

B2B Data Compliance

for Sales & Marketing Professionals

**MADE EASY IN
2 MINUTES**

It's a fact, data compliance is boring but it's something you really can't afford to avoid. That's why we've created this no-nonsense guide which tells you everything you need to know in under 2 minutes!





First the Legal Stuff



Legal talk is never an exciting read so we've condensed it down for you into absolute 'need to know'.

The GDPR

The EU General Data Protection Regulation (GDPR) protects the privacy and personal data of EU citizens. It has been enforceable since the 25 May, 2018. Personal data is anything that makes someone identifiable from the data you hold.

Does GDPR still apply in the UK?

Yes. The EU General Data Protection Regulation (GDPR) applies to any business inside or outside of the EU that processes personal data of EU individuals.

The UK also has its own framework known as UK GDPR. While GDPR stopped being 'directly applicable' when the UK exited the EU in December 2020, the Data Protection Act of 2018 retained GDPR requirements in domestic UK law and supplements the UK GDPR by providing exceptions to the law.

Does it affect your business?



This is about how this specifically impacts you so it's pretty important especially as it can cost you big money if you mess up.

The short answer is yes! In most B2B sales and marketing, personal data is key to reaching the right people at the right time. You therefore need to treat any personal data you hold with care; you must ensure your sales and marketing processes are GDPR compliant which means all contact must be on a lawful basis.

Does GDPR apply to B2B emails?

Yes. Before sending someone a cold email, you'll need to verify that you're allowed to contact them under the GDPR.

What if we aren't GDPR compliant?

If your company is in breach of the GDPR, you could pay up to 4% of your annual global turnover or €20 million, whichever is greater.



Lawful Basis Contact - what's that?



Get this right and you're halfway there
on compliance

GDPR compliance requires you to have lawful basis to process someone's personal data and contact them in your outbound sales process. There are 6 lawful bases for contact:

1. Legitimate interest

The processing is necessary for your legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. This is determined by a three part test:

1. **Purpose:** What is the purpose of using the data?
2. **Necessity:** Is the data necessary for pursuing that purpose?
3. **Balancing:** Do the individual's privacy interests outweigh the purpose?

2. Verifiable Consent

The individual has given clear consent for you to process their personal data for a specific purpose.

3. Contract

The processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.



4. Legal Obligation

The processing is necessary for you to comply with the law (not including contractual obligations).

5. Vital Interests

The processing is necessary to protect someone's life.

6. Public task

The processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

What should you do?



We've summarised reams of compliance advice into a simple 10 point 'To-Do' list. This was never going to be exciting but just like reading the IKEA instructions it will save you a lot of time and effort.

1. Register with your GDPR compliance authority.

In the UK, this is the ICO (Information Commissioners Office) – each EU country has their own equivalent. Although there are some exemptions, it is probable that you will need to register that you hold/process personal information.

2. Appoint a Data Protection Officer (DPO)

Under GDPR, many organisations are required to formally appoint a Data Protection Officer (DPO). You need to determine whether you qualify as requiring such a role or you can appoint one voluntarily.

3. Only collect data for specified, explicit, and legitimate purposes

When conducting cold email outreach to their target audience, B2B organisations must ensure that they rely on lawful bases for collection of that data and use the data only for the specified purposes.

4. Ensure All Contacts have Full Transparency

Data must be processed lawfully, fairly, and in a transparent manner. The rules governing legitimate Interest require that a contact is informed clearly and transparently at the point of first communication that their contact information is being processed, how it will be used, the identity of anyone with whom it will be shared, how long the data will be kept and how to opt out etc.

5. Maintain Accurate & Up-to-Date Data

Information processed must be accurate and that it must be maintained so that it remains accurate.

6. Honour opt-out requests

Data can only be held for the absolute time necessary and no longer. Any opt-outs you receive directly from contacts must be actioned promptly and rigorously.

7. Respond Promptly to Access Requests

You are required to respond promptly to any request from a contact regarding the information you hold, its purpose, its source etc.

8. Secure & Control Measures for ALL your Data

Data must be processed in a manner that ensures appropriate security of the personal data. Organisational and technical measures must be in place to protect all data under your control from loss, damage (accidental or malicious) and unauthorised disclosure.

9. Ensure Cross Border Transfer of Data Compliance

GDPR rules apply wherever that processing occurs so transfer to, and subsequent processing from, a non-EU country remains subject to the GDPR. Non-EU countries that can satisfy the EU that their data protection protocols are sufficiently rigorous can achieve a status which permits transfers to those countries – this now applies to the UK.

10. Keep Detailed Data Records

If your data processing activities are not occasional (or your company has more than 250 employees), you need to keep and maintain "full and extensive" up-to-date records of the data processing activities you're carrying out.

Need more information?

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