

A Marketer's Guide to GDPR & Data Privacy

Get to Know Your Visitors the Right Way



Foreward



Matt Sarson
CMO
Visitor Analytics



“The relationship between GDPR and marketing can be described as a strained one.

Though most marketers understand that trust in customer relationships is an absolute necessity, there is an inherent reluctance to pivot completely from marketing tools and tactics that have previously brought great success - regardless of potential compliance concerns.

A transformation that comes at the cost of short-term optimization can be a bitter pill to swallow - how do you justify decimating your funnel conversion rates to introduce additional steps and checks that you barely understand?

Well, quite simply, if we view GDPR compliance as an imposed adoption curve, we are now very much on the downslope - privacy by design is the new optimization and, without it, short-term targets will quickly become long-term bottlenecks.

The landscape is starting to shift dramatically and, as marketers, we need to be proactive in foreseeing and addressing these seismic changes in how we operate.

As with all transformation, however, there are knowledge gaps and stretched resources - and hence this Guide.

GDPR needs to move away from the nagging phrase repeated by your DPO, and be embraced as an opportunity to evolve your strategy and enhance your relationship with your customers.

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Glossary of Terms

GDPR

General Data Privacy Regulation

IP Address

Internet Protocol Address

PECR

Privacy and Electronic Communications

Privacy Notice

A Publicly Available Document for Data Subjects

[View More in Our Full Glossary →](#)

Privacy Policy

An Internal Document Explaining How GDPR Compliance is Achieved

RFIS

Radio-Frequency Identification

SCCs

Standard Contractual Clauses for International Data Transfer

TOM

Technical and Organizational Measures

What Is GDPR?

Protecting EU Citizen Internet Data

The General Data Protection Regulation 2018 (GDPR) is the foremost part of the European Union's legislative framework for consumer data privacy and security.


It replaces the previous **Data Protection Directive 1995**, with new tighter rules and more enforcement teeth.

And, together with the **Electronic Communications Regulations 2003**, it means that the EU now has some of the strictest data protection laws in the world.




Data Categories Affected by Law


The GDPR impacts the transfer of the following data:



Personal data that can identify an individual (eg. name, address, ID number, email)



Web data, such as location, IP address, cookie data, and RFID tags



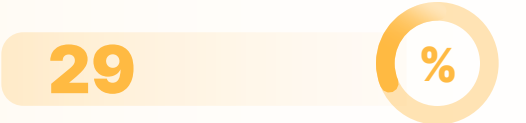
Special Category Information like health and generic data, political opinions, biometric data, race, ethnicity, and sexual orientation

Key Survey Stats i

Just less than half (42%) of respondents suggested that they only know "some things" about GDPR.



With 29% saying they know very little.



Worryingly, 19% said that they knew nothing.



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Eight Data Subject Rights

- 1 Right to be informed** - companies must be transparent in their use of personal data
- 2 Right to access** - individuals must know exactly what data is stored and how it is processed
- 3 Right to erasure** - individuals must be able to correct inaccurate or incomplete data
- 4 Right to restrict processing** - individuals must be able to delete or remove any personal data on request
- 5 Right to restrict processing** - individuals can block or restrict processing of their data
- 6 Right to portability** - individuals must be able to retain and reuse data for their own purposes
- 7 Right to object** - individuals are entitled to object to the use of their personal data
- 8 Right of automated decision making and profiling** - individuals are protected from the risks of potentially damaging decisions being made without human intervention.



Marketers who can integrate these rights into their lead generation campaigns will go a long way to achieving the GDPR compliance of their companies.

An expert view



Andreea Munteanu
Head of Marketing
and Communications,
Promus Ventures



Technology companies have embraced the new realities around personal data collection, storage, and processing.

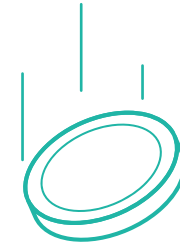
It took some adjusting in terms of AI profiling, lead-generation strategy, as well as tools and systems to guarantee compliance, but I think we're past the panic moment of May 2018.

I see tech startups embedding privacy in the design and architecture of their software and marketers focusing more on qualitative leads and meaningful content strategy, which is a great step forward.

I believe GDPR will prove more beneficial than hindering on the long run, as it brings transparency and helps foster trust-based relationships with customers.

