

GROWING WITH GDPR



**PROJECTING A
COMPETITIVE, DATA-DRIVEN
GROWTH TRAJECTORY HOOKED ON
EU'S #1 DATA PROTECTION
GUIDELINE**

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GDPR: G FOR GROWTH

While the entire world is tripping over losing out the EU data-market in wake of its new legislative data protection reform, GDPR is not really the demon it was perceived to be. The General Data Protection Regulation (GDPR) is simply replacing an old directive that was in place from another millennium, to handle a data-driven ecosphere that has evolved from its times. The game has changed and so have the rules. It's not as if, nobody saw it coming.

New data technologies are being adopted by businesses every day. And data security and decay (inherent to any new technology installation) are two pressing concerns that GDPR addresses. Surely, adjusting to new regulations is a cumbersome process, but it's the necessary shuffle needed from time to time to open deadlocks and create fresh opportunities. GDPR is no different.

This document is equipped with intelligent answers to your most ardent questions regarding the new EU data protection guidelines. Utilize the GDPR-edge to your advantage. We'll show you how!

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ANSWERS TO EXPECT

- » GDPR FAQs: All You Need to Know
- » How is GDPR different from its predecessor?
- » How does GDPR change the way I do business?
- » Is my organization “GDPR-ready”? How do I prepare?
- » Why is GDPR good for my business? How can I make the best of it?
- » How does Span Global Services ensure my data’s GDPR compliance?

YOUR DATA COMPLIANCE CAN'T WAIT. CAN YOU?

Arrange your one-on-one consultation now! Solve your specific business data concerns with our experts.

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GDPR FAQs: All You Need to Know

GDPR – what is it?

The General Data Protection Regulation (GDPR) [Regulation (EU) 2016/679] is the new data privacy regulation jointly proposed by the European Parliament, the Council of the European Union and European Commission, aiming to “strengthen and unify” data protection laws for individuals within the European Union.

The new regulation plans to replace the old Data Protection Directive [95/46/EC], which has been effective from 1995.

Who is affected by GDPR?

GDPR applies to organizations...

- Offering goods or services to EU citizens
- Monitoring behaviors of EU data subjects
- Holding or processing personal data of subjects residing in EU

The law applies to any company whose data processing concerns private data of EU data subjects, irrespective of the company's (processor or controller) location.



When will GDPR be implemented?

Important Dates

25-Jan-12	GDPR proposal first presented to the EU Council
17-Dec-15	European Parliament committee approves the joint GDPR proposal placed by the European Parliament, Council and Commission
14-Apr-16	<ul style="list-style-type: none">➤ Adoption of GDPR by the European Parliament➤ Regulation details published in the EU Official Journal
25-May-18	Final Date of Implementation for all EU member nations

NON-COMPLIANCE: How are authorities planning to deal with non-compliance scenarios?

Data Breach Clause:

- » Immediate Notification(s) to companies/individuals at risk
- » Notifications to DPA within 72 hours of the breach

Sanctions:

- » Written warning for first 'non-intentional' non-compliance
- » Regular periodic data protection audits

Enterprise Penalties [Article 83]:

- » Maximum fine of €10 million or 2% global turnover of preceding FY
- » Maximum fine of €20 million or 4% global turnover of preceding FY

GDPR vs. BREXIT: Do UK data controllers need to comply with GDPR?

If the controller is providing services (subject to the above three clauses) **only in UK**, post the initial exit period of Brexit they will not be obligated to comply by EU's GDPR policy.

If the controller has service-bases in other **EU territories**, they will have to keep on complying by the GDPR policy post-Brexit.

How is GDPR different from its predecessor?

The main aim of GDPR is to channelize the erstwhile unorganized, opaque and indefinite data regulation policies into a streamlined, transparent process, to encourage security of privacy and freedom of legitimate data trades.

The new regulation emboldens the idea of customer-centricity, and with compliance, businesses can gain more consumer loyalty, accurate data and better opportunities.

However, as GDPR doesn't tell you how to do your business, it also doesn't encourage misconduct. Heavy fines have been put in place for cases of non-compliance, highest being 4% of global turnover or **€20 million** – whichever is greater.

