

Getting ready for GDPR

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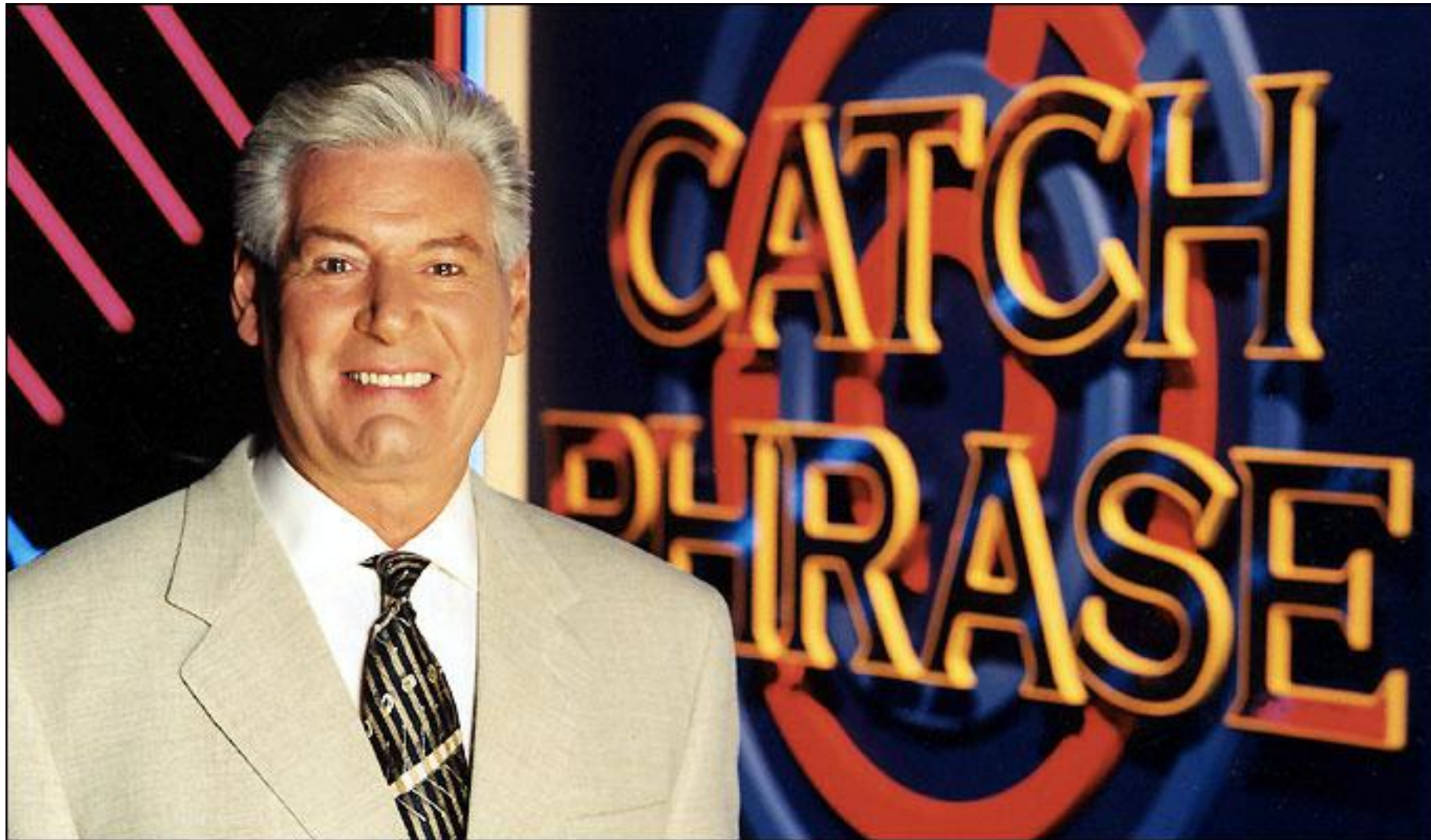