Why Compliance Matters

Severe Financial Penalties



Companies may well have to invest considerable time and money integrating GDPR compliance into operational procedures.

This is because the EU has designed financial sanctions, so as to make GDPR non-compliance costly - up to €20 million or 4% of the global annual turnover (whichever is higher).

The EU, together with subordinate national data protection agencies, have ramped up enforcement efforts in recent years.



Total GDPR fines have grown from \$179 million to \$1.2 billion between January 2021 and January 2022 - a sevenfold increase.



GDPR Improving Marketing Strategy

Beyond cementing trust with clients who are increasingly worried about online privacy, GDPR compliance brings many benefits for marketers:

- ✓ Sustainable marketing strategy
- ✓ Trust with clients and customers
- ✓ Accuracy, security, and organization of data
- ✓ Efficiency of martech selection process
- ✓ Improved relationships with DPO, C-Suite, and other departments
- ✓ Peace of mind from conducting business in an ethical fashion

This new level of transparency is shining the light on what's next—marketers taking back control of our own destiny to accelerate mass disruption—transforming our industry from the wasteful mass marketing we've been mired in for nearly a century to mass one-to-one brand building fueled by data and digital technology.

-Marc Pritchard, CEO, Procter & Gamble

What It Means for Non-EU Companies

GDPR Applies in Most Cases

Most overseas companies that do business within the EU must actively respect GDPR protocol.

- This includes those offering EU data subjects goods or services (even when free) and those monitoring the behavior of individuals within the block.
- This is regardless of whether the company has an EU office or not - even having a website available in the EU can be enough for liability.



Regardless of where you're located, it's crucial to ensure that you are fully compliant with GDPR



When Does it Not Apply?



There is no 'targeting' – e.g. when a Canadian citizen downloads a Canadian-market-only app while holidaying in England.



When EU citizens are targeted while in a non-EU country.



When EU citizen data is processed only for HR purposes (with no offer of goods or services).



The processing or analysis of EU personal data is not automatically considered 'monitoring', which takes into account processing purpose, profiling techniques, and analyzes.

Key Survey Stats

Interestingly, the majority of respondents (71%) felt that they were doing a good-to-excellent job at protecting user data. But then they are users of our platform, so clearly taking the right steps.

71



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GDPR Checklist

7 Steps to GDPR Compliance

An Interactive GDPR
Compliance Checklist
For Marketers and
Business Owners

[Download Now →](#)



Privacy Notice

External Data Transparency Promotion

- ➔ The **privacy notice** is a publicly accessible document for online users.
- ➔ It explains how your company processes personal data and applies GDPR data protection principles.
- ➔ The objective is to **increase the control** that internet users have over how their data is collected and used.
- ➔ Companies must work to ensure users read and fully understand the notice, which will be:

Concise, transparent, intelligible, and easily accessible

Written in clear and plain language, particularly when specified to a child

Delivered in a timely manner

Provided free of charge

Key Survey Stats i

75% of respondents say that, at least some of the time, they consider GDPR when selecting new technology.

75



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Build Your Company's Cookies Privacy Policy



This template includes recommended structure, wording, general advice and links to helpful guides.

Your GDPR-Compliant Cookies Policy Template

[Download Now →](#)



An expert view



Odia Kagan
CDPO, CIPP/E/US, CIPM,
FIP, GDPRP, PLS,
(Partner and Chair of
GDPR Compliance &
International Privacy),
Fox Rothschild LLP



Now, more than ever, marketers need to pay close attention to the GDPR and e-privacy requirements. Beyond the recent discussion about the APD IAB decision, and the Google Analytics decisions focusing on cross border transfers, we have been seeing a general uptick in awareness and enforcement with respect to the use of cookies, trackers and other identifiers.

It is important, now, to take a long look at both your tech stack and your user interface and check: Am I getting consent for the use of these trackers? Is this done before the tracker is accessed/ embedded?

If I intend to do any further processing of the information or use legitimate interest as a legal basis, am I making that clear as part of my disclosure statement or does it seem commingled with the consent I'm acquiring?

Is my user interface straight forward or is it meant to confuse users into an action they didn't intend (dark patterns)? Is it clear with which third parties I share the information collected? Focus on: disclosure, clarity and consent. Those have always mattered, and they matter now, even where no cross border transfers are implicated.