GDPR is a significant upgrade to the old data protection policy for EU members. Its main show-stoppers:

Regulation vs. Directive

Unlike its predecessor, GDPR is not a directive. A directive outlines few goals (like a guide) on which individual countries can impose their own separate preferences and approaches. On the other hand, a regulation binds the rules of achieving the set goals laid out by a directive. GDPR is more stringent as a legislative act.

Citing the rising numbers of high-profile privacy breaches, GDPR claims to unify the data protection mechanism within EU and its affiliates.

Territorial Expansion

The previous data protection directive was ambiguous and subjective to the company's location(s) in the Union. The new regulation eliminates any subjectivity based on location. Further, GDPR's applicability extends to all data controllers and processors in possession of personal data collected from EU member nations, regardless of where the processing is taking place.

"Explicit" Consent Forms

Clarity is the keyword when it comes to consent in GDPR. No more short-fonted, complex-linguaged, lengthy forms while collecting opt-in permissions! Data subjects have new sets of rights to have more control on the private data they want to share.

- » Data collection consent forms have to be intelligible and clearly distinguishable from all other types of declarations asked from the subject, and cannot be combined with other information notices.
- » Privacy policies surrounding data collection and processing (tenure of storage, purpose of storage etc.) have to be more detailed and easily accessible.
- » Enterprises will be obliged to keep track record to show the collection source, collection media, purpose and explicit consent of the data subjects for the entire tenure of storage.



Privacy by Design

Though in use by public authorities as a concept/practice before, this is the first time 'Privacy by Design' has been included in a legislative act. The act covers wholesome inclusion of data protection at the conceptualization stages of system designs – not merely as an add-on later.

Article 23: Data Minimization Clause

As an addition to Privacy by Design, controllers are required to process the data that is absolutely necessary to complete their duties, and also minimize the heads to receive access to sensitive personal information.

Data Portability

This introductory feature in GDPR allows data subjects to receive their previously provided 'commonly used and machine readable format' data and transfer it to another controller.

Breach Notification

In cases of data breaches that can “result in a risk for the rights and freedoms of individuals”, awareness notifications to customers (subjects) and controllers will become a mandatory obligation for data processors. Notifications have to be issued “without undue delay” within 72 hours of becoming aware of the breach.

Data Erasure

Under GDPR, subjects will have the right to request the controller for erasing their data, which can be treated similarly to their withdrawal of consent.

Article 17: Definition of Data Erasure

The data no longer being relevant to the original purpose, or due to subjects' withdrawal of consent to storage, the data controller would be obliged to:

- » Erase all information of the particular individual
- » Cease further dissemination of the data
- » Halt third parties from processing the data

Data Protection Officer (DPO)

Instead of local DPAs, record keeping responsibilities will be shared internally within controller and processor organizations under GDPR. Such organizations, with core operations relating to “regular and systematic monitoring of data subjects on a large scale” will appoint Data Protection Officers (DPOs) to fulfill their data protection duties. DPOs will not be liable to obtain approvals from DPA of data processing activities under the Model Contract Clauses (MCCs).

How does GDPR change the way I do business?

BEFORE

REGULATION FOCUS:

- Regulates unsolicited messages
- Expectation Management
- Balanced B2B/B2C Regulations

CONSENT:

- Assumed Consent
- Related Companies
- Related Channels
- Click to Opt-Out
- Optional Justification

25TH
MAY 2018

AFTER

REGULATION FOCUS:

- Prohibits unsolicited messages of any kind
- Consent record management
- Highly prescriptive, pro-consumer law

CONSENT:

- Definite Consent
- Specific Companies
- Specific Channels
- Click to Opt-In
- Essential Justification

NEW RESPONSIBILITIES FOR DATA CONTROLLERS

- Follow a transparent, fair and legitimate data processing methodology
- Collect data for specific, explicit and legitimate purposes only
- Limit data acquisition requirement to utmost necessity and relevance
- Keep data accurate and up-to-date
- Specify the time-limit till which the data will be held
- Segment the data so that its purpose in the cluster is easily identified
- Increase security measures to protect data from loss, damage and/or unauthorized/illegitimate processing










