Editorial

It is an unusual, slightly disorienting experience, to turn on the news, and find the lead story is about subject matter that you know intimately.

I suspect it happens to all of us at one time or another. The lifelong friend who goes out and wins an Olympic medal. The old school chum who becomes a government minister. Or more gruesomely, the work colleague who turns out to be a secret serial killer.

I myself attended school with an individual who became a cabinet minister and was then forced to resign in seriously adverse circumstances. And I once was friend to a friend of an acquaintance who slept a night in serial killer Fred West's household — and lived to tell the tale.

Of course, if it is you who is the centre of news attention, then you are probably the sort of person who is too important to stop and marvel at who you have become. Probably, also, too busy to read journals such as this one.

Happily — or otherwise, depending on your appetite for vicarious fame — these are instances that will not occur all that often. Your brushes with notoriety will be limited by several degrees of separation; and, if you are a successful database marketer, your most likely encounter with notoriety will be to glimpse on the evening news an individual you once shared a cab with on the way home from a direct marketing conference, who now turns out to be something in PR for the Post Office.

So, to return to the beginning, it was

with a certain sense of *déjà vu* that I completed a review of data protection law and its impact on business only then to turn on the news over the Christmas period to find that that most turgid of subjects was now the lead item — not once, but several bulletins running.

First, we had the sorry story of how one police force apparently destroyed vital information about Ian Huntley (a school caretaker in the UK who was found guilty in December 2003 of the murder of two ten-year-old girls) because — they claimed — Data Protection Act (DPA) guidelines made them do it.

Then — because the press likes a theme — another sad story of an elderly couple who died for lack of heating. Their gas had been cut off during the summer, and, six months later, they still had no source of warmth. Things might have been different, some pundits asserted, if the social services had been involved.

But they hadn't. And the cause of this dereliction? The wicked DPA! This alone, it appeared, had prevented anyone — or at least, the couple's former gas suppliers — from passing on information to social services. So for half a year, no one was able to do a thing to help.

The issue has died down — not least because the government, scenting a public relations disaster, has announced that it will review guidelines to the Act. And pretty well everyone else associated with it has hurriedly followed suit. Expect half a dozen worthy reports on the working of the DPA over the next few months.

And yet... My first reaction, on listening to the feeble excuses being made for how various organisations were hampered by the Act and were 'forced' to behave in certain ways, was to be quite angry.

For some time now, it has been noticeable that data protection, once widely ignored, is becoming a catch-all excuse for lazy customer practice.

I encounter DPA bad practice in many guises. First, as a consumer, I have to endure it along with everyone else. But secondly, as a consultant with a long-term interest in how organisations make use of data, I have a long history of reviewing DPA policies and how they are implemented.

Over the last 12 months, I have dealt with an estate agent who was managing a friend's property. At the end of one lease, my friend wished to pursue the tenants through the courts for damage done and unpaid rent. This simple task was made more difficult because the estate agent refused to pass on details of a forwarding address for the tenants. When asked why not, the agent claimed 'data protection' as the ludicrous reason for its actions.

But perhaps estate agents are too small and have too few resources to inculcate best practice in their staff? Fast forward to one of the UK's largest mobile phone companies. I had an issue with billing: their — likely — error, costing me several hundred pounds.

A surreal dialogue followed with a member of their call centre staff.

Could I prove that there was an error?

No. I needed to see their records.

Fine: records were kept in archive. They just needed to retrieve them.

Could I see a copy of the records?

Yes: if there was an error on my bill, of course I could.

So could I see them?

Well, did I have any proof that there was an error?

Er, no: I need to see the records to prove that.

Sorry, you can't see the records unless you can first prove that there is an error.

All of the above took place, according to the less than charming call centre person, under the auspices of the DPA. When I asked for the individual's name they politely informed me that I couldn't have it ... because of the DPA.

Later, when I tried to complain more formally, their legal spokesperson rather rudely informed me that they couldn't tell me outright what their complaints procedure was because of ... the DPA.

This same organisation later telephoned me to 'answer my complaints' ... and then refused to talk to me until I had gone through a security process. 'But YOU phoned ME', I vainly protested. 'Yes, but ... you might not be who we think you are'. Once more, the ubiquitous DPA was cited.

Perhaps this is an extreme example. But it is an important one. When the DPA was first mooted, I made a certain amount of my income from preaching to organisations about why they should familiarise themselves with it, and the dire consequences of not doing so. This advice fell, for the most part, on deaf ears.

Now the lawyers are involved. In some organisations, they are in the driving seat. And the opposite result seems to have come about. The DPA

has become a bogeyman with which to dissuade well-meaning managers from getting too close to customers. Best practice, in terms of collecting information and using it to deliver to customers what they want, has been supplanted with a safety first, 'better not' approach.

Don't collect information: you might not use it. Don't talk to customers without elaborate security procedures: they might be someone else. Don't use information to assist customers: someone, somewhere, might object.

As, of course, they will. Read the Advertising Standards Association's Annual Report: no matter how obscure, how arcane the approach, someone, somewhere, will usually find reason to object to it!

This is no way to do business.

Worse, I suspect that some organisations are actively using the DPA to block uncomfortable — or uneconomic — interactions. After all, what is easier, if one has an awkward customer on the phone, than to pull up the shutters with a shrug and a 'Not us, guv, blame the DPA!'

It has to stop. The Christmas headlines are one reason why. Burgeoning legislation in this area is another (I haven't even mentioned the new legislation on electronic communications!). At first instance, the excuses — for those are what they are — of the police and the utilities

companies may be credible. But dig even a millimetre, and what one finds is organisational laziness: companies who are not thinking about their data protection policy — nor its impact on their customers.

It is a subject we are likely to return to in this Journal. Certainly, for the foreseeable future, it will have a slightly higher profile — and therefore the Editorial Board and I welcome, and would like to commend to you, a new and regular feature by Ewan Nettleton and Harjinder Obhi as well as a paper from Ewan on the new anti-spamming legislation.

Beyond that, this issue focuses more on the strategic and operational side of customer relationship management: with an interesting paper on the loyalty of football fans, from Alan Tapp; a review of cross selling in the banking industry from Kin-nam Lau, Haily Chow and Connie Liu, as well as a consumer perspective on business-to-consumer relationships from Patricia Sorce and Kimberly Edwards.

Marc Hoogenberg and Sander auf dem Brinke provide a more general look at decision making in an uncertain environment.

As always, we welcome your feedback and comments, both on the topics selected and the approach taken.

JOHN OZIMEK
Managing Editor