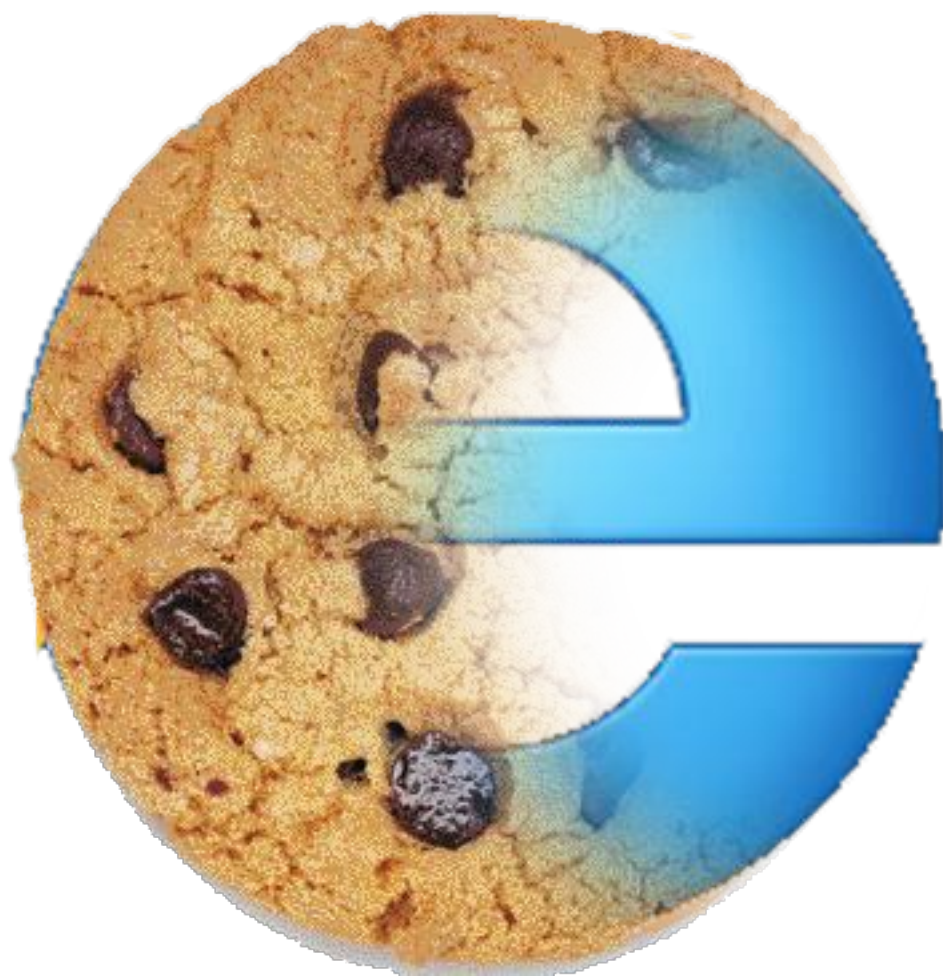
Understand who your audiences are.
Discover who they could be.

Great to be here?



Box Office Crisis Catchphrase







Were they that bad?

GDPR is not coming. It is here.

- GDPR adopted Europe-wide - May 2016
- Transition period: the ICO will enforce GDPR - May 2018. No escape because of Brexit
- Non-compliance then = liable to prosecution
- Fundamental change of approach
- Not JUST Ticketing?
- Organisations need to get ready now!



How GDPR will be enforced...

We recently met the ICO to find out what the major implications for arts organisations will be resulting from how GDPR will be enforced.

We've summarised what we think are 8 Pillars - key things that organisations should think about - as you're likely to have to do things differently from the way you do them now...