NEW RIGHTS FOR DATA SUBJECTS


- Information on why their data is being collected
- Seamless access to their data throughout the holding period
- Rectify their data, at any time
- Be "forgotten" or choosing their data to be erased
- Withdraw "consent" or restrict/object usage
- Transmit their data to other controllers
- Be notified about breaches concerning their data
- Express concerns to automated decision-making and profiling relating to their data

International Opt-in Scenario (Compared to GDPR):

	CANADA Canada Anti-Spam Law		UK Data Protection Act
	USA CAN-SPAM Act		EU General Data Protection Regulation (after 25th May, 2018)
	SPAIN Spanish Act on the Information Society Services and e-Commerce		FRANCE Article L.43-5 Code of Postal and Electronic Communications
	ITALY Italian Data Protection Act		GERMANY Federal Data Protection Act Tele-media Act Act against Unfair Competition
	NETHERLANDS Dutch Telecommunications Act		AUSTRALIA Spam Act of 2003



Country	Controller/Processor Information to be provided before opt-in (Email)				Data Protection Non-Compliance Penalty (maximum)
	UNSUBSCRIBE OPTION	SENDER IDENTIFICATION	POSTAL ADDRESS	SENDER CONTACT INFORMATION	
 US	✓	✓	✓		USD 16,000 / email
 CA	✓	✓	✓	✓	CAD 10 million
 UK	✓	✓	✓		GBP 500,000
 AUS	✓	✓		✓	AUD 1.7 million
 GER	✓	✓	✓	✓	EUR 4,000 / email
 NL	✓	✓	✓		EUR 450,000
 FR	✓	✓	✓		EUR 750 / email
 ES	✓	✓	✓		EUR 600,000 / infringement
 IT	✓	✓	✓		3 years' imprisonment



Is my organization “GDPR-ready”? How do I prepare?

You have three immediate tasks at hand!

01



Make an internal audit of the data you are currently using and storing. This will give you an idea of how much data you can actually keep.

UPGRADE YOUR STORED DATA

02



Launch opt-in campaigns on your existing EU databases. Arrange your opt-in clauses giving special focus to GDPR.

LAUNCH AN OPT-IN CAMPAIGN

03



Review your data collection funnel. Optimize each data processing stage in alignment to the new regulations.

CONSULT OUR DATA EXPERTS

Enterprise GDPR Compliance To-Do List:

Grounds for Compliance

A Lot To-Do!

ETHICS

Data Protection

- ✓ Compare new policy with old directive
- ✓ Mention your GDPR compliance on company T&C page
- ✓ Launch a PR to showcase your compliance

Lawful Data Process & Further Processing

- ✓ Clarify your ground of lawful processing. Compare with GDPR
- ✓ Create consent form abiding to organization and regulators
- ✓ Check the national rules for online children data (if applicable)
- ✓ Demonstrate supportive factors towards further processing of data

"Legitimate Interests"

- ✓ Clarify your ground of lawful processing via "legitimate interests"
- ✓ Seek alternative legal basis to process data (for public authorities processing personal data through "legitimate interests" in connections with discharge of their functions)
- ✓ Document the consideration of data subject rights pre-processing (for controllers processing personal data through "legitimate interests" in connections with discharge of their functions)
- ✓ Ensure information sent to subjects abides GDPR Art. 13 & 14

Consent Clauses

- ✓ Clarify your ground of lawful processing via requesting consent
- ✓ Check the national rules for online children data while requesting consent (if applicable)
- ✓ Consider asking for consent for specific areas of your project/research (for organizations relying on consent for scientific research purposes)
- ✓ Controllers/processors must ensure:
 - ➔ Requested consent is not based on silence, inactivity or pre-opted boxes
 - ➔ Consent clause is not "bundled" with other agreements or declarations
 - ➔ Consent is not contingent with supply of services, when not required
 - ➔ Data subjects are clearly informed about their consent withdrawal rights
 - ➔ Consent withdrawal is as simple as providing it, ideally the same medium
 - ➔ Separate consents are obtained for distinct processing operations
- ✓ Consent is not relied upon between public authorities and subjects (if applicable)

