

# GDPR: A Game Changer

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# OMG – What is GDPR?



# Subject vs. Controller vs. Processor

## Meanings

**Data Subject**

An individual who is the subject of personal data

**Data Controller**

A person who determines the purposes for which and the way any personal data is processed

**Data Processor**

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

## Individuals' rights under the GDPR.

- The right to be informed
- The right of access
- The right of rectification
- The right of erasure
- The right to restrict processing
- The right to data portability
- The right to object
- The right not to be subject to automated decision making including profiling

ICO

# What do marketers need to know?


**A GUIDE FOR MARKETING & CMOs**  
**HOW WILL GDPR IMPACT ME?**

- 1 PERSONAL DATA**  
Marketing is likely capturing a wide array of personal data, including items such as **IP address**. This data can only be stored with **explicit consent** or based on documented legitimate interest.
- 2 PERMISSION**  
To continue growing a **prospect database**, marketers will need to develop a strategy focused on **obtaining prospects' consent** to marketing communications through a range of touchpoints.
- 3 PROCESS**  
Many current data intake and capture processes used by marketing are likely **based on assumed consent**. Gaps may also exist in the **handling and checking of channel specific opt-outs**.
- 4 TECHNOLOGY**  
Existing marketing technology can be leveraged to **support opt-in capture, opt-in checking and opt-in updates**. Technology can also enable restricted access to protect customer data.
- 5 METRICS**  
**Marketing metrics** typically focus on **tactic, program and pipeline**. GDPR compliance introduces the need to track new metrics focused on **proof of compliance** as well as to **identify potential gaps**.
- 6 PEOPLE**  
Marketing's success rate with GDPR compliance ultimately rests in the hands of marketers. **Every marketer needs to receive training on GDPR** and their role in maintaining compliance.

For More Information visit [www.gdprcoalition.ie](http://www.gdprcoalition.ie)

Twitter [@GDPR\\_Coalition](https://twitter.com/GDPR_Coalition)

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# CONSENT

REQUIREMENTS UNDER

## THE GDPR



**MUST BE**

**MUST NOT**



Given by a statement  
or clear affirmative  
action



Be inferred from  
silence, pre-ticked  
boxes or inactivity



Freely given, specific,  
informed and  
unambiguous



Make consent a  
condition for receiving  
a service unnecessarily



Proven by the data  
controller

!?!?

Use confusing  
unclear language



Withdrawn as easily  
as it is given



Bundle with other  
terms and conditions

# WHAT TO TELL PEOPLE YOU COLLECT DATA FROM

What you need to tell your customers, clients, employees and anyone else you collect personal data from to comply with Article 13 of the General Data Protection Regulation.

## ABOUT YOUR ORGANISATION



Your organisation and its contact details



Details of your representative if relevant



Contact details of your Data Protection Officer (DPO)

## PURPOSE OF COLLECTING DATA



What you will use the data for, including whether it will be used to make automated decisions



The legal basis for using the data including any "legitimate interest" relied upon



What categories of people will receive or have access to the data

## OTHER INFORMATION



Whether data will be sent or stored abroad and on what basis



How long the data will be stored



Whether provision of data is required and consequences of not doing so

## THEIR RIGHTS



To withdraw consent for processing



Of access, rectification, erasure, restriction, objection, and portability



To complain to the ICO

AN FOIMAN INFOGRAPHIC [WWW.FOIMAN.COM](http://WWW.FOIMAN.COM)

# What's HQ Doing?

## 12 Steps to GDPR

The steps to follow to be compliant to GDPR



### 1 Raise Awareness

Decision makers and key people in the organisation need to be aware that the law is changing to GDPR, and they need to understand what impact this will have.



### 2 Information Held

An information audit needs to be conducted, including information on personal data held in the organisation, where it came from, and who it is shared with.



### 3 Communicating Privacy

Carry out a review of your privacy notices and governance, identify gaps and plan how to prepare for the changes required by implementing GDPR.



### 4 Individual Rights

Make sure procedures cover all individuals rights, including deleting personal data, providing data electronically and in a commonly used format



### 5 Subject Access Requests

Update procedures and have a plan for handling requests within the new time-frame and provide any additional information.



### 6 Legalities of processing personal data

Understand the different data processing types the organisation performs and identify the legal basis for carrying it out and document it appropriately.



### 7 Consent

The way the organisation seeks, obtains and determines consent needs to be reviewed and changes made if necessary



### 8 Protecting Children's Data

~~Systems should be designed and developed that can be used to verify ages, and can seek parental/guardian consent for a data processing activity~~



### 9 Data Breaches

Procedures need to be in place to detect, report and investigate a personal data breach to both the customer and regulator



### 10 Data Protection by Design

Privacy Impact Assessments/Control Frameworks need to be developed with guidance from the regulator, processes need to be developed and have governance for their use.



### 11 Data Protection Officers

Data Protection Officers should be appointed, or a similar role to take responsibility of data protection compliance. The organisation will need to decide where this role fits best.



### 12 International Work

If the organisation works internationally, which data protection authority is most appropriate needs to be decided and consider where processors and controllers are located.



# Who's Who?



# Scenario #1

Your chapter/region downloads data from MMA and it is saved on the Chapter/region leader's computer for analysis and planning. What are the GDPR liabilities? How will you mitigate?

# Scenario #2

You use EventBrite or some other service for event registration. What do you need to do to ensure that you are compliant?

Part 2 – You use past attendee data to market your current/future events. What about this is now problematic and how can you change processes to become compliant while still meeting your goals?

## Scenario #3

A former member contacts you and says they want to be forgotten by IABC forever. What are your obligations and how do you proceed?

## Scenario #4

Your board membership VP/Chair resigns. You know they have member data they have used in their work. How do you ensure that data is completely removed from their possession?

# Key Takeaways