



Direct Marketing and Cookies Policy

Creator	Author(s)	Data Protection Officer		
	Approved by	Head of Chief Executive's Department		
	Department	Chief Executive's Department		
	Service area	N/A		
Date	Created	12/08/2021		
	Submitted	25/10/2021		
	Approved	15/11/2021		
	Updating Frequency	Every 3 years		
Status	Final			
Contributor(s)	Head of Marketing and Communications Regeneration and Culture Directorate Management Team (legacy) Head of Strategy, Information, and Governance (legacy) Governance and Information Manager			
	Legislation	Privacy and Electronic Communications Regulations 2003 UK General Data Protection Regulation 2016 Data Protection Act 2018 Data (Use and Access) Act 2025		
Subject	Data Protection			
Type	Policy			
	Vital Record	Yes	EIR	No
Coverage	Middlesbrough Council, Electoral Registration Officer/Returning Officer, South Tees Safeguarding Children Partnership, South Tees Youth Offending Service, Superintendent Registrar			
Language	English			

Document Control

Version	Date	Revision History	Reviser
1.0	12/08/2021	First version	Data Protection Officer
2.0	25/05/2023	Updates to data controllers	Data Protection Officer
3.0	16/04/2026	Triennial review	Data Protection Officer

Distribution List

Version	Date	Name/Service Area	Action
1.0	25/10/2021	Data Protection Officer	Publish
2.0	25/05/2023	Data Protection Officer	Publish
3.0	16/04/2026	Data Protection Officer	Publish

Contact: dataprotection@middlesbrough.gov.uk

Purpose

1. This document summarises the direct marketing and cookies policy position of Middlesbrough Council and constituent data controllers.

Definitions

Automated calls	You must not make an automated marketing call that plays a recorded message unless the person has specifically consented to receive this type of call from you.
Blind carbon copy (Bcc)	'Blind carbon copy' allows the sender of a message to conceal the person/email address entered in the Bcc field from the other recipients.
Communication exemption	The use of cookies or similar technology which without their use would make it impossible to communicate information between two parties over a network.
Consent	Permission or agreement sought from the customer before you send them a marketing message or use cookies or similar technologies that are not 'strictly necessary' to gather information via a public electronic communications service. Consent must be knowingly and freely given, clear and specific, and recorded in some way.
Cookies	A small text file that is downloaded onto a computer or smartphone when the user accesses a website to allow it to recognise that user's device and store some information about the user's preferences or past actions.
Corporate subscribers	Corporate bodies with separate legal status that you market to e.g. companies, limited liability partnerships, some government bodies. However, sole traders and other types of partnerships are classed as 'individual subscribers'.
Direct marketing	The communication, by whatever means, of advertising or marketing material which is directed to particular individuals; including commercial marketing (e.g. promotion of products and services) and also the promotion of aims and ideals (e.g. fundraising, campaigning).
Electronic marketing	Any text, voice, sound or image message sent over a public electronic communications network which can be stored in the network or in the recipient's device until it is collected by them and includes text messages and other notifications delivered via apps.
Marketing lists	Lists compiled using details of people who have bought goods or services in the past or who have consented to receive specific types of marketing.

Opt in	'Opt in' means a person has to take a specific positive step e.g. tick a box, send an email, or click a button, to say they want marketing. But this is not the same as someone specifically contacting you to ask for particular information.
Opt out	'Opt out' means a person must take a positive step to refuse or unsubscribe from marketing.
Public electronic communications service	Any electronic communications service that is provided so as to be available for use by members of the public.
Public sector promotions	Promotional messages that are necessary for a relevant public task or function specified in law underlying the communication you want to send.
Service message	A message to an individual for purely administrative or customer service purposes which does not contain any advertising or promotional material.
Similar technologies	Any method that stores information on or gains access to information on a user's device including apps on smartphones, tablets, smart TVs, or other devices.
Soft opt in	Opting in individuals to receive marketing messages after they have bought or received something from you recently provided that they did not opt out when you gathered their details.
Solicited	A solicited message is one that is actively requested.
Spyware	Covert surveillance software that downloads to a user's device and tracks their activities without their knowledge - this is outlawed under the Regulations.
Strictly necessary	The use of cookies or similar technologies that is essential to provide the service requested by the user. It does not cover what might be essential for any other uses that you might wish to make of that data.
Suppression lists	Individuals who have withdrawn consent, unsubscribed, or objected to your marketing are added to these lists to screen marketing campaigns and new contacts against to ensure that you do not market to them by mistake.
Telephone Preference Service (TPS)	You must not make marketing calls to any number listed on the TPS or Corporate TPS (CTPS), unless that person has specifically consented to your calls.
Unsolicited	An unsolicited message is any message that has not been specifically requested. If the customer has 'opted in' to receiving marketing it still counts as unsolicited.