8 Key Tests

- Demonstrate
- Granularity
- Tying up Consent
- Right to Withdraw
- Easy to Withdraw
- Inform of Rights
- Performance of Contract
- Automated Processing



1. Organisations must demonstrate consent

- GDPR requires consent obtained: clear, unambiguous language, 100 words
- Organisations must be able to evidence consent
- Organisations receiving shared data must be able to show data subjects when/how consent was given, and for what
- Data to be shared will need to include audit trail:
 - date
 - channel
 - specific wording of the notice
 - how the data subject indicated their consent



2. Granularity of consent

- Specific intended uses must be notified - e.g. fundraising separate permission from marketing
- Specific intended comms channels must be consented - especially email, SMS, phone
- Opt in cannot be a 'condition of service'
- Synchronisation



3. Flexibility of consenting for customers

Ability to say "yes" to SMS, "no" to Emails. "Yes" to Theatre shows, "no" to fundraising.

Tying-up consent is not allowed - i.e. email ticket delivery = email marketing opt-in.



4. Cannot make consent a condition of service

Not making someone on the mailing list as they tick e-ticket option, then disallow e-ticket if they opt out.

WiFi = acceptable - as you don't have to use WiFi

5. Right and ease of withdrawal of consent

- Clearly give the right to remove consent on all comms - untick the box.
- Opportunity to opt-out - includes from processing
- Right to be forgotten = personal details deleted (except where an financial audit trail is required)



6. Simple clear language

Consent must be freely given, specific and informed - reasonable expectations. Can what you're doing be "reasonably expected" by the data subject, given the notification and consent that have been given.

Does the phrase, "Don't untick this box if you do not wish us not to contact you?"

Inform at time of consent of right to withdraw.



7. Performance of the contract

The statement displayed or given to the customer about their unequivocal right to withdraw consent at ANY time **performance of the contract**, tied to consent.

8. Stricter rules on “consent” for data sharing

- No “third party” option for sharing notifications
- No “described types of organisation” option for sharing notifications
- Companies with which data is to be shared have to be named - opt-in required for each
- If you think you may not have compliant permission - contact to further clarify = legitimate
- Data controllers and data processors, not software suppliers, liable



9. Automated Processing

- People have the right not to be subject to automated processing
- The right for a human to review decisions or actions based on processing of held data
- Mortgage Decisions or rates based on credit history
- Human review may not change the decision for processing but there is this fundamental right
- Protection from erroneously held data affecting customers



10. Right to be Forgotten

- Untick the box and then.....?
- Completely remove all record of customer
- Does not apply where contractual or legal requirement
- Delete record....but what about audit logs?
- Linked to consent, processing and others
- GAH! Marketing
- Lots of 'New' Customers Possible



How About Some Examples?

Let's Start Somewhere

Sign-up forms



Best #1 Google Result Ever! - “Shit sign up form”

mobile network

☒ Untick this box if you do not wish to receive relevant information and promotions

☐ Tick this box if you wish to receive relevant information and promotions by email

☐ I have read and understood the [privacy policy](#) and wish to register

register

Agree?

- Granular
- Easy to Withdraw
- Inform of Right to Withdraw

Granular Enough? Too Much?

You are here → Newsletter Signup

NEWSLETTER SIGNUP

I'm interested in

- ☐ Activities and events for families
- ☐ Activities for young people (13-25)
- ☐ Art exhibitions
- ☐ Corporate events and venue hire
- ☐ General group visits
- ☐ Information for schools and learning groups
- ☐ Sculpture in
- ☐ Supporting
- ☐ The
- ☐ Workshops and late night events for adults

Forename *

Surname *

Address Line 1

Address Line 2

Postcode

Email Address *

Mobile Number

Ouch!

- Granular
- Right to Withdraw
- Easy to Withdraw
- Inform of Right to Withdraw

Granular Enough?

1. Details
2. Address
3. **Contact Preferences**

Contact Preferences

- ☐ I would like to receive information by email from the
- ☐ I would like to receive information by post from the
- ☐ I would like to receive information by email from the Theatre Companies I attend.
- ☐ I would like to receive information by post from the Theatre Companies I attend.

