



GDPR

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# **8 tips to help you prepare for the new General Data Protection Regulations (GDPR)**

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# Author

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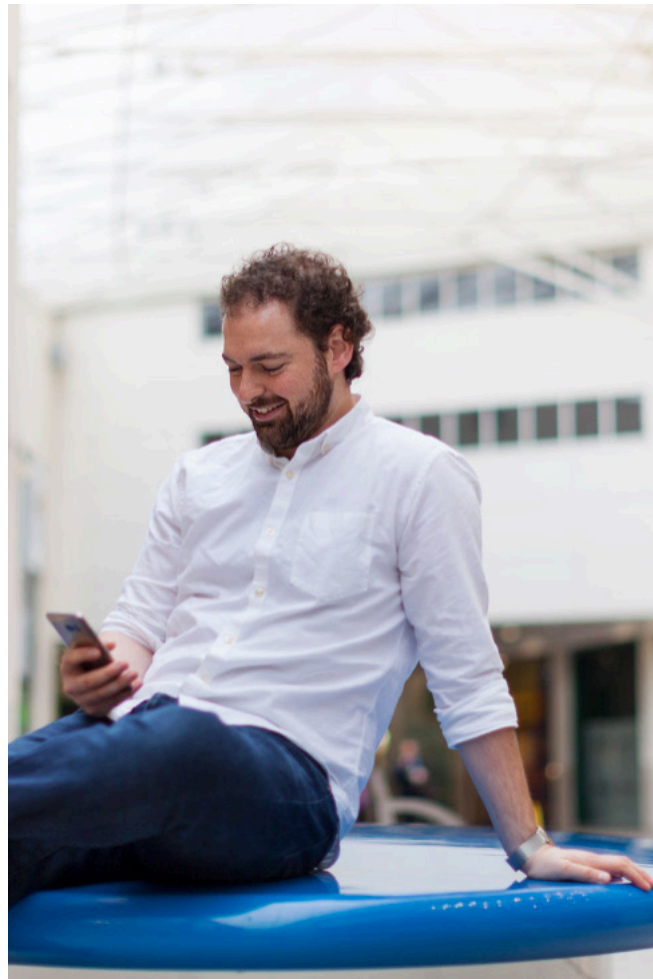
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David joined BWP in 2015 with over 10 years of digital experience already under his belt. As Performance Marketing Manager, he works as part of the strategy and planning team, creating and developing acquisition tactics for client campaigns spanning numerous marketing channels.

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# Introduction

Unless you have been living under a rock, it has been hard to miss the ever-increasing media frenzy surrounding GDPR. Although already law, on the 25th May 2018, the life of the marketer will change forever when the General Data Protection Regulations (or GDPR for short) becomes enforceable throughout Europe.

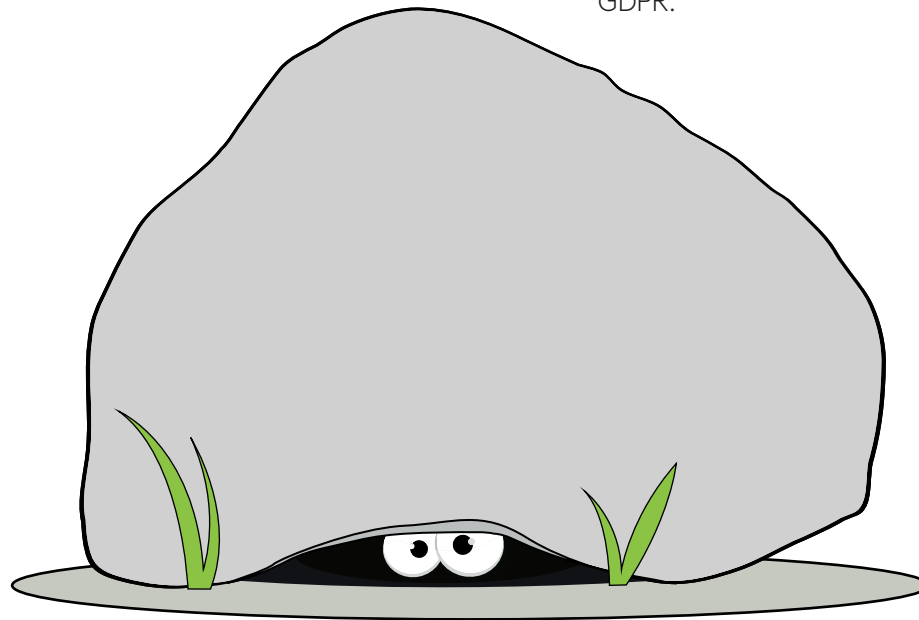
The magnitude of these imminent changes has created a wave of uncertainty, with some marketers panicking about how they're going to carry on communicating with customers. Others are burying their heads in the sand, trying desperately to delay the need to take action because, quite frankly, they don't know what to do next.

