




BE A GDPR HERO WITH PEPPER

A cartoon illustration of a man with a mustache, wearing a blue patterned shirt, looking thoughtful with his hand on his chin.

**FROM 25TH MAY 2018, GENERAL DATA
PROTECTION REGULATIONS - OR GDPR - COMES
INTO FORCE. YOU'LL HEAR ABOUT THIS A LOT. BECAUSE
IT'S KIND OF A BIG DEAL. IT'S DESIGNED TO MODERNISE
THE UK'S DATA PROTECTION LAWS FOR THE DIGITAL AGE.
THE BILL WILL ALIGN UK LAW WITH THE EU'S FORTHCOMING
GDPR AND REPLACE THE EXISTING DATA PROTECTION ACT.
THE BILL IS A COMPLETE DATA PROTECTION SYSTEM.
IT LOOKS LIKE WE'RE GONNA
NEED SOME HELP!**

WE NEED TO GET THE FACTS FAST...

What is the GDPR?

The General Data Protection Regulation (GDPR) is a binding legislative act from the European Union for the protection of personal data. The Regulation tackles the inconsistent data protection laws currently existing throughout the EU's member states and facilitates the secure, free-flow of data.

Why do you need to know about it?

As of April 2016, businesses have been preparing for the legislation coming into effect on 25th May 2018. Although we are in the process of leaving the EU, working towards GDPR compliance remains crucial.

If you fail to comply with the regulation your company could face fines of up to £17 million or 4% of global turnover and your company reputation damaged beyond repair.


From 25th May 2018, General Data Protection Regulations – or GDPR – come into force.



A large zipper is shown unzipping, separating the Union Jack flag on the left from the European Union flag on the right. The zipper pull is a grey metal ring with a blue circular detail.

WHAT ABOUT BREXIT?


Despite the vote to leave the EU, UK businesses must continue to work towards GDPR compliance. Not only has the government stated that it is good business practice to do so, but the legislation applies to all business working within the EU and with EU data. Bringing EU law into our domestic law will ensure that we help to prepare the UK for the future after we have left the EU.

A cartoon illustration of a man with short brown hair, wearing glasses and a red suit with a blue and orange striped tie. He has a serious expression and his hands are clasped in front of him. The background is a light orange color with several yellow envelopes and white clouds floating around.

DO I REQUIRE OPT IN
CONSENT FOR ALL MY
DIRECT MAIL CAMPAIGNS?

NO! DIRECT MAIL
REQUIRES ALL MAIL PIECES
TO HOLD CLEAR OPT OUT
INSTRUCTIONS FOR THE
RECIPIENT ONLY.

IF THE PERSON OR ORGANISATION YOU'RE TARGETING ASKS TO BE TAKEN OFF YOUR MAILING LIST, YOU MUST COMPLY WITH THEIR REQUEST. THERE ARE NO EXCEPTIONS TO THIS RULE, AND IF YOU FAIL TO COMPLY, THEY CAN APPLY TO THE COURTS FOR AN ORDER AGAINST YOU UNDER SECTION 11 OF THE DATA PROTECTION ACT.

A cartoon illustration of a man with a thick brown beard and mustache, blue eyes, and brown hair. He is wearing a dark blue suit jacket, a light pink shirt, and a red tie. He is looking towards the right with a slight smile.

SO I DON'T REQUIRE
CONSENT AND I CAN
LEGALLY RELY ON LEGITIMATE
INTEREST FOR MY DIRECT
MAIL MARKETING?

YES

THE PROCESSING OF PERSONAL DATA FOR DIRECT MARKETING PURPOSES MAY BE REGARDED AS CARRIED OUT FOR A LEGITIMATE INTEREST.

DO YOU HAVE A RELATIONSHIP?

WEIGH UP THE LEGITIMATE INTEREST OF THE ORGANISATION WITH THE RIGHTS OF THE CONSUMER. PROVISION OF UNSUBSCRIBE OR OPT-OUT NORMALLY SATISFIES TEST



HOW DO I PROVE
THE LEGITIMATE
INTEREST OF MY
DATA?

THE 3 STAGE TEST

1. IDENTIFY A LEGITIMATE INTEREST

DIRECT MARKETING, PROFILING, WEB ANALYTICS

2. CARRY OUT A NECESSITY TEST

IS THERE ANOTHER WAY OF ACHIEVING THE INTEREST?

