

## Updated Article #31: Collection, Use, and Transfer of Personally Identifiable Data

This article is applicable to all media, and includes special requirements for mailers.

- A marketer should provide existing and prospective customers with notice of an opportunity to modify or eliminate direct marketing communications to be received from that company. This guideline applies to senders of marketing offers.
- The notice should:
  - appear in every marketing offer and
  - be easy for the consumer to find, read, understand, and act upon
- A consumer's request should be honored:
  - within 30 days or as required by law, whichever is the shorter time period
  - for a period of at least three years from the date of receipt of the request
- A marketer should periodically provide existing customers with notice of its policy concerning the rental, sale, or exchange of data about them and of the opportunity to opt out of the marketing process. All such opt-out requests should be honored promptly.
- An in-house suppression request from a consumer should be interpreted as meaning that the consumer also wants to opt out of the transfer of his or her personal information.
- Where an affiliate, division, or subsidiary markets under a different company or brand name, and is perceived as separate by the consumer, each corporate entity or brand should separately honor requests received by it.
- A marketer should establish internal policies and practices that assure accountability for honoring requests, in compliance with this guideline, and at no cost to consumers. Should those policies substantially change, a marketer has an obligation to inform consumers of that change prior to the rental, sale, or exchange of data, and to offer consumers an opportunity to opt out of the marketing process at that time.
- For each prospecting list that is rented, sold, or exchanged, the applicable DMA Preference Service name-removal list (e.g., Mail Preference Service, Telephone Preference Service, E-Mail Preference Service, and Deceased Do Not Contact list) should be employed prior to use. A member should use the most recent *monthly* release of the MPS file before contacting prospective customers.

- In addition to adhering to these guidelines, a marketer should cooperate with DMA when requested in demonstrating compliance with the *Commitment to Consumer Choice*.
- Upon request by a consumer, a marketer should disclose the source from which it obtained personally identifiable data about that consumer.

For more information about the Commitment to Consumer Choice please visit:  
[www.dmaccc.org](http://www.dmaccc.org).

“Clean” draft of revised Article #31

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