But panic not, the GDPR regulations are an evolution, rather than a revolution of the existing Data Protection Act of 1998 (DPA) and Privacy and Electronic Communications Regulations 2003 (PECR), and long overdue – after all since 2003 so much has changed online, such as the creation of Facebook (2004), Twitter (2006), LinkedIn (2003) and even YouTube (2005), so it is arguably over-due to see an update to data protection laws.

**If one message can be taken from the changes, it is don't panic, but act now.**

So, it doesn't really matter which camp you sit in. Whether you're a worrying wreck – or you simply have been living under that rock – there is still plenty of time to prepare for GDPR. The key is to remain calm, get clued up and take incremental steps to get GDPR-ready.

This document will take you through the eight key areas to help you prepare for GDPR.



# 1 – Knowing the basics

## You can't prepare for what you don't know.

So, the first crucial step is to make yourself aware of the key facts surrounding GDPR.

The new regulations will come into force in the UK on 25th May 2018 and give more power/control to the users about how their data is handled.

Between now and then it is crucial for companies – and their marketing teams/agencies – to change the way 'personal data' is obtained, stored and secured, to ensure compliance.

For some, this may only mean a couple of minor tweaks to existing processes. For others, a complete overhaul of data-handling may be required.

But whether the necessary actions are major or minor, this isn't a legislative movement that is going to go away.

What's more, penalties for non-compliance are very significant, with fines of up to €20 million or 4% of global annual turnover for the preceding fiscal year – whichever is the greater!



# 2 – It's all in the detail

**It may sound as exciting as queuing at the post office, but it is important to know the details of the regulations.**

This doesn't mean you need to become the next Harvey Specter, but you do need to understand, for instance, what is meant by 'personal data'. This includes detail such as:

- |                      |                           |
|----------------------|---------------------------|
| Name                 | Address                   |
| Email address        | Credit card number        |
| Mobile phone number  | Driver/passport number    |
| Bank account details | Genetic or biometric data |

The legislation covers indirect identification of personal data, as well as direct.

This means marketers will need to think about pseudonymisation, which is the practice of keeping pieces of personal information separate which, when combined, could lead to someone being identified, such as a postcode used with a surname.



# 3 – Clear consent

## **Consent can no longer be assumed when it comes to communicating with contacts!**

In practical terms, this means that marketers must explain clearly how they intend to use an individual's data, and that person's permission must be obtained at the point of data collection. This will mean the death of confusing opt in/out boxes.

For example, if you run a competition on your site, by default the 'I wish to receive marketing communications' must now be un-ticked, forcing users to willingly opt-in.

If your process is challenged by someone and found to be non-compliant – this will be considered a GDPR breach.

Rolling out such channel-wide updates sounds tough, as does the sourcing of consent and the appropriate next-step action, but this doesn't need to be the case. Universal rules can be applied via tech, and deep segmentation/bespoke journeys can dictate what people do and don't receive, making it quite straightforward.

It must be noted that there are some differences when looking at B2B marketing versus B2C. For example, for a B2B contact, or publicly available email address, consent is not required – but they must still be given the option to unsubscribe.



# 4 – Know your geography

Data protection rules have long been bound by recommendations to store and access information within the EU only.

**However, this requirement has certainly come into the spotlight as a result of the GDPR hype.**

Many marketers think they've already ticked this box, especially if they have UK servers or domestic-only operations. But many marketing professionals have overlooked the fact that partners and suppliers often transmit/have access to data.

Take a marketing automation provider and their support team, for example, if that vendor – or their contact centre – is based in the USA, the data is pinged its way back and forth beyond the boundaries of the EU. This cannot be permitted!