3. CARRY OUT A BALANCING TEST

- *THE EXPECTATIONS OF THE INDIVIDUAL*
- *THE IMPACT*
- *SAFEGUARDS*

USEFUL GUIDE: 'LEGITIMATELY USING LEGITIMATE INTEREST'

DPN GUIDANCE WWW.DPNETWORK.ORG.UK/



BIGGEST CHANGE WITH THE GDPR STANDARD!

"ARGUABLY THE BIGGEST CHANGE WITHIN GDPR COMPARED TO THE CURRENT DATA PROTECTION ACT IS AROUND ACCOUNTABILITY. THE NEW LEGISLATION CREATES AN ONUS ON COMPANIES TO UNDERSTAND THE RISKS THAT THEY CREATE FOR OTHERS, AND TO MITIGATE THOSE RISKS. IT'S ABOUT MOVING AWAY FROM SEEING THE LAW AS A BOX TICKING EXERCISE, AND INSTEAD TO WORK ON A FRAMEWORK THAT CAN BE USED TO BUILD A CULTURE OF PRIVACY THAT PERVADES AN ENTIRE ORGANISATION."

JOHN MITCHISON - DMA

A large cartoon illustration of a person's face and hand, looking thoughtful with a hand on their chin.

WHO IS RESPONSIBLE FOR
DATA SECURITY AND EVIDENCE
OF VALID CONSENT?

ANSWER

- BOTH THE DATA CONTROLLER
AND THE DATA PROCESSOR IS
RESPONSIBLE FOR THE SECURITY
AND CONSENT OF DATA.

A superhero character with a purple suit, yellow gloves, and a purple cape, striking a heroic pose.

DATA CONTROLLER

(YOU)

"DATA CONTROLLER" MEANS A PERSON WHO (EITHER ALONE OR JOINTLY OR IN COMMON WITH OTHER PERSONS) DETERMINES THE PURPOSES FOR WHICH AND THE MANNER IN WHICH ANY PERSONAL DATA ARE, OR ARE TO BE PROCESSED.

vs

DATA PROCESSOR

(PEPPER)

"DATA PROCESSOR", 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.





1. RESPECT PRIVACY

- ORGANISATIONS MUST ONLY COLLECT PERSONAL DATA FOR SPECIFIED PURPOSES, AND CANNOT LATER DECIDE TO USE IT FOR OTHER 'INCOMPATIBLE' PURPOSES

2. BE FAIR & LAWFUL

- ORGANISATIONS MUST PROCESS PERSONAL DATA FAIRLY AND LAWFULLY.

3. BE AUTHENTIC

- DATA MUST BE COLLECTED FOR A SPECIFIC AUTHENTIC PURPOSE

4. BE DILIGENT WITH DATA

- A MARKETING LIST WHICH IS OUT OF DATE, OR WHICH DOES NOT ACCURATELY RECORD PEOPLE'S MARKETING PREFERENCES, COULD BREACH THE DPA

**"WITH GREAT POWER...
...COMES GREAT RESPONSIBILITY"**

7. TAKE RESPONSIBILITY

- AFTER RECEIPT OF OPT OUT INSTRUCTION, IT IS GOOD PRACTICE TO ACKNOWLEDGE THE REQUEST AND CONFIRM THAT THE MARKETING WILL STOP WITHIN 28 DAYS


6. RETENTION OF DATA

- DATA SHOULD BE RETAINED FOR AS LONG AS THE ORIGINALLY INTENDED PROCESS REQUIRES

5. DEMONSTRATE COMPLIANCE

- SYSTEMS AND PROCEDURES WITH AUDIT RECORDS AND DATA MAPS MUST BE DEMONSTRABLE

DIRECT MARKETING PRINCIPLES:

A comic book style illustration of a woman with blonde, wavy hair, wearing a red top and a blue earring. She is looking thoughtfully to the right with her hands clasped near her chin. The background is a light orange with a pattern of small white dots.

**WHAT IS
PERSONALLY
IDENTIFIABLE
INFORMATION?**

**(PII) OR
SENSITIVE PERSONAL
INFORMATION (SPI), IS
INFORMATION THAT CAN BE
USED ON ITS OWN OR WITH
OTHER INFORMATION TO IDENTIFY,
CONTACT, OR LOCATE A SINGLE
PERSON, OR TO IDENTIFY AN
INDIVIDUAL IN CONTEXT.**

**FOR EXAMPLE; NAMES ADDRESSES, EMAIL ADDRESSES, PHONE NUMBERS,
GENETICS PHOTOS, BIOMETRICS, IP ADDRESSES, GEO-TRACKING DATA, BROWSER
COOKIES, SICKNESS RECORDS, SALARY, WEIGHT, HEIGHT, DOB, EDUCATION ETC**



WHAT RIGHTS DO DATA
SUBJECTS HAVE?



