request that the Secretariat look further at resolving the matter through informal resolution.

More information about adjudications:  
[www.dmcommission.com/adjudications](http://www.dmcommission.com/adjudications)

## Sanctions

If a complaint is upheld following adjudication, the DMC has a range of options that it may consider, including the following.

These include:

- A formal recommendation to the DMA
- A formal visit to the member by the DMA
- A formal undertaking from the member to comply with the standards set out in the Code
- A formal undertaking by the member to carry out specific changes in processes, procedures, management, or other arrangements to remedy and/or prevent a repeat of the breach/breaches.

The DMC may make a recommendation to the DMA that a member be suspended from DMA membership or have their membership cancelled in cases where the DMC thinks this is necessary and proportionate.

The DMC may refer a member to relevant law enforcement and consumer protection bodies, and will co-operate, including the provision of relevant information, with that organisation as appropriate.

More information about the sanctions:  
[www.dmcommission.com/adjudications/appealssanctions/](http://www.dmcommission.com/adjudications/appealssanctions/)

## Appeals

The member or complainant may appeal against the DMC's conclusions and any sanctions imposed by the DMC to the Independent Appeals Commissioner (IAC). The DMC must provide the member or complainant with the contact details of the IAC and will inform the IAC at the same time. The DMC will notify the other party of the appeal at the same time.

On the application of the member or complainant, the DMC can delay the implementation of any sanctions imposed until all appeal mechanisms are exhausted.

Members or complainants must submit an appeal in writing to the IAC within 14 calendar days of the DMC communicating their decision. Appeal submissions must explain the grounds on which the appeal is made and the arguments in relation to those grounds.

The IAC will only accept an appeal on one or more of the following grounds:

1. The decision was based on a material error of fact.
2. Substantial and material new evidence that was not available at the original adjudication has emerged and affects the reliability of the original decision.
3. The decision was reached following a material error in the DMC procedures, which has adversely affected the appellant's position.
4. The DMC has acted ultra vires (beyond its powers)
5. The sanction imposed is not proportionate.

Where the IAC agrees to consider an appeal, that decision will be communicated by notice to the appellant at the earliest opportunity but no later than 30 calendar days of submission of the appeal. The IAC then has eight weeks from the date of that notice to consider the appeal.

The DMC will provide the IAC with any information required and keep all parties up to date based on information provided by the IAC.

Where the IAC finds in favour of the appellant, they will refer the decision back to the DMC and invite it to reconsider its findings or the sanction imposed.

Where a decision by the DMC has been found to be perverse, the IAC will make its own decision. This will be final and binding on all parties.

The DMC must consider a case redirected by the IAC within 30 calendar days of the decision. Once the DMC has either confirmed or substituted its earlier decision, that decision shall be final and binding on all parties. Both the member and complainant will be notified of the final decision within seven calendar days.

More information about the appeals process:  
[www.dmcommission.com/adjudications/appealssanctions/](http://www.dmcommission.com/adjudications/appealssanctions/)