If you work for a global company, there are restrictions on what data can be transferred between certain countries, however there are countries that lie outside of the EU that have been approved by the Information Commissioner's Office (ICO) – these include Andorra, Argentina, Canada (commercial organisations), Faroe Islands, Guernsey, Israel, Isle of Man, Jersey, New Zealand, Switzerland and Uruguay.

Whilst the GDPR is an EU regulation, it applies to any organisation storing or processing data about EU citizens – irrespective of their geographical location. It also doesn't matter that the UK is leaving the Union.

As GDPR is coming into force before March 2019 – Brexit D-Day – the expectation is that the existing legislation will simply be cut and pasted into our own independent laws moving forward.



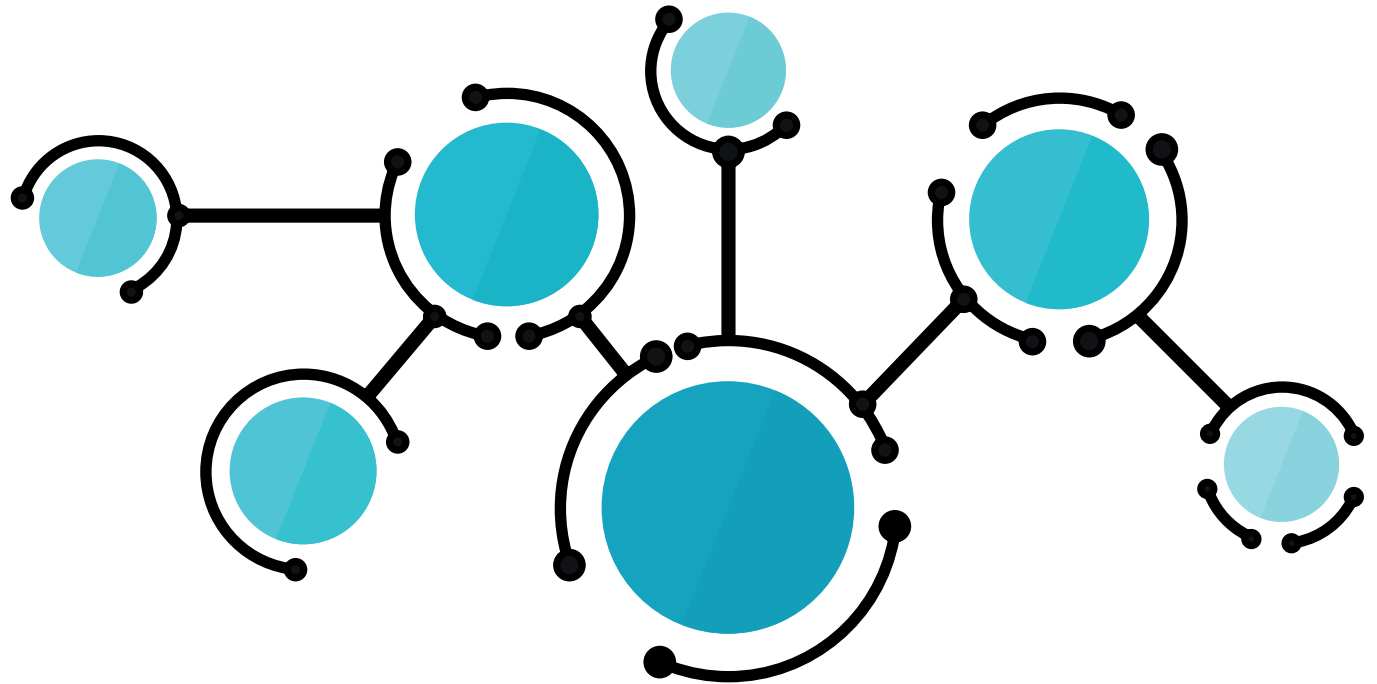


# 5 – Multi-level user permissions

Given that the whole purpose of GDPR is to better protect individuals' information, it goes without saying that access to this data should be regulated too.

From a marketing perspective this should mean creating multi-level user permissions – not only for the comms channel but also according to the topic and subject matter of each channel too.

This sounds like an administrative nightmare (we can almost hear the groans) but the use of technology, such as marketing automation platforms, can make the task much simpler to set-up and regulate!

