

Submitted to Our approach to regulating online advertising - Call for views
Submitted on 2025-08-26 11:29:57

Advertising purposes and capabilities

1 Ad delivery and billing

What features within ad delivery and billing are the minimum requirements for a commercially viable advertising model, and why?:

Affiliate and partner marketing is a very significant online advertising channel. In 2024, brands spent £1.7bn on affiliate marketing - an increase of 9% on the previous year - significantly outpacing current UK economic growth, as well as the Connected TV (CTV) and Retail Media advertising channels (<https://theapma.co.uk/wp-content/uploads/State-of-the-Nation-2025-FINAL-13-May-25.pdf>). Affiliate and partner marketing is responsible for close to one million UK transactions every day, driving £19bn in ecommerce revenue for retailers. Affiliate marketing delivers £16 billion in annual consumer savings in the UK through these models (<https://www.iabuk.com/adspend>). It connects millions of people every day to comparison tools, verified voucher codes, and cashback offers that make essential goods and services more affordable.

Affiliate and partner marketing is very different to programmatic display and behavioural advertising which has tended to be the primary focus of industry discussions around privacy and data protection regulation. Unlike Real-Time Bidding (RTB) and personalised advertising, information is not mapped or linked to an individual to allow inferences about characteristics, interests or behaviour. Most commonly, the data in scope is pseudonymised and includes, for instance, browser and device information, and transactional data. There is no cross-site tracking. It is a performance-based model where publishers earn commissions by driving sales, generally measured on Cost-Per-Acquisition (CPA).

Common affiliate marketing techniques include price comparison sites, cash back platforms, loyalty and reward portals, and voucher code websites. The channel has also expanded to include influencers, tech start-ups, and bloggers, who leverage it to generate revenue and support their growth. In affiliate marketing, transactions only occur on a publisher's / brand's site, with technologies (e.g., cookies) stored and accessed for attribution purposes (e.g., recording a sale, referrals to deliver cash back, validate voucher codes or deliver content that has been requested by the consumer). Without this attribution, the entire value chain is broken: consumers cannot receive the benefits and providers cannot earn commission.

2 Ad fraud prevention and detection

What features within ad fraud prevention and detection are the minimum requirements for a commercially viable advertising model, and why?:

3 Brand safety, brand suitability and brand compliance

What features within brand safety, brand suitability and brand compliance are the minimum requirements for a commercially viable advertising model, and why?:

4 Frequency capping

What features within frequency capping are the minimum requirements for a commercially viable advertising model, and why?:

5 Measurement and attribution

What features within measurement and attribution are the minimum requirements for a commercially viable advertising model, and why?:

Affiliate and partner marketing operates on a measurement and attribution model, offering a low-risk advertising approach. In this system, the primary function of an attribution cookie is to link consumers with content that they have requested, enabling the recording of click-to-purchase conversions.

Case Study: MoneySavingExpert (MSE)

MoneySavingExpert.com (MSE), a part of the MONY Group, is a prominent website that empowers individuals to make well-informed financial decisions. It provides independent and reliable advice, tools, and product comparisons. MSE's business model is built on affiliate marketing. When a user clicks on an article and signs up for a product (e.g., credit card or energy tariff), MSE earns a commission from the provider. This revenue is crucial, as it funds the creation of the website's free and impartial content, which would otherwise be unsustainable. MSE only use affiliate links that provide people with identical (or better) deals than going direct. The process is efficient and transparent, and doesn't require the collection of an individual's personal data. MSE's revenue is simply based on the click or referral (usually via a cookie) that leads to a sale. This model creates a mutually beneficial relationship as consumers get access to free, high-quality financial resources and personalised recommendations; advertisers (the product providers) get an effective and measurable way to acquire new customers, and MSE (the publisher) earns the revenue needed to continue providing its valuable services.

6 Targeting

What features within targeting are the minimum requirements for a commercially viable advertising model, and why?:

Affiliate and partner marketing does not aggregate personal data across domains for advertising. Instead, data collection is strictly confined to transactional attribution metrics necessary for recording conversions.

7 How significant are the changes in ICO regulatory posture towards PECR regulation 6 consent requirements that would be required to enable delivery of a commercially viable advertising model?

Change needed - Ad delivery and billing:
Unsure/Don't know

Change needed - Ad fraud prevention and detection:
Unsure/Don't know

Change needed - Brand safety, brand suitability and brand compliance:
Unsure/Don't know

Change needed - Frequency capping:

Change needed - Measurement and attribution:
Significant change

Change needed - Targeting:
Unsure/Don't know

Please explain your answer::

Affiliate and partner marketing is a perfect fit for low-risk classification by ICO. It powers ecommerce, delivers consumer savings and fosters innovation without the need to collect and analyse extensive amounts of personal data to deliver personalised advertising. To this extent, the ICO should recommend to the Government that the storage and access of information for affiliate marketing attribution purposes be exempt from the PECR consent requirements.

Impacts of our approach

8 How far do you agree that the approach outlined in our call for views can identify commercially viable solutions that can also safeguard people's privacy and improve user experience?