Children Online Data Protection



Check whether children online data rules affect you



If Yes, ensure:

- ➔ Applicable national rules are being adhered
- ➔ Parental consent mechanisms and verifications processes are implemented (for organizations offering information via society services directly to children)
- ➔ National legislation for processing for offline data processing is being adhered
- ➔ Notices are drafted in understanding of the child (for offerings directly to children)



Carefully document the balance between organization goals and the interest of the child (for organizations processing child data through "legitimate interests")

Sensitive Information Processing



Check whether you are processing data falling under "Special categories of personal data"



Ensure consent taken for "Special categories..." data follow the specific GDPR protocols



Check whether children online data rules affect you



Check Member States' impositions for storing biometric, genetic and health data

DATA SUBJECT RIGHTS

Information Notifications



Audit existing information notice framework. Update to GDPR guidelines



Ensure the timely delivery of relevant notifications (especially for indirectly collected data)



Assign notification review responsibilities to third-party data collectors working with you

Data Access, Rectification & Portability



Assess customer-facing teams for efficient dealing of GDPR access and portability requests:

- ➔ Confirm the possession of subject's data
- ➔ Provide a copy of the data in electronic form, on request
- ➔ Provide supporting explanatory materials, on request



Develop template response letters, equipped with supporting information



Develop data access format in compliance with GDPR's information format obligations



Review which data can fall under GDPR's data portability clause



Keep provisions for data portability of subject data (and meta data), wherever applicable



Build data subject access portals, for direct exercise of subject access rights

Objection Rights

- ✓ Notify subjects about their rights to object at the point of 'first communication'
- ✓ Ensure user-friendly, automated objection medium for online services
- ✓ Review your marketing suppression lists and processes for GDPR compliance

Erasure Rights

- ✓ Ensure staffs and suppliers are equipped to deal with data erasure requests
- ✓ Seek additional Member State exemptions from data erasure (for sectors where data erasure requirements are unreasonable)
Develop restriction cells to hold concerned subject's data whilst complaints are resolved

Profiling & Automated Decision-making

- ✓ Ensure staffs and suppliers are equipped to deal with data erasure requests
- ✓ Seek additional Member State exemptions from data erasure (for sectors where data erasure requirements are unreasonable)
 - ➔ Consent: Explicit consent must be sought
 - ➔ Authorization by Law: Check whether Union or Member State Law (Member States might change it to reflect GDPR compliance)
 - ➔ Sensitive Data: Member State legal support must, if explicit consent is unavailable
 - ➔ Data of Children: Restricted

ACCOUNTABILITY, SECURITY & BREACH

Data Governance Obligations

- ✓ Assign responsibility and budgets for data protection compliance within organization
- ✓ Appoint a Data Protection Officer (if applicable)
- ✓ Create reporting lines for supervisory authorities, with direct access to the board
- ✓ Include the following features in your complete compliance program:
 - ➔ PIAs
 - ➔ Regular Audits
 - ➔ HR Policy Reviews
 - ➔ Data Updates
 - ➔ Training Programs
 - ➔ Compliance Awareness Programs
- ✓ Audit existing supplier arrangements
- ✓ Incorporate GDPR data processor obligations in RFP template and procurement contracts
- ✓ Demonstrate the impact of GDRP on your organization's cost structure and responsibility
- ✓ Implement regular record-keeping of the company's data processing activities

Personal Data Breach & Notifications

- ✓ Update your organizations' data breach notification procedure. Include:
 - ➔ Incident Identification Systems
 - ➔ Incident Response Plans
- ✓ Develop systems to encrypt data in case of breach or unauthorized access
- ✓ Assess your insurance coverage in case of data breaches
- ✓ Data Protection clauses and tender documents should be updated by customers. Include:
 - ➔ Suppliers' utmost responsibility to notify breaches
 - ➔ Emphasis on cooperation between the parties