Privacy Policy

Company Operating Procedures

A GDPR privacy policy is an internal document that lays out a company's obligations and procedures for complying.

The GDPR does not specify exactly what should be included in this document. But by laying out how you plan to stay compliant within your organization, it will help your company meet the GDPR requirement of "privacy by design", while improving data security.

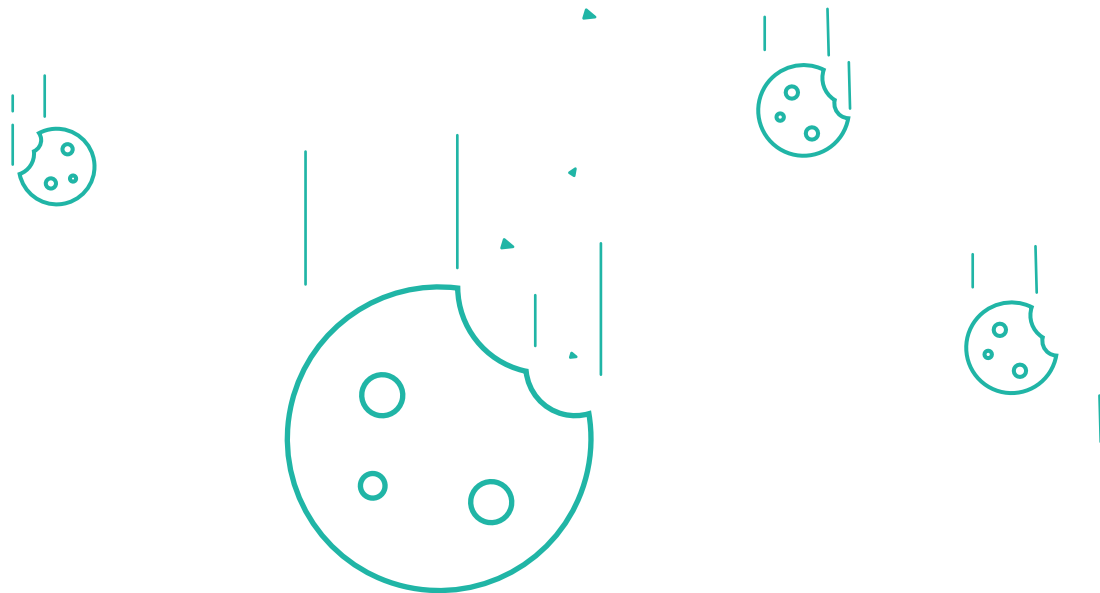
- ✔ Raise awareness about this document so that everyone in your organization is familiar with it.
- ✔ Ensure that this document explains explicitly how your company is complying with each GDPR standard.
- ✔ Get a Data Protection Officer or other specialist to advise you on this document, and assess whether your company complies with the policy.
- ✔ Compile all information related to your company's internal privacy policy in a single document that is available to everyone in your organization.

! Your company has no obligation to publish this privacy policy externally, but this is recommended in some instances to help with transparency.

Cookie Banners

Data Collection Modification by Users

A GDPR-compliant cookie banner is an interactive module that informs users about website cookies and trackers, with information on their purpose, duration, and the provider.



It allows users to personalize data tracking before entering the site, and will feature:



Button to accept or reject cookies



Detailed information about cookie use



Explicit information about third party data sharing



Link to website cookie policy

B2B Marketing

Respecting Data Privacy of Professionals

- ➔ **B2B marketing** refers to the **marketing of products or services** to other businesses and organizations.
- ➔ And since GDPR protects the personal data rights of individuals, **information about companies isn't explicitly covered by the regulations.**
- ➔ However, companies are made up of individuals acting in a professional capacity, making **GDPR compliance a key consideration when carrying out B2B marketing activities.**



I started European Alternatives to show that there are good alternatives to the big US tech companies and because it bothered me that they are so hard to find.

Especially in times of GDPR and problems with data transfer between USA and EU, many people are rightly looking for European alternatives and I wanted to help them.



