

## Policy Briefing from the Affiliate & Partner Marketing Association

Q3: September 2025

### Five things to know:

1. **UK Data (Use and Access) Act.** The new law came into force at the end of June. It updates existing UK data protection and privacy laws, and marks a potentially more proportionate divergence from EU law as a result of Brexit. The European Commission is likely to follow suit with a package to simplify EU cookie rules. [Find out more from the APMA briefing.](#)
2. **Reforming 'cookie consent':** As a result of the new UK law, the Information Commissioner's Office (ICO) has announced two consultations:
  - It has sought feedback on its plans to regulate online advertising, with a specific focus on how it enforces the 'cookie consent' requirements under the Privacy & Electronic Communications Regulations (PECR). These have been updated by the new Data (Use and Access) Act. Final guidance is expected to be published in early 2026.
  - The ICO is also consulting on its updated PECR guidance for new exemptions to obtaining consent for storing or accessing technology as a result of the Data (Use and Access) Act.

3. **Making the case for attribution:** In its submission to the ICO's consultation on online advertising regulation, the APMA is arguing that affiliate marketing should be classified as a low-risk activity and therefore be exempt from the consent requirements of PECR. The APMA's case is based on the premise that affiliate marketing does not involve the extensive processing of personal data in the way that, for example, personalised display advertising does.
4. **Engaging with the ICO:** To supplement the official response, the APMA has invited the ICO to a roundtable with member companies to discuss this. The meeting will take place on Wednesday 12 November 2025.
5. **Clearer 'cookie consent' guidance for industry?** The APMA is responding to the ICO's consultation on its revised guidance for PECR. This updated guidance includes new consent exemptions from the Data (Use and Access) Act. While the 'strictly necessary' exemption isn't new, the APMA is re-emphasising its request to the ICO that the guidance should explicitly include an example related to affiliate marketing. For instance, the cashback model is a perfect illustration of how this exemption applies (as has already been clarified by the ICO). Including this specific example would significantly improve clarity and practical understanding for the affiliate marketing industry.

But also keep an eye on:

**The European Union (EU) Digital Fairness Act.** While not yet formal legislation, the proposed EU Digital Fairness Act framework signals a major overhaul of consumer protection for the digital age.

Stemming from a comprehensive review, it aims to modernise existing rules like the Unfair Commercial Practices Directive (UCPD). Key pillars include mandating radical transparency for influencer marketing and outlawing manipulative 'dark patterns' in user interfaces.

A formal legislative proposal is anticipated in early 2026, with enactment unlikely before 2028. Read this [overview](#) from one of the APMA founder member companies, [Rightlander](#).

## Movers & shakers

The ICO has appointed **William Malcolm** as its new Executive Director of Regulatory Risk. Malcolm, who previously served as the Senior Director of Regulatory Affairs and Privacy Advisory Global Lead at Google, joined the ICO at the end of August.

He takes over the role from Stephen Almond, who has moved to the think tank, the Centre for Information Policy Leadership (CIPL). Malcolm leads the ICO's teams focused on regulatory supervision of AI, technology and innovation across UK business, including technology policy, regulatory sandboxes, industry engagement, and strategic collaboration.

He will be a key contact at the ICO for the APMA and will be at the meeting on 12 November 2025.

**Ian Murray**, Labour MP for Edinburgh South, is the UK's new Minister for Technology and Communications. Appointed after the post-Angela Rayner resignation government reshuffle, he replaces Chris Bryant and works across the Department for Science, Innovation & Technology (DSIT) and Department for Culture, Media & Sport (DCMS).

The former Scotland Secretary's tech policy views are largely undefined, though he has past experience in 'internet television'.

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