



How to guide 10 steps to managing cookies



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Introduction

The new “*Cookies Law*”¹ comes into force **26 May 2012** and so all companies must ensure that they tell users of whatever websites they make available through whatever device that cookies are being used (if they are). They must also explain what the cookies are doing, and obtain their consent to store a cookie if that is the intention.

To help demystify this impending regulation the DMA has identified 10 steps to help guide you on your way to compliance.

¹This 10 step guide, while referring specifically to Cookies, actually refers to the The Privacy and Electronic Communications (EC Directive) Regulations 2003 and so covers the use of cookies *and similar technologies* for storing information, and accessing information stored, on a user’s equipment such as their computer or mobile.

10 steps to managing cookies

1. Engage key stakeholders

- It is likely that a senior manager/board member should sponsor an organisation's approach to managing this high profile requirement. Their involvement will help mobilise the key stakeholders that will need to be both involved and informed throughout any debate you have while deciding your policy towards managing cookies both internally and from a website user's perspective. Roles that are likely to need to be involved include:
 - Senior Managers
 - Legal & Compliance
 - Help Desks and Call Centres
 - Customer facing colleagues
 - IT
 - Marketing
 - PR
 - Clients
- The key to implementing a compliant solution will be your IT team / web managers (whether internal or out-sourced), but they will need guidance from the key stakeholders as to what should be implemented as a matter of overall policy.
- Allocate budget and resource; this will not fix itself and so resources need to be planned for.

2. Check what types of cookies you use

Make sure you identify all your websites and other places where cookies might be used (e.g. mobile apps, ipad apps and so on) - There are many third parties now providing cookie audit services (as well as end-to end solutions)²

3. Delivery Method (Solus or Shared)

- Assess your cookies against an 'intrusiveness scale' - either your own or an industry standard such as the ICC ([International Chamber of Commerce](#)) and categorise each cookie e.g.
 - Strictly necessary
 - Performance related
 - Functionality
 - Targeting
- This is also a good opportunity to identify any cookies that are no longer required.

4. Decide how you will obtain consent from users of your site(s) to use Cookies or not.

Methods you might use include:

- Pop-up boxes
- Splash pages

²See the DMA's guide to who may be able to assist further at <http://www.dma.org.uk/toolkit/countdown-cookie-compliance>

- Landing pages
- Homepage headers
- Banners
- Scrolling text
- Implied consent – [as indicated by the ICO](#)
- Tick boxes
- Terms & Conditions

5. Develop and test your solution(s)

- These requirements are new for everyone so make no assumptions
- Before you launch be sure you test the end-to-end user experience – be prepared to continually “*test and learn*” how you manage this compliance requirement ongoing if at all possible
- Don’t forget to include an assessment of the language you have used; is it user friendly?
- Once you go live keep alert for user feedback; this may well help you create a more engaging user experience and so more effective site

6. Update your Cookie policy and other relevant content

- Alongside your consent mechanism, you will need to provide access to content which will explain:
 - What cookies/equivalent technologies are in use
 - What they are doing
 - How users can both provide and withdraw consent
- If appropriate use industry defined language / descriptions such as the ICC’s (or use the advice of your legal/compliance team/advisors).
- Keep the profile of your site users in mind when updating your policy e.g. do children use your site?
- If your changes are ‘work in progress’ then you might consider updating your existing cookie policies to tell your customers that you are getting ready.

7. Communicate with third parties

- Think about your relevant third party relationships
 - Are any third parties running websites on your behalf?
 - Placing cookies on your behalf?
 - Broadcasting emails on your behalf?
- What changes are they making in order to comply?
- Do you need additional contractual terms in place?

8. Ensure relevant staff are fully aware

It’s essential that any staff who might be asked questions about your solution are fully briefed and aware. This could include, for example:

- Technical help desks
- Public relations teams

- Call centre staff
- Marketing teams
- Your Board!

9. Define a maintenance / control process

- Remember 26th May 2012 is the start not the end date
- It is essential that you keep effective control of your organisation's use of cookies to ensure ongoing compliance; an agreed policy to manage this regulation is likely to become a key part of managing risk and compliance for your organisation ongoing.

10. Talk with and learn from others

- [DMA](#)
- [ICO](#)
- [All About Cookies](#)
- [ICC](#)
- The DMA have identified a series of organisations as being able to providing help, they can be found on the [DMA Countdown to Cookies webpage](#)

If you know of any other organisations or you would like to appear on this list please contact emma-jayne.mcewan@dma.org.uk t. 0207 291 3383

About the DMA

The Direct Marketing Association (DMA) is Europe's largest professional body representing the direct marketing industry. With a large in-house team of specialists offering everything from free legal advice and government lobbying on direct marketing issues to research papers and best practice, it is always at the forefront of developments in the industry.

The DMA protects the direct marketing industry and consumers. It promotes the highest standards through self-regulation and lobbies against over-regulation. The DM Code of Practice sits at the heart of everything we do – and all members are required to adhere to it. It sets out the industry's standards of ethical conduct and best practice.

Our 10 DMA Councils/Board Committees cover the whole marketing spectrum – from the digital world of social media and mobile marketing to the 'real' world channels of door drops and inserts. The Councils are made up of DMA members and regularly produce best practice and how to guides for our members.

We also have a packed calendar of conferences, workshops and discussions on the latest topics and best practice, and 80% of them are free for members and their staff.

As the industry moves on so do we, which is why we've recently launched a number of new services for our members – a VAT helpline, a Social Media Helpdesk and an IP Protection Service.

Visit www.dma.org.uk regularly to keep up to date with all our services.





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