

# Emailmovers Ltd

## Executive Summary Report

December 2021

**ico.**

Information Commissioner's Office

## Background

The Information Commissioner is responsible for enforcing and promoting compliance with the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 (DPA18), the Privacy and Electronic Communications Regulations (PECR) and other data protection legislation. Section 146 of the DPA18 provides the Information Commissioner's Office (ICO) with the power to conduct compulsory audits through the issue of assessment notices. Section 129 of the DPA18 allows the ICO to carry out consensual audits. The ICO sees auditing as a constructive process with real benefits for controllers and so aims to establish a participative approach.

Following a test data purchase initiative run by the ICO in 2018 Emailmovers Ltd (EML) were investigated as serious concerns were identified about their data protection compliance.

The investigation into EML resulted in an [Enforcement Notice](#) being issued on the 22nd June 2021 requiring compliance with GDPR Art 5(1)(a).

EML responded to the ICO on 15 July 2021 to inform that their processing was compliant and invited the Commissioner to *'review our systems to confirm that this processing has ceased.'*

The ICO's Assurance department contacted EML on 19 August 2021 to accept EML's invitation. The audit took place during the week beginning 29 November 2021.

The scope of the audit focussed on the processing of personal data within EML's marketing database and covered the following key control areas:

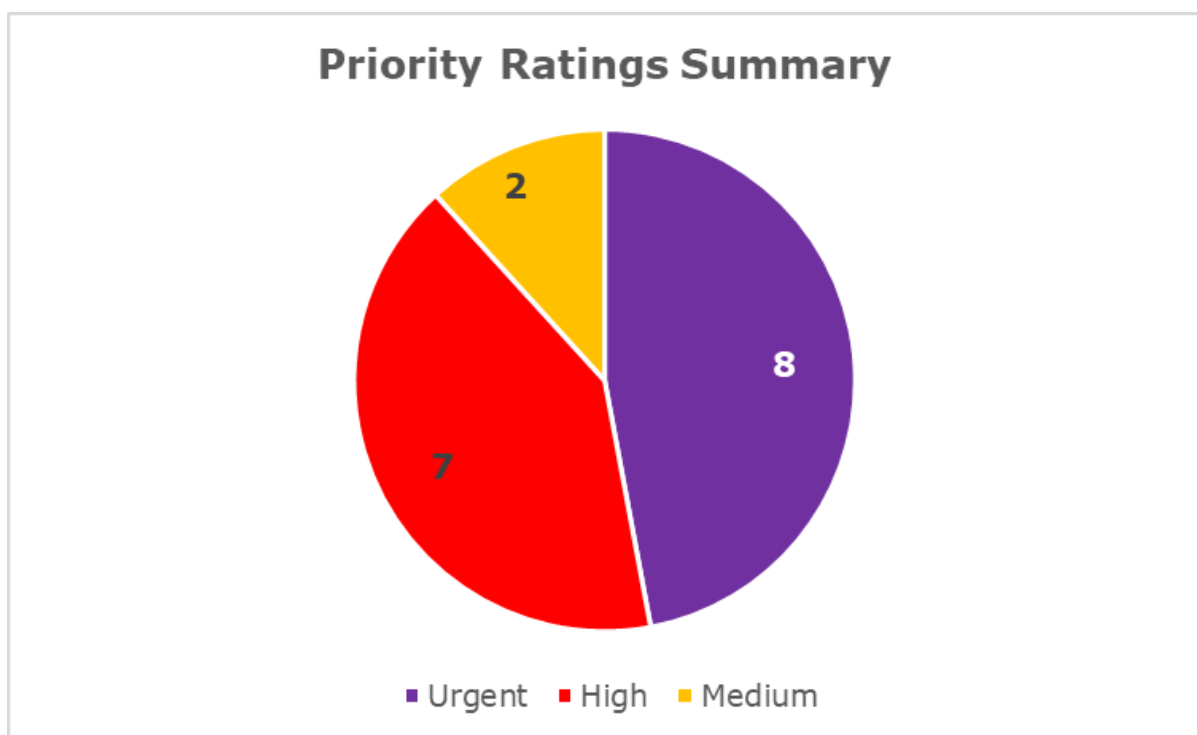
- Governance
- Sourcing personal data
- Transparency and Lawful basis for processing
- Data supply and sharing
- Individual Rights
- Requirements of the enforcement notice

The purpose of the audit was to provide the Information Commissioner with an assurance of the extent to which EML, within the scope of the audit, is complying with data protection legislation and assess the adequacy of the measures that were introduced as a result of the enforcement notice.