[Previous](#)

[Create my account](#)



Steps to Compliance

- Simple
- Clear
- Inform of Rights
- Make it Easy to unsubscribe
- AUDIT of what they signed up for.



Fact!

**It's not ALL / JUST
about sign up forms**



Do you have layered data?



Who Catches / Stores Data from / in These?



Yes, No, No, Yes, Yes, Yes, No, Yes, No, No, Yes

- Where / when was consent given?
- When / where was it withdrawn?
- Granularity is our friend!
- Opt out Fundraising Letters, Stay in Promo Emails
- We've not 'lost' contact



OTT?

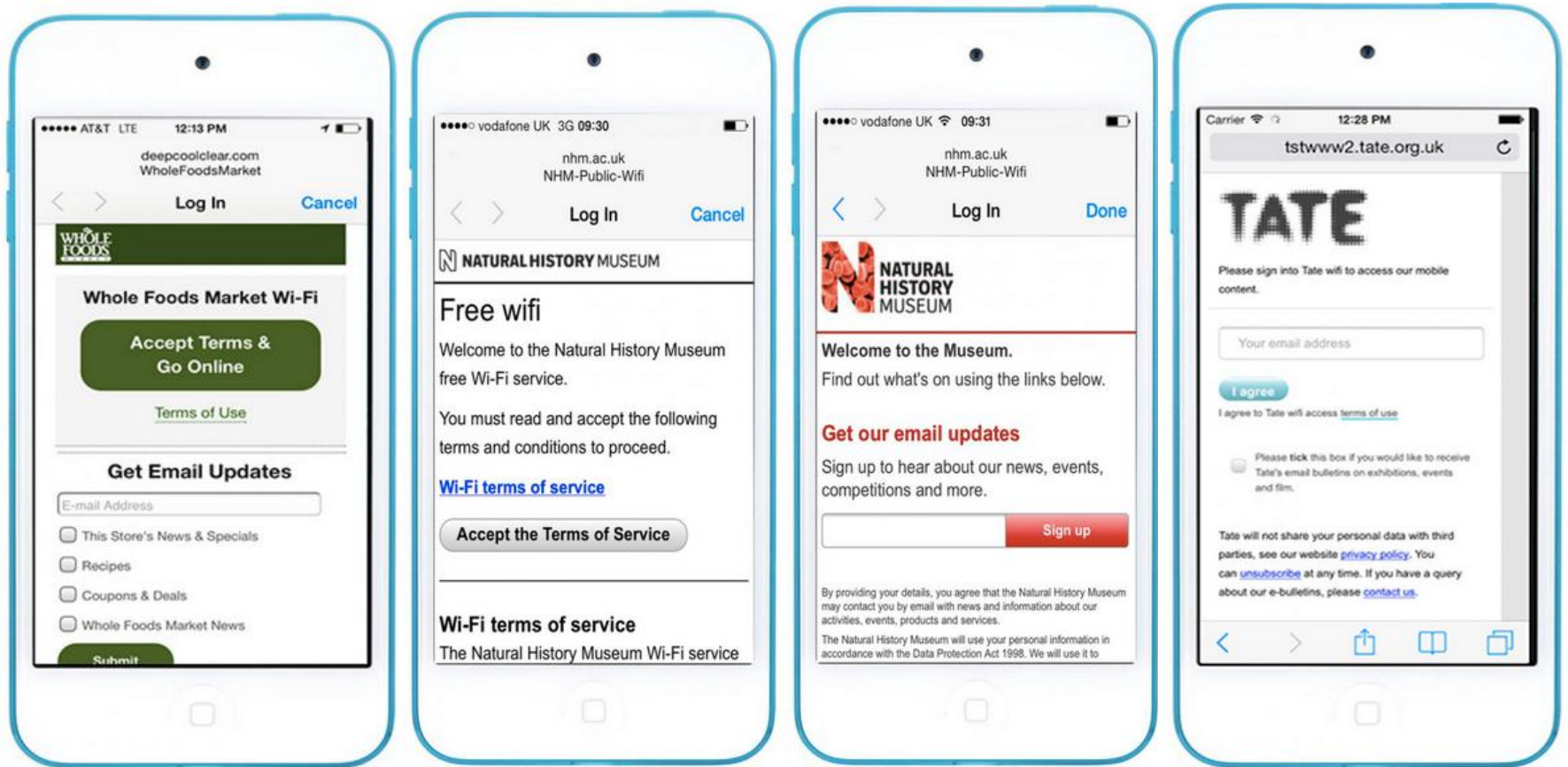
Offers, Transactions and Trade Offs