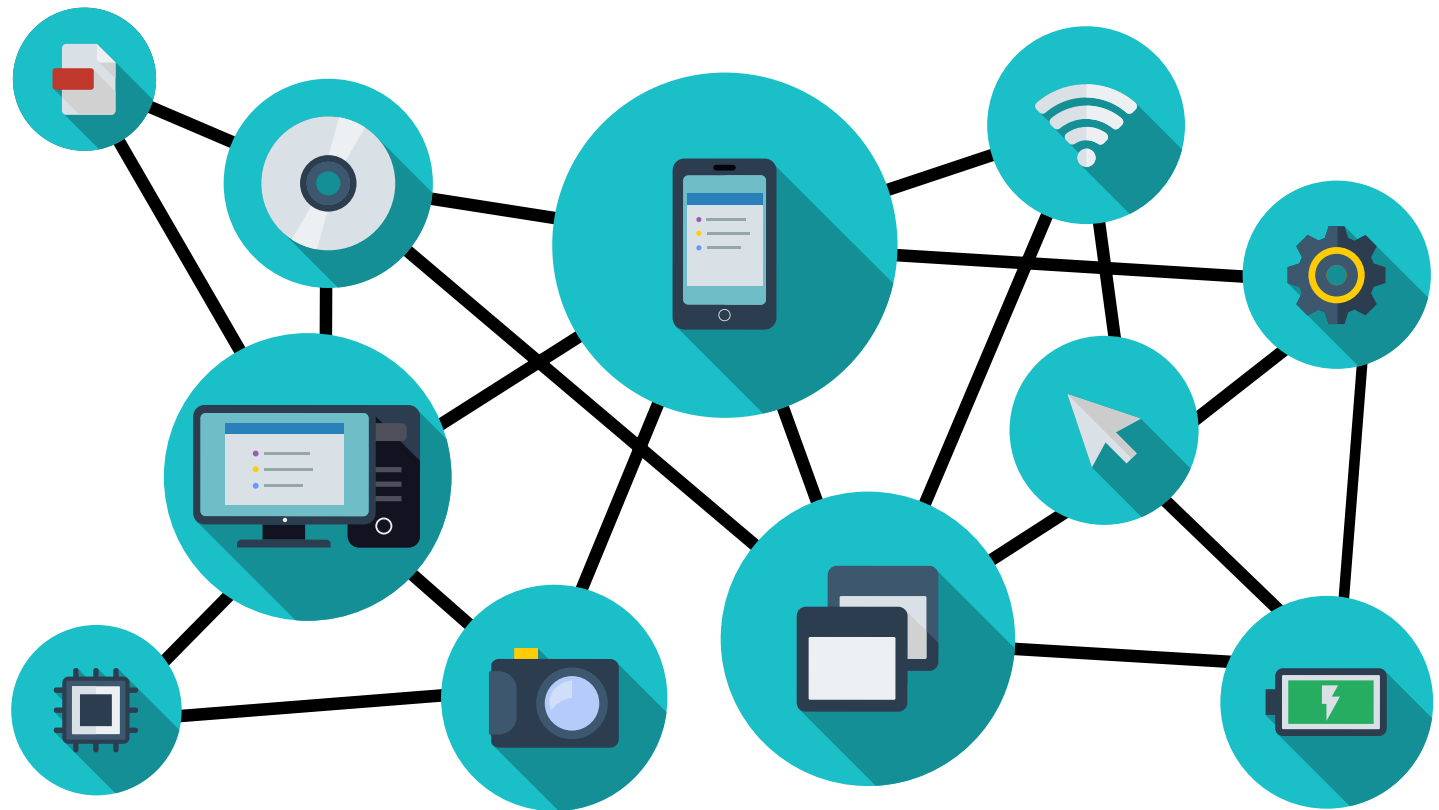


# 6 – Strive for a seamless data sync

**Marketers will have to work tirelessly to ensure customer and prospect data remains safe and secure.**

One of the key ways to do this is to maintain one central source of robust data storage, via a reputable CRM for example. Then, instead of exporting data out of the CRM and importing a spreadsheet back in to a third-party email marketing platform, the two technologies should be seamlessly integrated to ensure a smooth data sync.

Not only will this ensure security – it also removes the headache surrounding the maintenance of data accuracy, given that GDPR permits individuals the right to ask for their personal data to remain updated.



