



Maximizing Marketing Success in the Era of GDPR



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Did you know that...

the understanding
of GDPR's impacts is
still not great?

UNDERSTANDING



$\frac{2}{3}$ thirds of marketers
understand GDPR



$\frac{1}{3}$ do not

IMPACT



55% (the majority) of
respondents do not believe
that the rest of their business
understands the impact
of GDPR

Did you know that...
many organizations
have allocated
marketing budget
for GDPR
compliance?



BUDGET

Over **50%** of respondents have
allocated marketing budget
to comply with GDPR

Of those
who have
allocated
budget:

24% are planning on spending
over \$10k

52% are planning on spending
between \$1k and \$10k

24% are planning on spending
less than \$1k



Agenda

- GDPR: An overview
- GDPR Awareness
- Controller vs. Processor
- Select Areas for Consideration
- Act-On's GDPR Tactics

GDPR: It's getting Close.....

DigitalNewsDaily

GDPR Study Shows 65% Of Companies Unable To Comply

by Laurie Sullivan @lauriesullivan, February 27, 2018

Data Applications provider Solix Technologies released the results Tuesday of a survey outlining the General Data Protection Regulation (GDPR) readiness assessment, revealing that the majority of organizations are not prepared for May 2018 GDPR enforcement.

GDPR regulates how information of EU residents is collected, stored, used, processed, transferred and deleted by an organization, even those in the United States who do business with residents of the European Union. Non-compliance can result in fines of up to 4% of the company's global annual turnover or €20 million, whichever is higher.

Solix's study -- conducted between October and December 2017 with IT professionals at more than 100 companies -- suggests that 65% of organizations are unable to comply with GDPR or unsure whether an individual's personal information is purged from all systems forever, and 22% are unaware they must comply with GDPR, even if they are based outside of the European Union (EU), but hold the data of EU citizens.



Legal Disclaimer...

We cannot provide legal advice pertaining to GDPR or other compliance issues. Customers should consult their legal teams and resources to ensure they are aware of their obligations under applicable regulations.

GDPR The Law



GDPR: The Highlights

These regulations are broad and ambiguous - 99 articles!!

We're going to focus on the ones that will be the easiest for marketers to get control of as well as to get in trouble (complaints)

Data Subject Rights (articles 12-23)

- Transparency and modalities
- Information and access
- Rectification and erasure
- Right to object to automated decision making
- Restrictions

Controller & Processor (articles 24-43)

- General obligations
- Security of personal data
- Impact assessment
- Codes of conduct and certification

GDPR Awareness



GDPR Awareness - Consumer

- Withdraw consent for processing
- Request a copy of all your data
- Move your data to another organization
- Delete data that's no longer relevant
- Object to automated decision making and profiling

GDPR Awareness - Organization

- Appropriate data consent for most personal data collection
- Data breach notification
- Third party data security measures
- Cross-border data transfers
- Demonstrate compliance on demand
- Right to be forgotten



GDPR Awareness - Regulator

- Ask for records of processing activities and proof of steps of compliance
- Impose temporary processing bans, require data breach notification or order erasure of personal data
- Suspend cross border data flow
- Enforce penalties: 20M Euros or 4% of annual revenues

**Controller
vs.
Processor**



Controller vs. Processor Obligations

Data Controller (e.g., Act-On customer):

Means the entity person who determines the purposes for which and the manner in which any personal data are, or are to be processed

vs.

Data Processor (e.g. Act-On):

In relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller

Key Controller Obligations

- **Lawfulness, Fairness and Transparency:** Disclosure obligation informed data subjects as to what their personal data will be used for
- **Purpose Limitation:** personal data must be collected only for an explicit purpose
- **Data Minimization:** only process personal data actually needed to achieve stated purpose
- **Accuracy:** Personal data must be accurate and kept up to date.
- **Data Retention:** store data no longer than necessary
- **Data Security:** appropriate data security measures
- **Accountability:** be able to demonstrate compliance with data protection obligations

Key Processor Obligations

Data Processor

Any person who processes personal data on behalf of the data controller

- Obligations extended to Data Processor:
 - Record keeping
 - Data security and data breach reporting
 - Restrictions on cross-border data transfers
 - Right to bring claims directly against data processor
 - Appointment of a DPO (where applicable)

Controller vs. Processor Obligations

- Understand your obligations:
 - Are you a Processor vs. Controller or both?
 - Establish appropriate **contracts for vendors and suppliers**
- Publish consent management processes:
 - **How to guides** etc.
- Introduce a publicly available communications channel:
 - **gdprinquiry@act-on.net**
- Test your communication procedures:
 - Who's on first within the organization?
- Document you responses and inquiry follow up:
 - Seek **consent** from the data subject for resolution

Select Areas for
Consideration



Individuals Rights (Data Subject)

Data Subject

An individual who is the subject of personal data

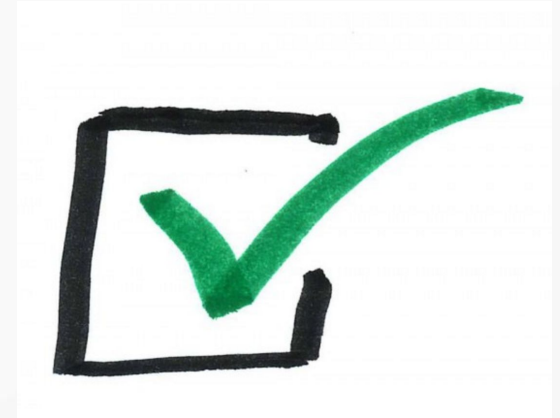
The data subject has:

- The right to be **informed**
- The right of **access**
- The right to **rectification**
- The right to **erasure**
- The right to **restrict processing**
- The right to **data portability**
- The right to **object**
- Rights related to **automated decision making and profiling**

Data Audits

You need to fully document:

- What data you **hold**
- Where you **obtained** it
- When it was **acquired**
- How often it is **updated**
- All of the places **it is stored** within your organization
- How the **data flows** from one place to another
- Who has **access to** the data throughout its journey
- How it is **stored**
- Where it is **stored**
- The **retention policy** for each datum



Email

- Where are your subscribers **located**?
- Stricter **regulations for consent**
 - Freely given, specific, informed and unambiguous = compliance
 - **NO** pre checked boxes - on anything!
- You must provide **adequate information** on how the data will be used
 - Allow the user to say “no” and inform them of possible “profiling”
- Burden of **proof for consent** lies with YOU!
 - You need to be able to show compliance with the GDPR if asked – BACKUP
- GDPR applies to **all existing data**;
 - Re-permission your files now?
 - Create “geo specific” sign up processes

Act-On's GDPR Compliance Tactics



Areas of focus

- Landing page and form updates
- Subscription management and privacy policy page updates
- Establishing a double opt-in process
- 2-step process for removing contact from records

Landing page and form updates

1. Digital comm's consent field
2. Link to privacy policy

Why?

Ensuring we comply with the GDPR requirements for expressed consent

Also...

We used the update as an opportunity to move entirely to the new Adaptive Forms

act-on

GET READY FOR THE
GDPR

The General Data Protection Regulation (GDPR) goes into effect May 25, 2018 and impacts all organizations doing business with residents of the European Union.

"Using Act-On to Manage Consent for GDPR" provides information on the legislation and its consent requirements, and explains how to use Act-On to:

- Capture Consent for Web Tracking
- Capture Consent through Double Opt-in
- Manage Withdrawals from Your Database

First Name *

Last Name *

Company Name

Business Email *

I consent to receive communications (which may include, phone, email, social, and re-targeting ads) from Act-On. I understand I may proactively manage my preferences or opt-out of communications with Act-On at any time using the unsubscribe link provided in all of Act-On's email communications.
 I confirm that I am over the age of 16 and I consent to communications from Act-On.

GET THE EBOOK

[Privacy Policy](#)

USING ACT-ON TO MANAGE CONSENT FOR THE GDPR

act-on

GDPR

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Subscription and privacy policy page updates

Subscription management page

- Likely will have additional content categories added
- Made all checkboxes unchecked by default

Privacy policy page

- New paragraph added (and translated) around how we're committed to complying GDPR

The image shows two screenshots from the Act-On website. The top screenshot is the 'Subscription Settings' page, which allows users to manage their subscription preferences. It includes a header with the Act-On logo, a subtitle 'Subscription Settings', and a message: 'Manage subscription settings for robert.kohnke+1@act-on.com. If this is not your email address, please ignore this page.' Below this, there is a section for 'Subscription Interest' with the instruction 'Only send me communications for the following checked categories:'. A list of categories follows, each with an unchecked checkbox: 'Select / Unselect All', 'Newsletters' (Periodic newsletters about application updates and industry news), 'Webinars' (Product and industry webinar invitations), 'Maintenance Notifications' (Notifications about system updates and maintenance windows), 'Product News & Updates' (Find out about Act-On's new features, enhancements and integrations), 'Events' (Receive invites to exclusive events), 'Product and Feature Tips' (Program providing information), 'Training' (Onboarding and training reminders), 'Blogs' (I'd like to stay informed on recent news), and 'Phone Communication' (I would like to hear from you via phone). At the bottom of this section, it says 'Checking the box below will remove me from all future communications' with an unchecked checkbox for 'Remove Me From All Future Communications'. The bottom screenshot is the 'Privacy Policy' page, featuring the Act-On logo, navigation links for 'PRODUCTS', 'CUSTOMER SUCCESS', and 'PARTNERS', and language selection buttons for 'ENGLISH', 'DEUTSCH', 'FRANÇAIS', 'ESPAÑOL', and 'DUTCH'. The main heading is 'Privacy Policy', followed by a 'TRUSTe Certified Privacy' logo. The text states the policy is effective as of February 2nd, 2017, and covers the collection, use, and disclosure of information. It also includes a section for 'User Data'.

Establishing a double opt-in process

Right to be forgotten form/landing page

- Form will auto-fill contact info

Compliance email alias created

- Any requests for right to be forgotten will go to the email alias

First Name *
Joe

Last Name *
Smith

Company Name

Business Email *
joesmith@abcco.com

I consent to receive digital communications (including email, social, and re-targeting ads) from Act-On. I understand I may change my preferences or opt-out of communications with Act-On at any time using the unsubscribe link provided in Act-On's email communications.

I Consent to digital communications from Act-On.

SUBMIT >

Handling Right To Be Forgotten Requests

Step 1 - remove the contact from your CRM

- This is critical - if not done first it's possible the contact could be re-added to Act-On during the next sync

Step 2 - remove the contact from Act-On

- New update will be available that makes it simple (couple clicks) to enter the individual's email address
- Contact will be removed from all lists and behaviors disassociated with them

In Summary

Key Takeaways

- You need to have someone at your org as a GDPR point person
 - Review data processing that relies on consent, internal definitions of personal data, deploy cross border transfer mechanisms, develop a data breach incident plan, and and....
- Learn as much as you can about the new regulations
 - Visit Act-On's GDPR Hub for more information - <https://www.act-on.com/resources/gdpr/>
- Execute updates by May 25
- The Act-On platform will make it easy but you must maintain a regular process of removing those who make the RTBF request



Questions?