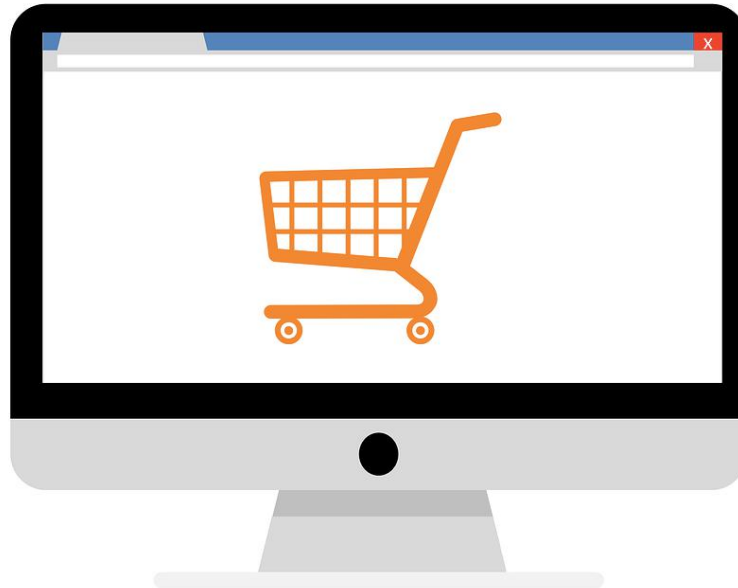
'Trade Off'



How Compliant?



Transaction



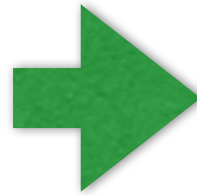
- We MUST have your email address to send your ticket
- You MUST sign up to our newsletter when buying tickets





JOIN OUR MAILING LIST

Sign up to be the first to know about our new collections and exclusive offers and receive 10% off your first order



Mailing
List



WHERE IS MY MONEY MAN?!!
WHERE IS MY MONEY?!



CANCELLED

Automated Processing



Automated Processing

- The RIGHT to not be subject to Automated processing
- Does not mean you cannot use it
- Review does not mean reverse the decision