PERSONAL TRANSFER OF DATA

- ✓ Review and map international data flows
- ✓ Evaluate data transfer mechanisms already in place
- ✓ Review the personal data transfer clauses in supplier's standard procurement templates
- ✓ Apply for Privacy Shield certification to ensure adequacy (Safe Harbor certifications are invalid)
- ✓ Consider BCRs for intra-group data transfers

ENFORCEMENT

Remedies & Liabilities

- ✓ Create mutually agreeable compensation claims settlement mechanism with processors

Administrative Penalties

- ✓ Run a GDPR Compliance Gap Analysis:
- ✓ Update risk registers
 - ➔ Identify areas of most material non-compliance
 - ➔ Identify potential threats
 - ➔ Prioritize mitigating steps
- ✓ Assess liability exposure under contract liability limitation and exclusion clauses
- ✓ Review insurance arrangements

SPECIAL CONDITIONS & DEROGATIONS

- ✓ Establish the jurisdictions in which your data processing takes place
- ✓ Watch out for local restrictions
- ✓ Mark the data protected by Professional Secrecy Laws. Avoid disclosure to supervising authorities

Why is GDPR good for my business?

How can I make the best of it?

In an abundantly competitive digital market, customers are saturated with choices. In this era of big data, regulations like GDPR are necessary tools to disperse cluttering information and establish business connections that actually matter. GDPR is a win-win for both businesses and buyers.

Building Brand Loyalty

Data subjects are aware of what value their data holds to businesses – now more than ever! They are also suspicious about how businesses use their data. A transparent and customer-centric regulation system like GDPR will help ease this tension, and built trust and loyalty towards brands. Further, subjects will feel confident to share more data.

- » *Database profiling must focus on customer's individual preferences*
- » *Company information fields will gain privilege over industry information fields*
- » *Number of data fields will have to be minimized, giving higher focus on targeting*

**SEE YOUR GDPR-APPROVED
DATABASE**

Availing the Best Helping Hand

Even the best technological behavior analysis can't beat the subjects' knowledge about themselves. GDPR gives more power to the subject, thus enabling them to rectify and update their data on their own. This open sourcing of data cleansing not only helps the businesses to segment their buyer profiles better, but also lets the buyers themselves reach out to the right kind of sellers and vendors.

- » *Appending of EU databases will cross three layers of approvals: subject, enterprise and regulator*
- » *Purpose and duration of data storage will have to be disclosed; acknowledged with double opt-in*
- » *Cleanliness of data will have to be ensured before each campaign*

**OPTIMIZE YOUR EXISTING
DATABASE TO GDPR**

Enabling Innovation

The game of digital marketing has evolved much ahead of the rules governing it. With the new GDPR upgrade, finally the regulations will accommodate fresh ideas rather than becoming a hindrance for them. Provisions within the law will allow B2B and B2C businesses to apply relevant and up-to-date marketing tactics and build valuable partnerships in the long run.

- » *Highly personalized campaigns (like one-to-one conversations) will make the big cut*
- » *Ideal B2B value-additions will comprise a mix of strategic and direct revenue benefits*
- » *Campaign acknowledgements will be lengthy and will gain more importance post-GDPR*

**LAUNCH A CAMPAIGN IN
THE NEW WORLD**

Are there any key implementation steps towards GDPR effectiveness?

Even before you get started, it's important to believe that, GDPR has not been implemented to hinder businesses from communicating with prospects and customers. It is one of the most robust and effective data regulations by far to ensure marketers move away from the one-size fits all approach; streamline communications and delve deeper into understanding what customers and prospects truly need.

