

SWEDEN ISSUES NEW PERSONAL DATA DIRECT MARKETING REGULATIONS

Sweden's Data Inspection Board has introduced regulations coming into force on 1st March 1988 which will impose major restrictions on direct marketing campaigns, targeted at prospective customers.

The recently published new regulations (DIFS 1988:1) on the use of personal data files for the purpose of direct marketing were forecast in last August's issue of Privacy Laws & Business (p.6). The Data Inspection Board's Director-General Mats Borjesson explained that direct marketing was the part of the private sector with no data protection sectoral rules but which led to the most complaints. These regulations clearly show how different countries interpret the Council of Europe Recommendation on Direct Marketing (PL&B August '87 p.16) when Sweden's regulations are compared with the UK's voluntary Code of Practice (PL&B August '87 p.13).

The Data Inspection Board's regulations cover the automated processing of personal files for direct marketing to prospective customers. A simplified routine for applying for permission to set up a direct marketing prospects file is provided if the keeper of the file:

- * has received a general licence from the Data Inspection Board
- * keeps the file only in a way that is stated in these regulations.

The regulations are built on the main principles of the Board's previous practice and experience in direct marketing, and cover telephone marketing, the collection of data, the recording of data, marketing to vulnerable groups, releasing the source of the data, data storage, data security, and restrictions on the international transfers of data.

1. Telephone marketing to private telephone numbers is prohibited.
2. Collection of data: The regulations cover personal files that may be used as data sources. In particular, not more than one external file may be used to provide data for the marketing file to avoid creating too deep a profile of the data subjects.
3. Recording of data: All personal data recorded in the file is regulated. The file keeper should take steps to ensure that names are not duplicated on a list.
4. Vulnerable groups: It is prohibited to target direct marketing to prospects under 16 years of age or parents with a baby under six weeks of age. (The rationale of the latter is to avoid causing any distress to parents as the first six weeks of life are regarded as the most critical to a baby's survival).
5. Transparency: Recipients of direct marketing communications shall always be notified of the origin of the personal data recorded in the file. This information must include the name, address and telephone number of the data base used for obtaining the data, so that individuals may contact the relevant person to correct any errors, or request that their name is deleted

from the file.

6. Data Storage: The direct marketing prospects file must be destroyed after three months together with any prospect lists derived from it, and the Data Inspection Board must be notified.

7. Security: An individual's personal identification number must not be visible on the outside of the envelope.

8. International transfers of data: Data processing for direct marketing purposes must be carried out only in Sweden or in another country which has ratified the Council of Europe Convention.

This report is based on information provided by Britt-Marie Arne-Hellstrom, head of the Private Sector Division of Sweden's Data Inspection Board. The regulations and the new application form are available in Swedish from Privacy Laws & Business.