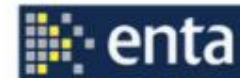


8 Key Tests

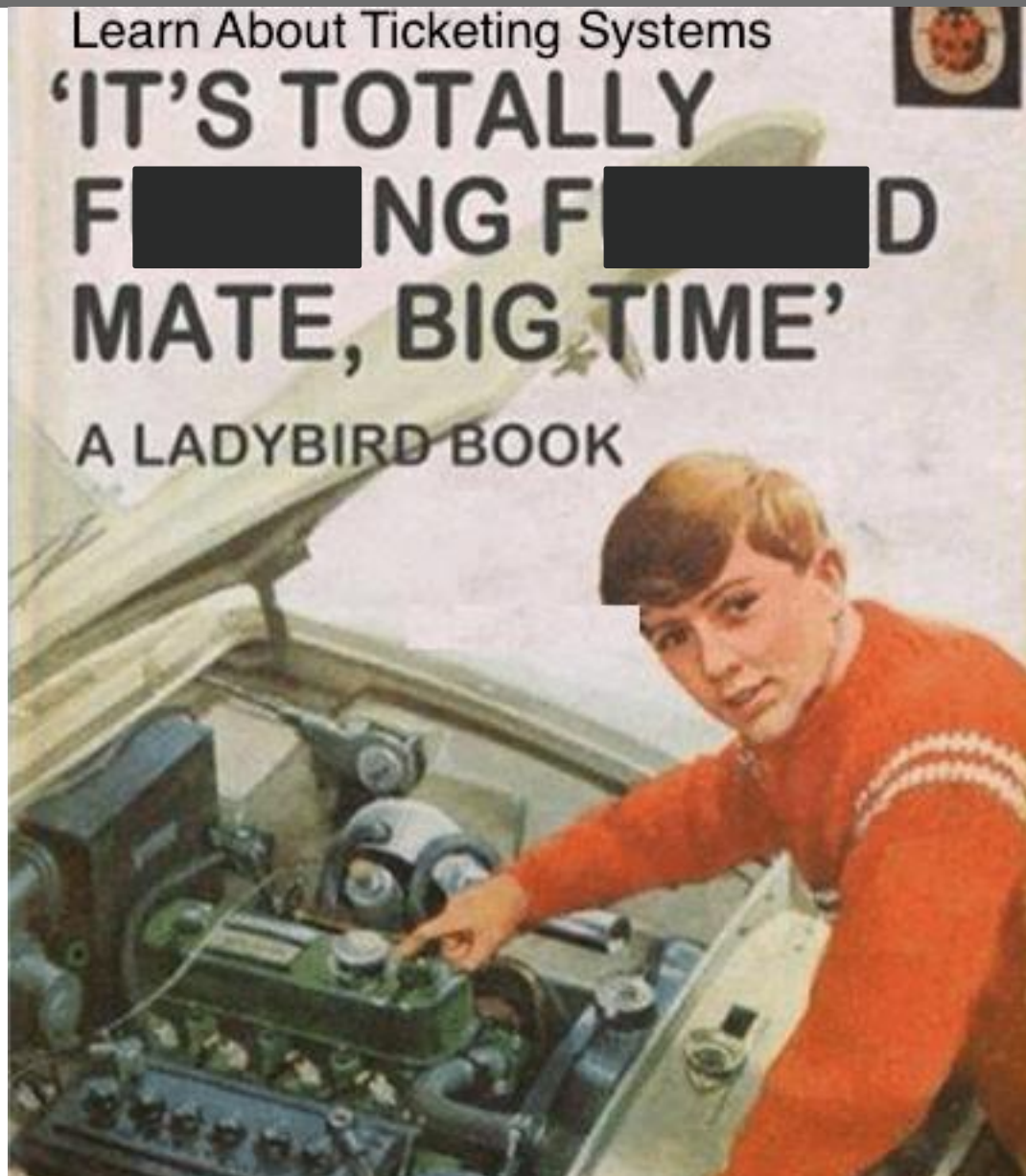
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What are System Providers Doing?