Constantin Graf

Founder, european-alternatives.eu

Key Survey Stats i

Half of respondents say that GDPR impacts their work

50



18% of them say is a constant

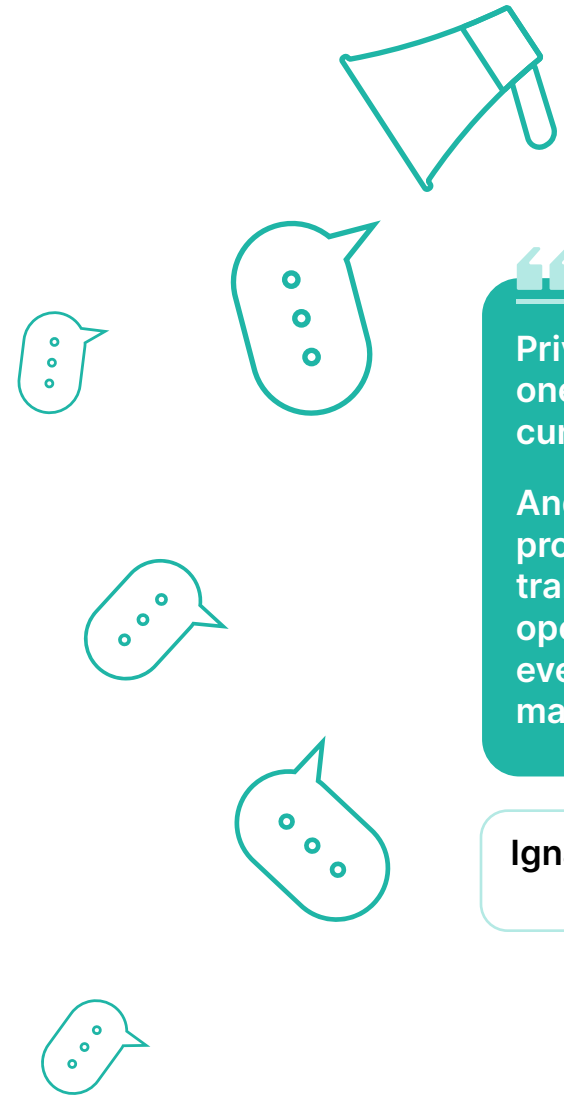
18



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GDPR-Compliant B2B Communication

- ➔ Promotional material must include an opt-out or unsubscribe option.
- ➔ Treat sole traders as individuals that explicitly consent to being contacted.
- ➔ Individual contacted is the business' representative in the relevant topic area.
- ➔ Discontinue all contact on request - build list of unsubscribed or opted-out leads.
- ➔ GDPR rules apply with email addresses that name the individual, who must be able to withdraw from direct marketing.



“
Privacy will eventually become one of the most important currencies.
And the way companies process our information will transform the way companies operate, and will influence even more when buying martech tools.”

Ignacio Aguirre Franco
CMO, Scorechain 

Retargeting

A Powerful Customer Re-engagement Tool

Retargeting campaigns target users who have previously visited your website or are a contact on your database, and come in two forms:



Pixel-based retargeting - after a user has exited your site, a stored cookie automates specific browser ads based on what pages they visited.



List-based retargeting - you can upload contact details to social media and the platform identifies and retargets users with ads for your company.



The goal of these campaigns is to call on an internet user to **take an action** that they didn't do during their initial interaction with your website.

Ensuring Retargeting is GDPR-Compliant

Retargeting capitalizes on a number of issues that fall under the scope of GDPR, including third party data sharing, web tracking, and online activity information gathering.

Given this, companies must acquire user consent (that is then passed on to any third party) before the retargeting campaign can begin.

Since retargeting campaigns also utilize cookies to advertise to users away from the company website, you are considered a “data controller” by GDPR - meaning that you need to fully disclose information about retargeting campaigns to users in the privacy notice.



Social Media

Organic Social Media Marketing

This is largely unaffected by GDPR regulations because posting content and engaging users does not require the collection of personal data.

However, there are circumstances where GDPR compliance should be considered because **personal data is involved**:



Exporting contact details from social media followers or groups



Directing social media to your company website, particularly when using Google Analytics to track user behavior

i In these circumstances, users will need to opt-in to your social media privacy policy.