Agree

Please explain your answer::

Affiliate and partner marketing represent a major yet distinct online advertising channel, differing fundamentally from programmatic display and behavioral advertising - the usual focal points of digital advertising privacy and data protection debates. Affiliate marketing sits in the 'middle ground' between behavioural and contextual advertising. It has an inherently privacy-first approach.

9 Would you anticipate any of the following positive impacts if any of the capabilities referenced were permitted without PECR consent in circumstances where the ICO considers them to be low risk to people? Please select all that apply:

Improved business confidence, Improved customer experience, Improved certainty on compliant methods of processing of personal data, Increased revenue from compliant digital advertising, Changes to existing processes, Innovative new products

If other, please specify::

Please provide any evidence on the likely scale of these positive impacts::

To date, privacy and data protection regulations - both in the UK and the EU - have generated uncertainty within the affiliate and partner marketing sector. Ambiguities around compliance requirements, particularly concerning attribution, consent requirements, and data minimisation, have led to cautious industry practices, stifling growth potential.

Providing clearer regulatory guidance would not only resolve these uncertainties but also bolster market confidence. With well-defined parameters, businesses could operate more decisively, unlocking greater investment, innovation, and operational efficiency. This, in turn, would drive increased growth opportunities and deliver greater consumer benefits. Given affiliate marketing's inherently privacy-conscious model (relying on transactional rather than behavioural data), it is uniquely positioned to thrive in a regulated landscape.

10 Would you anticipate any of the following negative impacts if any of the capabilities referenced were permitted without PECR consent in circumstances where the ICO considers them to be low risk to people? Please select all that apply:

If other, please specify::

As outlined previously, affiliate and partner marketing uses 'attribution cookies' to power ecommerce, delivering consumer savings and foster innovation without the need to collect and analyse extensive amounts of personal data that are required to deliver personalised advertising. To this extent, the ICO should recommend to the Government that the storage and access of information for affiliate marketing attribution purposes be exempt from the PECR consent requirements.

Please provide any evidence on the likely scale of these negative impacts::

11 Do you see any challenges in delivering commercially viable advertising if the ICO were to revise its regulatory posture towards regulation 6 PECR requirements for specific advertising purposes?

No

Please explain your answer::

Technical safeguards

12 Are you aware of any technical safeguards to reduce data protection and privacy risks of storage and access of information for the advertising purposes listed above?

Please provide your answer::

Affiliate and partner marketing inherently adopt a 'privacy by design' framework, characterised by three core principles:

1. Data Minimisation: Only essential data (e.g., first party 'attribution cookie') is collected to facilitate the consumer's action. Data is automatically purged once the attribution window closes, ensuring no unnecessary retention.
2. Purpose Limitation: Attribution cookies are strictly single-purpose, serving solely to record conversions. If this data is used for a secondary purpose (e.g., aggregated with external data sources occurs) then additional regulation will apply.
3. Transparency: Clear and upfront disclosures explain the marketing model, data usage and value exchange. Prominent privacy / cookie notices and opt-out mechanisms empower user control.

13 Do you currently use any technical safeguards or PETs in your online advertising model?

Please provide your answer::

See above.

14 Are you aware of any recent innovations which significantly reduce the data protection and privacy risks of one or more of the capabilities?

Please provide your answer::

About you and your organisation

15 Are you responding on behalf of an organisation?

A private sector organisation

If other please specify::

16 If you are not responding on behalf of an organisation, are you answering as:

Not Answered

If other, please specify::

About you and your organisation

17 Is your organisation:

A representative of a professional, industry or trade association

If other, please specify::

18 What is the size of your organisation?

2 to 9 members of staff

19 What is the name of your organisation?

Please provide your organisations name:

The Affiliate and Partner Marketing Association (APMA) is the UK's sole trade body exclusively dedicated to advancing the affiliate and partner marketing industry. We represent the full ecosystem - including brands, agencies, publishers, and technology providers - driving growth, best practices, and innovation across the sector. The APMA mission is to: 1. Promote & Protect the Industry: Champion the value of affiliate and partner marketing as a high-performance, transparent, and privacy-conscious channel. 2. Maximise ROI: Ensure businesses achieve optimal returns by setting standards for accountability, measurement, and strategic investment. 3. Navigate Compliance: Provide expert guidance on privacy, data protection, and regulatory compliance, empowering members to operate with confidence. By fostering collaboration and education, APMA strengthens trust in affiliate marketing while helping members drive revenue, mitigate risk, and adopt industry-leading practices. Further information is at: theapma.co.uk.

20 Which of these categories best describes your organisation's (or organisations you represent) activities?

Other (please specify)

If other, please specify::

See above. APMA represents the full affiliate marketing ecosystem: brands, agencies, publishers, and technology providers.

If you are a trade association please indicate below::

Trade association

Final comments

21 Before completing this call for views, do you have any final comments you have not made elsewhere?

Please provide your comments::

The APMA has written to the Information Commissioner to complement this response. The APMA is inviting the ICO to a roundtable with its member companies in the autumn to discuss our 'attribution' case.

22 We may wish to contact you for further information on your responses. If you are happy to be contacted, please provide your name and an email address below.

Please provide your name:

Kevin Edwards

Please provide your email address:

kevin.edwards@theapma.co.uk

23 We may publish in full the responses received from organisations or a summary of the responses. If so, we would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response