Scope

2. This policy applies to all personal data processing, direct marketing activity, and use of cookies or similar technology by the following data controllers collectively referred to in this policy as 'Middlesbrough Council':
 - Middlesbrough Council (Z4944100)
 - Electoral Registration Officer/Returning Officer (Z6202343)
 - South Tees Safeguarding Children Partnership (ZA560558)
 - South Tees Youth Offending Service (ZA327450)
 - Superintendent Registrar (Z5617439)
3. Middlesbrough Council will comply with legislation, and associated codes of practice and official guidance, including but not limited to the:
 - The Privacy and Electronic Communications (EC Directive) Regulations 2003 (PECR)
 - UK General Data Protection Regulation (UK GDPR) 2016
 - Data Protection Act 2018
 - Data (Use and Access) Act 2025
 - The Information Commissioner's Office:
 - Direct Marketing Code of Practice
 - Direct Marketing and the Public Sector Guidance
 - Children's Code for Online Services
4. Middlesbrough Council is a 'public authority' as defined by Part 2 of the Data Protection Act 2018 relating to 'general processing'. It is also a 'competent authority' for the purposes of Part 3 of the Data Protection Act 2018 where it undertakes 'law enforcement processing'. Direct marketing activity is excluded, and therefore not permitted, within the definition of a 'law enforcement purpose'.
5. Elected Members, in their role as ward councillors, and any registered political party or group, candidates, referendum campaigners, non-party campaigners and recall petition campaigners are excluded from this policy. Those individuals, groups, or bodies are data controllers in their own right and separate from Middlesbrough Council for the purposes of the data protection legislation and are therefore responsible for their own legal compliance.

Policy Statements

6. The Council will only implement the use of cookies and similar technology where it has undertaken a data protection impact assessment, where applicable by law, and where it has assessed that it is necessary and proportionate to do so. Where cookies or similar technology are implemented, the Council will provide specific information in a privacy notice to supplement this policy.
7. Any mass communication, regardless of whether it constitutes a public service message or electronic direct marketing (subject consent or soft opt in), is highly recommended to be sent via the approved Council technical solution except where:

- The number of recipients is lower than 25 **and** one of the below applies
 - The information is sent only via bcc **or**
 - All recipients contact details are for corporate subscribers **or**
 - The sender has confirmed that the Council holds a current record of valid consent from every recipient giving permission to disclose their name and email address to each other.
8. In all cases recipients must be offered and opt out of any unsolicited communications unless the law requires the delivery of the messages in question by that method.

Roles and Responsibilities

9. The Mayor and Elected Members of the Full Council are democratically accountable for the way in which Middlesbrough Council discharges its functions. Information Governance sits within the Mayor's portfolio. Oversight of the Council's information governance arrangements sits within the remit of the Audit Committee.
10. The Chief Executive has a duty to manage the discharge of the Council's different functions, including its legal responsibilities for effective information rights management.
11. The Leadership Management Team and Directorate Management Teams as the owners of the Council's 'information assets' are responsible for the compliance of their services with the legislation and associated codes of practice and guidance.
12. The Head of Marketing and Communications has been designated as the Council's lead for direct marketing compliance, coordinating the Council's operational approach, providing subject matter expert advice with support from the Data Protection Officer, and providing assurance to the Senior Information Risk Owner.
13. The Head of ICT Services has been designated as the senior responsible officer for cookie compliance, coordinating the Council's operational approach, providing subject matter expert advice with support from the Data Protection Officer, and providing assurance to the Senior Information Risk Owner.
14. The Head of Chief Executive's Department has been designated as the Council's Senior Information Risk Owner and they must foster a culture for protecting and using data, provide a focal point for managing information risks and incidents, and is concerned with the management of all information assets.
15. The Data Protection Officer is a role that Middlesbrough Council is legally required to appoint due to its status as a 'public authority' and the types of personal data processing that it carries out. The Data Protection Officer is authorised under this policy to make minor amendments as required to its contents.
16. In delivering Council services, all staff, volunteers, or other third parties who handle or potentially come into contact with personal data will comply with the legislation, the Council's Direct Marketing and Cookie Policy, follow all reasonable procedures and instruction provided by managers, and undertake regular training as required by the Council.

Data Protection Officer

17. The Data Protection Officer's (DPO) role is to assist the Council to monitor internal compliance, inform and advise on data protection obligations, provide advice regarding Data Protection Impact Assessments (DPIAs), and act as a contact point for data subjects and the supervisory authority.
18. UK GDPR requires that the DPO is independent, an expert in data protection, adequately resourced, and regularly reports to the highest management level. The Council has in place processes to ensure this occurs. The DPO helps the Council to demonstrate compliance and is part of the enhanced focus on accountability.

Procedure and Process

19. Middlesbrough Council will ensure that it maintains the required documentation, procedures, and processes in relation to its legal obligations and matters of good practice including but not limited to:
 - Data Protection Impact Assessments
 - Data Protection by Design
 - Age Appropriate Design Standards
 - Consent Standards and Management
 - Reliance on 'Soft Opt-in'
 - Transparency (Privacy Notices) and Rights of the Data Subject
 - Generating Leads and Collecting Contact Details
 - Profiling and Data Enrichment
 - Sending Direct Marketing Messages
 - Online Advertising and New Technologies
 - Selling or Sharing Data
 - Cookie Usage and Management
20. The Council will also carry out regular checks to monitor the effectiveness of the measures that it has put in place to ensure legal compliance.

Further Information



Middlesbrough Council – Direct Marketing and Cookies

<https://middlesbroughcouncil.sharepoint.com/sites/TheBridge/SitePages/Direct-marketing-and-cookies.aspx>

Contact Details

21. If for any reason you need to contact Middlesbrough Council's Data Protection Officer please use one of the following contact methods:



Post:	The Data Protection Officer Middlesbrough Council PO Box 500 Middlesbrough TS1 9FT
Tel:	01642 245432 (Customer Contact Centre)
Email:	dataprotection@middlesbrough.gov.uk