## Priority of recommendations summary

Where opportunities for improvement were identified recommendations have been made, primarily around enhancing existing processes to facilitate compliance with data protection legislation. In order to assist EML in implementing the recommendations, each has been assigned a priority rating based upon the risks that they are intended to address. The ratings are assigned based upon the ICO's assessment of the risks involved. EML's priorities and risk appetite may vary and, therefore, they should undertake their own assessments of the risks identified.

A summary of the ratings assigned within this report is shown below.



The pie chart above shows a breakdown of the priorities assigned to the recommendations made. There are eight urgent, seven high and two medium priority recommendations.

Urgent priority recommendations are intended to address risks which represent clear and immediate risks to EML's ability to comply with the requirements of data protection legislation.

## **Summary of Findings**

### **Enforcement Notice.**

The ICO were pleased to confirm that as a result of the action taken and measures introduced by EML, the requirements of the enforcement notice issued to them in June 2021 have been met.

### **Good Practice**

The ICO acknowledge the following areas of good practice demonstrated by EML during the audit.

- A proactive approach to providing privacy information to individuals who are included in the marketing database which ensures they have control over the use of their personal data and the ability to exercise the rights afforded to them in data protection legislation.
- The development and regular delivery of bespoke training modules which include data protection requirements in the context of EML's own processing.
- Major decisions related to data processing, policies and procedures must be reviewed and approved by the managing director.

### **Areas for Improvement**

The audit identified some areas where further improvements are required to achieve compliance with data protection legislation.

- There is limited requirement for decisions to be recorded or justified in sufficient detail to demonstrate accountability to the UK GDPR as required by Article 5(2).
- EML have not determined or documented retention periods for all personal data processed which means they are not meeting the requirements of Article 5(1)(e) of the UK GDPR.
- EML do not maintain a record of processing activity which fulfils all the requirements of Article 30 of the UK GDPR.
- There is no mechanism for notifying recipients of personal data about the existence and outcomes of individual rights requests received and actioned by EML which means they are not complying with Article 19 of the UK GDPR.

## 5 Appendices

### Appendix One – Recommendation Priority Ratings Description

#### **Urgent Priority Recommendations -**

These recommendations are intended to address risks which represent clear and immediate risks to the data controller's ability to comply with the requirements of data protection legislation.

#### **High Priority Recommendations -**

These recommendations address risks which should be tackled at the earliest opportunity to mitigate the chances of a breach of data protection legislation.

#### **Medium Priority Recommendations -**

These recommendations address medium level risks which can be tackled over a longer timeframe or where some mitigating controls are already in place, but could be enhanced.

#### **Low Priority Recommendations -**

These recommendations represent enhancements to existing controls to ensure low level risks are fully mitigated or where we are recommending that the data controller sees existing plans through to completion.

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**The matters arising in this report are only those that came to our attention during the course of the audit and are not necessarily a comprehensive statement of all the areas requiring improvement.**

**The responsibility for ensuring that there are adequate risk management, governance and internal control arrangements in place rest with the management of Emailmovers Ltd.**

**This report is solely for the use of Emailmovers Ltd. The scope areas and controls covered by the audit have been tailored to Emailmovers Ltd and as a result, the audit report is not intended to be used in comparison with other ICO audit reports. We take all reasonable care to ensure that our audit report is fair and accurate but cannot accept any liability to any person or organisation, including any third party, for any loss or damage suffered or costs incurred by it arising out of, or in connection with, the use of this report, however such loss or damage is caused. We cannot accept liability for loss occasioned to any person or organisation, including any third party, acting or refraining from acting as a result of any information contained in this report.**