# 7 – Accountability

In the eyes of the ICO there are two main players when looking at a company's data:

The data controller – this is the company/person who owns the data and who has the ultimate final say of what happens with that data. In a client/agency set-up – the data controller would be the client.

The data processor – this is the company/person who handles/or acts upon the data. In a client/agency set up, this is typically the agency.

**It is important that these roles are defined early on and included in any relevant supplier/client contracts.**

The GDPR has also created a new role within companies called a Data Protection Officer (DPO).

The GDPR states that you MUST appoint a Data Protection Officer (DPO) if you:

- | are a public authority (except for courts acting in their judicial capacity);
- | carry out large scale systematic monitoring of individuals (for example, online behaviour tracking); or
- | carry out large scale processing of special categories of data or data relating to criminal convictions and offences.

The role of the DPO is to maintain compliance with the GDPR and other data protection laws, ensure that the organisation and its employees are trained and comply with GDPR and act as a first point of contact for data processing.

For employers, a DPO should report to the highest management level, operate independently, cannot be dismissed or penalised for performing their tasks, and you must ensure that adequate resources are provided to enable DPOs to meet their GDPR obligations.

The role of a DPO can be given to an existing employee, as long as the professional duties of the employee are compatible with the duties of the DPO and do not lead to a conflict of interests. You can also contract out the role of DPO externally.



# 8 – The right to be forgotten

The new GDPR rules provide data subjects with the right to request that their information is erased completely.

## **This is not optional!**

But, given the variety of ways data is now inputted, utilised, stored and archived, erasure is often easier said than done.

It is therefore important to source a marketing automation platform, or similar, that enables – and evidences – full deletion of a contact.

In other words, unlike and unsubscribe, where users may remain on a database with a marker against them, users now have the right to be removed completely.



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# Summary

In truth, GDPR is a meaty subject, its primary aim is to give end-users more control over their data, what they see and receive, improve security and make steps towards stopping unwanted communications.

For marketers, it may be an initial headache, however, technology – combined with a little bit of preparation – can help solve the majority of problems that the regulations will present. At the end of the day, the regulations will leave you with much cleaner data of users who want to hear from you.

If you are ever unsure, the best way to think of the GDPR rules is to put yourself in the shoes of the users and think to yourself “what would I expect them to do with my data?” if you are:

- | being very clear about consent to marketing communications at sign-up
- | communicating to only those who have opted in
- | sending relevant content
- | giving users every opportunity to either unsubscribe or be forgotten

then it sounds like you are compliant with GDPR – if you answer no to any the above, then stop what you are doing or risk the penalties – it may take just one complaint to start an investigation.



The content of this document is based on insight gleaned from a variety of sources including <https://ico.org.uk/>, GDPR webinars and media coverage on the subject.

The guidance included within this resource is not intended to act as legally-binding advice. Any such support on the topic should be sought from a solicitor and/or practising legal professional.

More information can be found here: <https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr>

Additional Credit:

- Force24 Ltd – <https://www.force24.co.uk>

- MAA – GDPR: you’ve heard of it but what does it mean? <http://marketingagencies.org.uk/event-a-morning-on-data-protection>

- Elizabeth Denham – ICO Commissioner “Data Protection Rules are changing”

- MailChimp – The General Data Protection Regulation (GDPR) – What it is, what we are doing and what you can do <https://blog.mailchimp.com>

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# We are BWP

BWP is expert in developing and implementing digital communications strategies.

We have amassed more than twenty years' experience of helping businesses navigate the digital landscape.

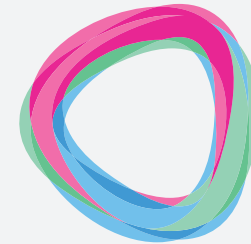
Our knowledge and experience prove invaluable to clients seeking to optimise marketing effectiveness and compliance. We may not be able to implement your complete GDPR programme but we are able to define your strategy, identify and prioritise your business's needs and help you to utilise your budget judiciously.

GDPR is one of many fascinating challenges facing business today – and another reason to have an astute partner on your side.

**We'd be delighted to talk to you about preparing your business for the future.**



# Thank you



## We would love to hear from you

To discuss a new project, business challenge  
or collaboration, please contact:

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