Here's an 8 point checklist to get you started on GDPR effectiveness

- » **Audit your mailing list** - Segregate your mailing list based on consent. Remove all the un-subscribers from your current list and for all new subscribers, share an email communication about your intent to confirm their subscription.
- » **Understand the data context** - Understand the 'why' and 'what' of your customer data and stick to the information you need and avoid all the good-to-have information.
- » **Review how you gather data** - There are high chances that your current mailing data is not consent-based. Start by sharing opt-in campaigns and refine your data to create meaningful engagement.
- » **Centralize data with CRM** - Use a centralized CRM system to gather customer data, and ensure that your users have total control to revise and easily access their personal data.
- » **Create a pop up message** - Invite visitors to add themselves onto your mailing list by creating a pop up message on your site. Have this linked to your privacy policy to ensure complete GDPR compliance.
- » **Invest in content marketing** - Create meaningful content that is custom-built for your potential customers. Start by creating white papers, case studies, guides and eBooks that visitors can easily access and download in exchange of their contact information.
- » **Adapt social selling techniques** - Train your sales representatives and lead generators to connect with prospects on social media platforms. Share relevant content and build your brand credibility.
- » **Update your privacy statement** - Make amendments to ensure total GDPR compliance in your privacy policy. If the content is too difficult to understand, rewrite wherever needed to ensure subscribers are totally aware of what to expect through your communications.

How does Span Global Services ensure my data's GDPR compliance?

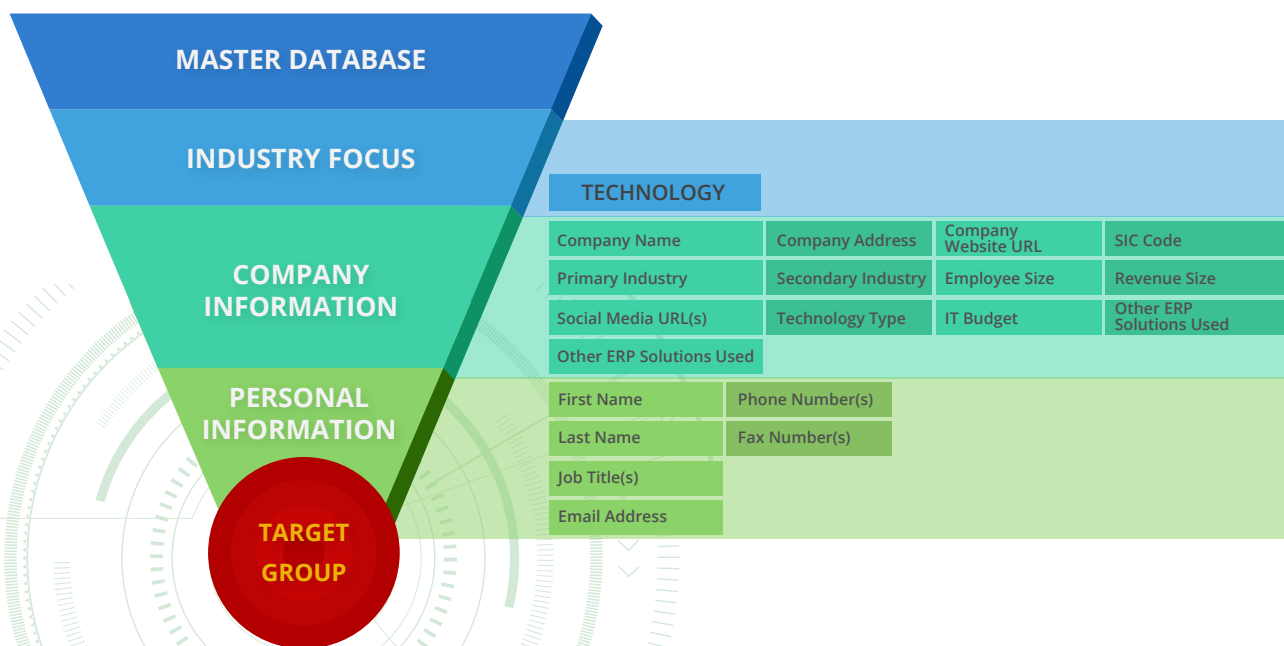
INTRICATE DATA INTELLIGENCE

Knowing your customer (prospect) is a marketer's first priority. Apart from the general difficulties, it is further difficult to beat technology industry companies who invest heavily in their data security. Under such circumstances, it is hard for technology marketers to collect authentic professional data.