DAILY NEWS

Data subject rights just in

- The right to correct the data
- The right to erase data
- The right to have data in a portable usable electronic format
- Ability to restrict processing
- Able to object to any processing
- Able to object to automated profiling



IF YOU WOULD LIKE ONE OF PEPPER'S GDPR HERO'S TO HELP YOU WITH A GDPR AUDIT THEN
PLEASE CONTACT US TODAY AND WE WILL HAPPILY HELP YOU ON THE JOURNEY TO COMPLIANCE.

source: <https://ico.org.uk/>



**I SAID
NO!**

PEOPLE HAVE THE RIGHT TO ASK YOU TO STOP MARKETING TO THEM.

ON PRINTED MAILERS, PROVIDE CLEAR TRANSPARENT INSTRUCTION IN ORDER FOR PEOPLE TO TAKE ACTION AND TO STOP RECEIVING MARKETING MATERIAL.

DIRECT MAIL OPT-OUT EXAMPLES: TELEPHONE NUMBER TO CALL, EMAIL ADDRESS OR A LINK TO VISIT. THIS WILL ALLOW THE PERSON TO BE REMOVED FROM YOUR DATA LISTS.

STOP! MAKE SURE YOU DON'T WAIT UNTIL MAY 2018 TO START DOING THIS - MAKE SURE YOUR NEXT DIRECT MAIL CAMPAIGN COMPLIES.

REALLY IMPORTANT! - KEEP A 'DO NOT CONTACT' LIST. ONCE SOMEONE HAS OPTED OUT, IT'S CRITICAL YOU STOP SENDING MARKETING TO THEM OR YOU WILL BE IN BREACH OF REGULATION AND WILL FACE LARGE FINES.

WHAT ABOUT MARKETING EMAIL?

MAKE SURE MARKETING EMAILS TELL PEOPLE HOW TO UNSUBSCRIBE. THAT COULD BE SAYING 'REPLY WITH "UNSUBSCRIBE" IN THE SUBJECT'. OR MAKE IT EASIER, WITH A LINK TO CLICK.

source: <https://ico.org.uk/>

CUSTOMER ENGAGEMENT

75% OF CONSUMERS "EXPECT ORGANISATIONS TO UNDERSTAND THEIR INDIVIDUAL NEEDS"

40% OF CONSUMERS STATED THEY'D BE LESS LIKELY TO BUY FROM A COMPANY WHO SENDS THEM MULTIPLE COMMUNICATIONS THAT ARE IRRELEVANT AND DON'T MEET THEIR NEEDS

59% OF CONSUMERS SAID THEY WOULD UNSUBSCRIBE FROM THAT COMPANY'S CONTENT IF THE OFFERS THEY RECEIVE ARE IRRELEVANT TO THEIR NEEDS AND PREFERENCES

Sources: IBM survey, <http://www.mycustomer.com/feature/data/importance-building-data-driven-marketing-strategy/169669>; Boxever survey "Grounded by Untargeted Marketing", 2015



HOW DO I ENSURE THAT MY DATA IS CLEAN AND UP TO DATE?

ANSWER - RUN A COMPLIMENTARY DATA AUDIT OF YOUR CUSTOMER DATA TO ENSURE GDPR COMPLIANCE



HOW DO I ENSURE THAT MY DM IS NOT PERCEIVED AS JUNK MAIL?

ANSWER - LET PEPPER SUPPRESS YOUR DATA AGAINST THE MAILING PREFERENCE SERVICE (MPS). SPEAK TO OUR SALES CONSULTANTS FOR MORE INFORMATION ABOUT THIS.