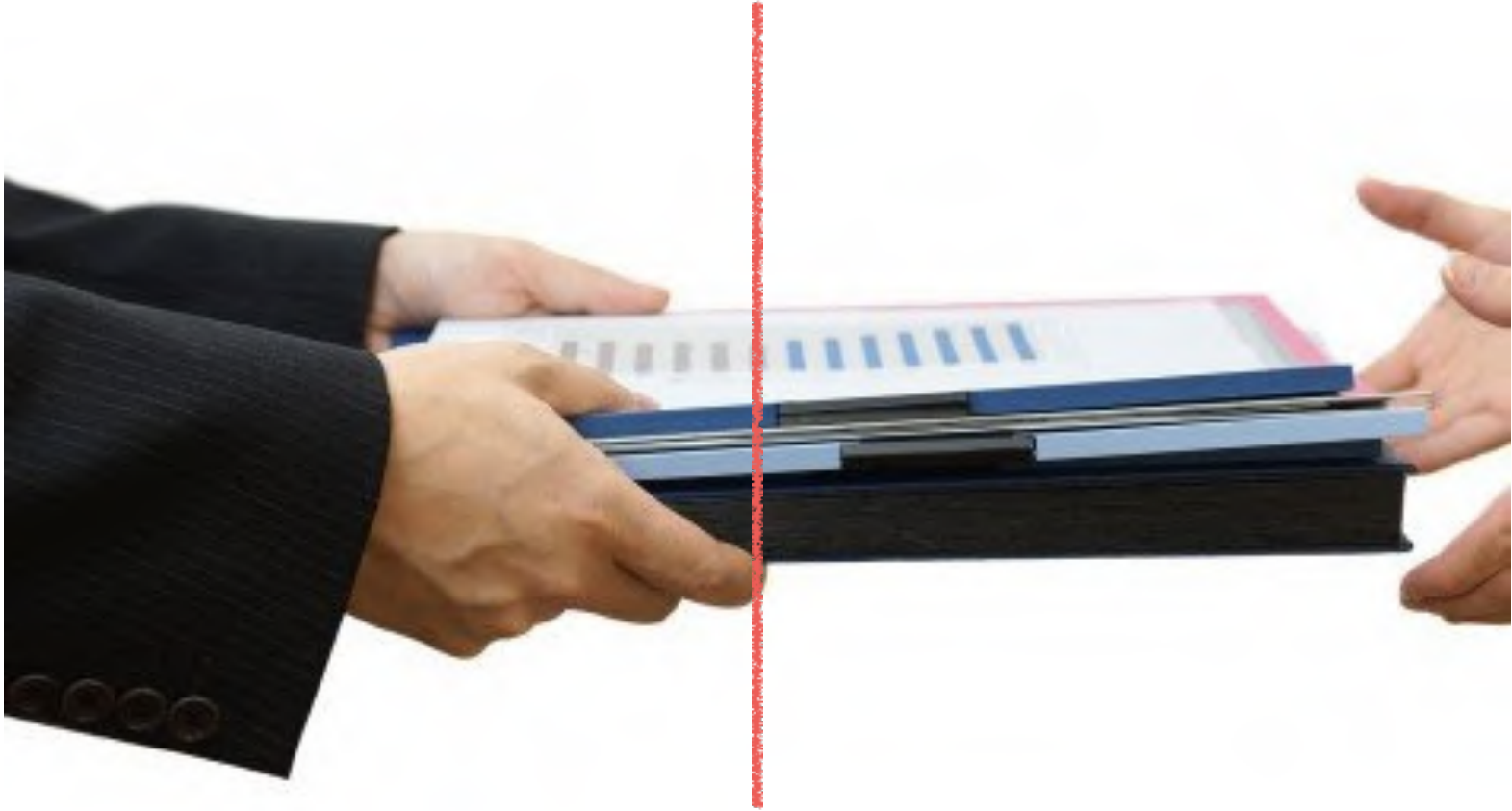
Some Suppliers.....



What About Sharing?



A Clear Line / Handover



Touring companies receiving shared data

- Must register as data controller with the ICO
- Obligated to handle data under all GDPR principles:
 - Lawful, fair, transparent
 - Specified purposes
 - Adequate, relevant & limited to purpose
 - Accurate & up to date
 - Storage limitation - no longer than necessary
 - Secure against unlawful processing, breach, loss, destruction, damage
 - Accountability - demonstrating compliance
- Set and increased penalties



Resources and help...

- List of resources to include:
- ICO guidance
- DMA
- The Audience Agency
- Institute of Fundraising
- www.audiencedatasharing.org

Summary..... after only 52 other slides!

- It's big and it's here
- No Escape - even if we're *strong and stable*
- “It's not really aimed at our type of organisation”
-one of our board says.....
- Make a Start
- Remember - it's not JUST ticketing
- Take Advice, Check Guidance, Seek Legal Opinion
- Make a Start

