GDPR & Marketing

Guidelines

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17 April 2018
GDPR
General Data Protection Regulation
25th May 2018
1. What is personal data?

Personal data is any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.

This definition provides for a wide range of personal identifiers to constitute personal data, including name, identification number, location data or online identifier, reflecting changes in technology and the way organisations collect information about people.

Special categories of personal data:
- i.e. ethnicity, disability and can be linked to a personal identifier such as IP address, name, address

IP address
Reader ticket number

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What should we be thinking about?

Anonymise data exports where possible

Save any personal data securely with appropriate permissions

Include links to privacy policy where appropriate

SmartSurvey

wired marketing.

Eventbrite

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2. What are the grounds that we can use to process personal data?

You must have a valid lawful basis in order to process personal data.

The six lawful basis for processing:

- Consent of the data subject
- Processing is necessary for the performance of a contract with the data subject or to take steps to enter into a contract
- Processing is necessary for compliance with a legal obligation
- Processing is necessary to protect the vital interests of a data subject or another person
- Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
- **Necessary for the purposes of legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject**
What should we be thinking about?

**Example:** a person orders a document to download, providing their contact details, including email address. The personal information is processed and used for analysis in the SCV, which uses the email address to link all their interactions with TNA together.

*On what grounds are we able to do this?*

- **Legitimate interests**
- **Think about on which grounds you’re processing personal data**
  - We are also covered by the public records act
  - We can only cite one
3. Are all our existing consents for data processing valid and compliant?

TNA has always operated an ‘opt-in’ policy
We can prove this as past forms are in the web archive

There are people in our contactable database (historical contacts) for whom we have no evidence of where or when they signed up, due to change of e-marketing suppliers etc.

We can continue contacting these people because they are given an option to unsubscribe with every communication they receive.
## What should we be thinking about?

<table>
<thead>
<tr>
<th><strong>Promoting newsletter</strong></th>
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<tbody>
<tr>
<td>- Continue doing this in a Wired form as long as there is an appropriate flag. For example, to capture sign ups at DCDC to the Research and Academic newsletter, you can do this on an iPad directly into a Wired form, as long as there is a DCDC flag marked.</td>
</tr>
<tr>
<td>- The new signups will be added into the SCV as part of the weekly process.</td>
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<tr>
<td>- If promoting Wired form on social media, you don’t need to add an additional flag of ‘Twitter’.</td>
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<table>
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<tr>
<th><strong>Eventbrite</strong></th>
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<tr>
<td>- It is in T&amp;Cs that organisers can extract customer info for analysis purposes “including marketing or promotion of other events or services that may be of interest to the applicable Attendee.”</td>
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<tr>
<td>- You can use the Eventbrite email tool to contact attendees about event you have listed on Eventbrite.</td>
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<tr>
<td>- You can also extract details of past attendees and contact them via Wired to promote upcoming event, if we have marketing permission for them.</td>
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</table>
4. What, if any, are the implications of the rules on profiling for us?

GDPR introduces new rules on profiling where algorithms lead to decisions being made about an individual.

People are entitled to know what algorithms are being used to make decisions about them, especially ones which have a legal impact.
What should we be thinking about?

TNA does not undertake complex profiling regarding customer data. Any ‘profiling’ we do is based on direct, observable information:

- Contacting people who we know have downloaded War Diaries in the past to tell them new ones have been digitised
- FINE – as long as we have permission to contact them

- Pull people out of SCV with .ac.uk email address to tell them of upcoming academic event
- FINE – as long as we have permission to contact them
5. Where is the line between BAU and marketing?

Just because a person hasn’t opted in to hear from TNA does not mean you cannot contact them

If it doesn’t class as marketing, we do not need to have recorded permission to send them a communication

**Example 1 – External stakeholders**

Send invites to anniversary event.
Have a list of email addresses, don’t have marketing permissions for them. We can still send them an email via Wired because we are inviting them to a free event, therefore not marketing.

**Example 2 – Education**

Inform teachers of new sessions / booking for new term is open
List of emails addresses from previous education session bookings. You can contact the list, especially if they are openly available email addresses. If address is for individual teacher, still ok (PECR does not apply to B2B Comms)

**Example 3 – International**

List of people interested in Archives Inspire the World
Wired form on our website. People provided their email address in order for us to get in touch with them re. international strategy. Any Comms around this does not class as marketing – even if we wanted to send them a survey and therefore is not marketing.

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What should we be thinking about?

Is this communication marketing? Do you need permission to contact this person for this purpose?

You can use Wired for non-marketing Comms but delete the address book afterwards.

Considerations when using third party mailing lists

Good practice to include link to our privacy policy in initial email but not required to inform them where you got their contact details from.

Owner of the communications must be confident in the practises of the third party in obtaining the original data.
Finally...

Risk of rights and freedoms of data subject?

Must report data breach to ICO within 72 hours

https://narnia/display/KIM/Security+Incident+Reporting+Procedures

Remember, this document is not an official policy but is just guidelines.

Before undertaking any new processes or practises involving customer data, please consult Linda Stewart.

Any questions? Don’t hesitate to get in touch!