WOW!
PEPPER DO HAVE
THE BEST DATA
SECURITY

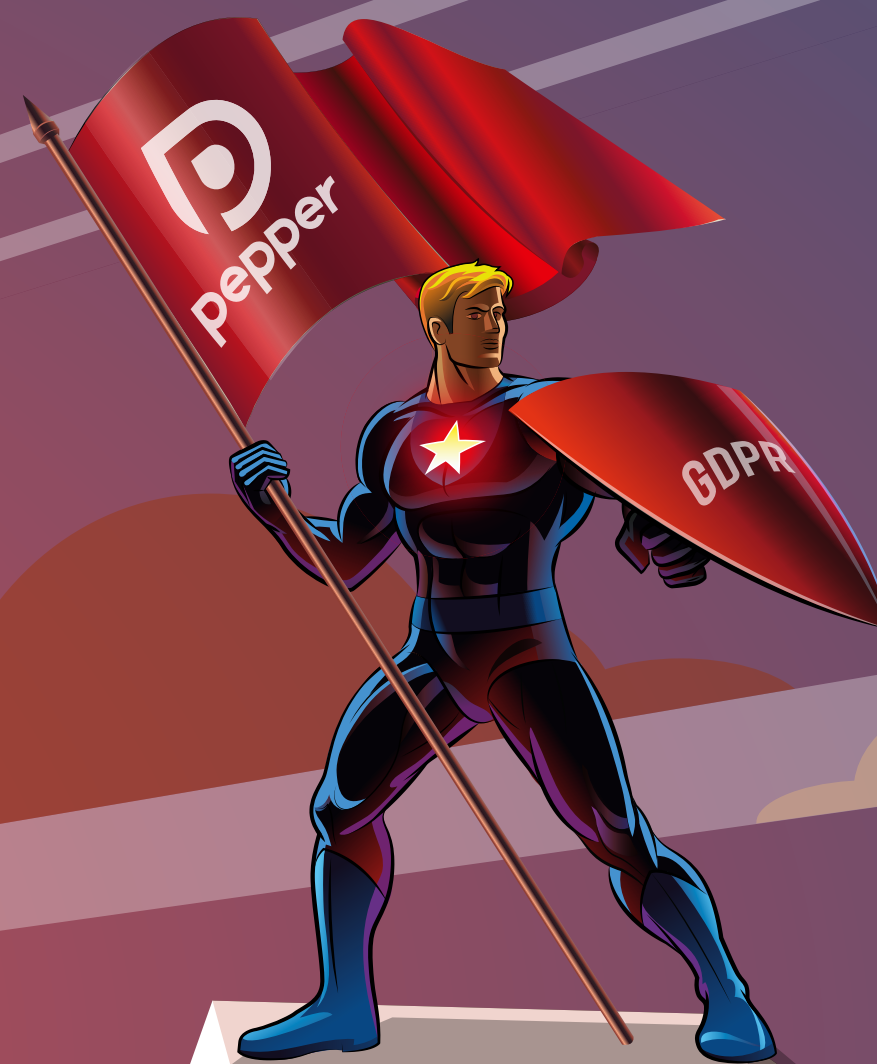
PEPPER
DATA SECURITY
STATS

DATA SECURELY STORED ON 5 TB SAN
BIOMETRIC ACCESS SECURITY
256 AES PASSWORD PROTECTION
FIREWALL SECURITY 2 X T2500
SONICWALL DEVICES
256 AES SECURE UPLOAD FACILITY
VIRGIN LEASED LINE 100MB BT LEASED LINE
100MB VIRGIN WAN 200MB INTERNET



WE HAVE MERELY SCRATCHED THE SURFACE WITH THIS QUICK INSIGHT INTO THE TOP GDPR HIGHLIGHTS THAT YOU MUST CONSIDER WHILST PREPARING YOUR DIRECT MARKETING STRATEGIES.

THERE IS A LOT TO DO AND A LARGE MOUNTAIN TO CLIMB, FORTUNATELY FOR YOU, WE HAVE ALREADY CLIMBED THIS MOUNTAIN AND WE ARE STANDING AT THE SUMMIT READY TO HELP YOU GUIDE YOUR BUSINESS TO THE TOP. CONTACT ONE OF OUR GDPR CONSULTANTS TODAY AND WE WILL OFFER YOU THE BEST MARKETING ADVICE AND GUIDANCE TO STEER YOU POSITIVELY IN THE RIGHT DIRECTION HELPING YOU TO ENSURE GDPR COMPLIANCE.



A Simple

HELLO

Could lead to a

Million things

*Welcome to
Pepper*

London | Bristol | Plymouth



If you have a project you would like to discuss please don't hesitate to get in touch

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Disclaimer: This is not legal advice for your company to use in complying with EU data privacy laws like the GDPR. Instead, it provides background information to help you better understand the GDPR from a direct marketing perspective. This legal information is not the same as legal advice, where a lawyer applies the law to your specific circumstances, so we insist that you consult a lawyer or suitable legal representation if you'd like advice on your interpretation of this information or its accuracy. In a nutshell, you may not rely on this as legal advice, or as a recommendation of any particular legal understanding.