Key Survey Stats **i**

In terms of challenges, the two stand-outs were:

1

The complexity of sourcing compliant tech solutions

2

The complexity of retargeting, with 19% of respondents highlighting these issues

19

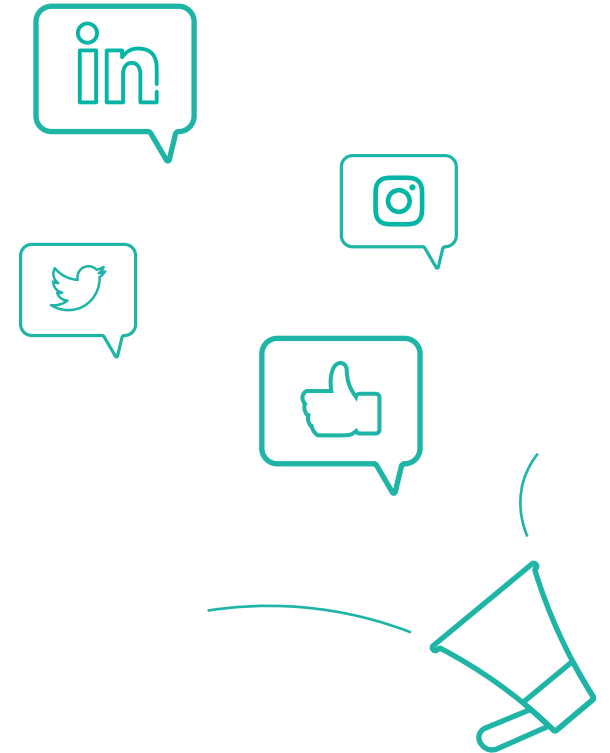
%

[Discover More →](#)

Paid Social Media Advertising

Companies must acquire **explicit consent** from social media users **before processing personal data** or tracking behavior, which can be done as follows:

- ➔ Users must have a clear and easily accessible option to opt-in or out, presently or at any point in the future
- ➔ Company must state what data is collected and how it will be used
- ➔ Consent request must be written in clear and plain language
- ➔ Inactivity does not mean consent - users have to take action for themselves



Software Solutions

Building your GDPR-Ready Marketing Tech Stack

MarTech – short for **Marketing Technology** – describes the software and tools that help marketing professionals achieve their digital goals.

- Since MarTech relies heavily on the collection and processing of personal data, it is vital that your company chooses the right options to ensure GDPR compliance.
- The changing data privacy landscape – with the GDPR requirement that personal EU citizen data be stored within Europe – has seen EU-based MarTech solutions grow in popularity in recent years.

Below is a list of key software solution categories:

○ Search Engine Optimization (SEO)

○ Social Media Marketing

○ Survey Platforms

○ Webinar Tools

○ Customer Relationship Management (CRM)

○ Website Analytics

○ Email Marketing Software

○ Chatbots



The MarTech landscape has changed dramatically between 2011 and 2020. Figures from Martech Alliance show that options have increased from 150 to 8,000 – that's a 5,233% increase.

An expert view



Dr. Dave Chaffrey
Co-founder
Smart Insights



Since the GDPR regulations came into effect in May 2018, the initial surge of interest from marketers has waned.

Yet it is dangerous to ignore the potential risk of lack of compliance with privacy laws since many companies are facing fines for breaches.

The enforcement actions taken by the Information Commissioner's office show regular substantial fines for both large and small brands alike.

So it's best to regularly audit your compliance with new and evolving laws such as the European ePrivacy law update, particularly if you market cross-border.

Website Analytics

Analyze Site Performance & User Behavior

➔ Website analytics is software that monitors how visitors interact with a website.

It generates reports that enable marketers to analyze user behavior - information that can then be used for website improvements. **Key indices** include:



Web traffic - incoming/outgoing site visitors



Views - amount of page views



Clicks - number of clicks per link



Unique visitors - first-time website visitors



Bounce rate - percentage of visitors leaving without interacting with the website



Conversion rate - measuring visitor numbers that make a purchase, subscribe to a form etc.



Organic traffic - arrivals from a search engine



Direct traffic - arrivals typing your site address

Choosing GDPR-Compliant Website Analytics

- Based/stores data in the **European Union**
- **Anonymization** of data and IP address
- Users can fully **opt-out of tracking**
- **No data sharing** with third parties - first-party cookies by default
- Users can **view** collected data **on request**



- **Data not used for any other purpose**
- Company respects users' **right to be forgotten**
- Visitor log and **profiles can be disabled**
- Include **full disclosure of analytical software** in your own privacy notice



Try For Free →

Compliant Web Analytics

Customer Relationship Management

Vital for Maintaining GDPR Compliance

Customer Relationship Management (CRM) is software that manages company interactions with existing and potential customers and it stores huge volumes of personal data.