Data that is integral to the prospect and rarely found in the market, is available with Span Global Services. Inclusive ties with authentic data record agencies enable our **Data Intelligence Services** to append the most intricate information field about your technology prospect.

With the level of reach and expertise in marketing, backed by in-depth lead analytics, Tech Intelligence gives clients **technology-specific database marketing solutions** that will secure their business with relevant leads, growth strategies, and fruitful business decisions.

ENHANCED TARGETING FUNNEL









Know more about your leads from our **78 intricate data intelligence fields**:



Core Company Profiling

Tailored firmographic data, chosen from seven detailed segments – covering corporate, financial, and digital information of global as well as local brand/entities. Authenticated from certified record agencies over the world, our 360-degree profiling services vie for accuracy and relevance.

What Clients Get:

 Firmographic Data:				
Company Description	Online Website Visitor Statistics	Basic Company Profile	Links & Charts	Worldwide Location
Company Overview	Company History	Corporate Information (SIC/NAICS etc.)	Mergers & Acquisitions	Customers – Partner & Vendor List
Events – Attended & Organized	Recent Updates & PRs	Products & Services	Awards	Milestones
Business Expenditures	Franchisee Details			
 Franchisee Details:				
Executive Management Biographies	Board of Directors' Biographies	Organizational Chart		
 Financial Analysis:				
Financial Overview	Annual Income	Year-End Financials	Stock History	Products & Operations
Historical Financials	Annual Cash-flow	Balance Sheets	Earnings Estimates & Forecasts	In-depth Earning Estimates
 Competitor Analysis:				
Competitor's Financial Analysis	Competitor's Landscape Analysis	SWOT Analysis	Opportunities / Plain Areas	
 Website Analysis:				
Behavioral Website Analysis	Site Analysis	Sub-domains	Competitor Website Analysis	Incoming/Outgoing Traffic
 Department-based Contacts:				
Title	Email Address	Direct Dials (7 – 13%)	Social Media	IT Organization Charts
IT Biographies	IT Titles			
 IT Sales Intelligence Details:				
IT Landscape / Infrastructure & Application	Estimated IT Footprint	Estimated Budget	IT Expenditure	Data Center Technologies
Call Center Technologies	IT Vendors	Technologies Business Drivers	IT Projects Insights	Quarterly Earning Calls
IT Strategies				

How It Helps:

With advanced competitor analysis and sales intelligence, we bring value at the core of your investment metrics, enabling smart decision-making.

Key Benefits:

- Coverage of Multiple Services and Products
- Industry-specific Pricing
- More Email Data per Investment
- Packaged Email Marketing Services
- Packaged Telemarketing Services
- Packaged Application Development
- Single-window Multichannel Marketing Operations

Source:

- [Regulation \(EU\) 2016/679 | Official Journal of the European Union](#)
- [Key Changes, FAQs | EUGDPR.org](#)
- [Compliance Guide to GDPR & Cyber-Security Legislation | IBM Security](#)
- [Competitive Advantages of GDPR | Gemalto Blog](#)
- [Guide to GDPR | TwoBirds](#)
- [EEC Global Compliance | DMA](#)
- [International SPAM Laws | Litmus](#)
- [GDPR Opportunities | STEEL London](#)
- [GDPR | Wikipedia](#)

Span Global Services – Your End-to-End Data Partner

AS DATA PROVIDERS...	AS CONSULTANTS...	AS MARKETERS...
<ul style="list-style-type: none">➤ List building/management➤ Data Profiling➤ Technology Data Intelligence➤ Data Appending Services➤ Data Cleansing & Verification➤ Tech Install-base Lists	<ul style="list-style-type: none">➤ Marketing Consulting Services➤ Demand Generation➤ Marketing Automation➤ Marketing/Sales Integration➤ Business Consulting Services	<ul style="list-style-type: none">➤ Telemarketing Services➤ Email Marketing➤ Social Media Marketing➤ Search Marketing➤ Event Marketing➤ Direct Mail Marketing
+ SEE MORE	+ SEE MORE	+ SEE MORE

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