- Without such a system, it can be all but impossible for companies to comply with GDPR since personal data could well be spread across different software and devices.



Some CRM software companies have redesigned their software to mesh with European Union privacy regulations that promote the privacy and security of personal data, and it will be important to ensure that yours has done the same.





Processes Over Programming

Regardless of what CRM system is in use, it is your company policies that will ultimately determine how GDPR compliance is sustained in the long term:

- ✓ Configured to retain only as much data as is required for delivery of goods or services
- ✓ Users not forced to enter personal details like age, race, gender etc.
- ✓ CRM users trained on implications of GDPR

- ✓ Data storage and backup done only as long as necessary, with policy explaining why a longer retention than specified by GDPR is appropriate
- ✓ Opt-in process to gain permission for CRM-origin emails
- ✓ Respects individuals' right to be forgotten, access information held, and capacity to update information as desired

An expert view



Alexandre Keilmann
Content Marketing Officer
LUXHUB



“ Ever since its introduction, GDPR, and data protection in general, has played a central role in everything we do at LUXHUB - from developing new products to selecting vendors and service providers.

As we are working in the financial services industry, and as a regulated entity, we aim at ensuring the safety of our customers, partners, and of course, internal and external employees.

For instance, our DPO intervenes when selecting services providers: he makes sure data is stored in the EU and is therefore compliant with the GDPR regulation. And respects European values in general: security, transparency, availability.

Moreover, each newcomer participates in a GDPR training session lead by our DPO, and annual sessions are organized to keep all employees up to date with the latest modifications, if any.

Survey Platform

Automated Customer Feedback Software

→ Surveys are one of the leading customer data collection methods.

→ A survey platform or survey software is an application that automates much of this process, allowing marketers to create, run and interpret different types of online surveys so as to collect constructive feedback from targeted users that can be used to drive improvements.

→ Today, online survey platforms need to satisfy GDPR requirements that protect the personal data of customers.

Key Survey Stats ⓘ

An incredible 70% of respondents think that GDPR is going to become a bigger obstacle moving forwards, with half of those saying they perceive this to be an absolute certainty.

70

%

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GDPR Compliance with Survey Platforms

- There are a number of ways that GDPR affects data collection, surveys, and questionnaires:



Lawful basis

Ensure your grounds for collecting personal data meet one of the six conditions of GDPR before the survey starts.



Informed consent

Respondents need to know the details of what they're consenting to in terms of what will happen to their data.



Data minimization

The company should only collect personal data it can justify. Data should be deleted when no longer needed and within the timeframe specified in the policy notice.



Rectification, erasure and restriction

Users must be able to access personal data, request changes or removal, and restrict any further processing.

Chatbot Marketing

The B2C Technological Frontline

- ➔ Chatbot marketing is a method of promoting goods and services utilizing a chatbot - a computer application that responds to users with either preprogrammed scenarios or the help of AI.
- ➔ Chatbot use is on the rise and they are often the first port of call for customers.
- ➔ While chatbots appear to be an informal form of interaction, they are still subject to the same strict GDPR requirements.
- ➔ If chatbots form part of your sales and marketing strategies, you'll need to analyze the processes used to collect and manage personal data.



Chatbots are estimated to reduce the cost of customer service calls by 30% (IBM).



As privacy restrictions become more prominent, you wonder what will be possible as a marketer in the years to come.

I believe this is an opportunity, one that allows us to break new ground. Marketing has been chasing consumers like crazy in recent times, but what if it was the other way around?

Technology that can help us achieve this will be at the forefront in the years to come.

Michel Mahieu
Founder, Lunir



Key Considerations for GDPR compliance

- Contact starts with transparent and clear information about what data will be collected and how it will be used ✓
- Users provided with a straightforward way to access, review and download copies of data ✓
- Users must be able to delete their data on request and this option should be added to the chatbot's menu ✓

- Logs reviewed by developer to ensure that personal data like names, IP addresses etc. are not being stored ✓
- AI cannot make important decisions without human involvement ✓
- Update privacy notice and show information to users before data is collected ✓

visitor**analytics**

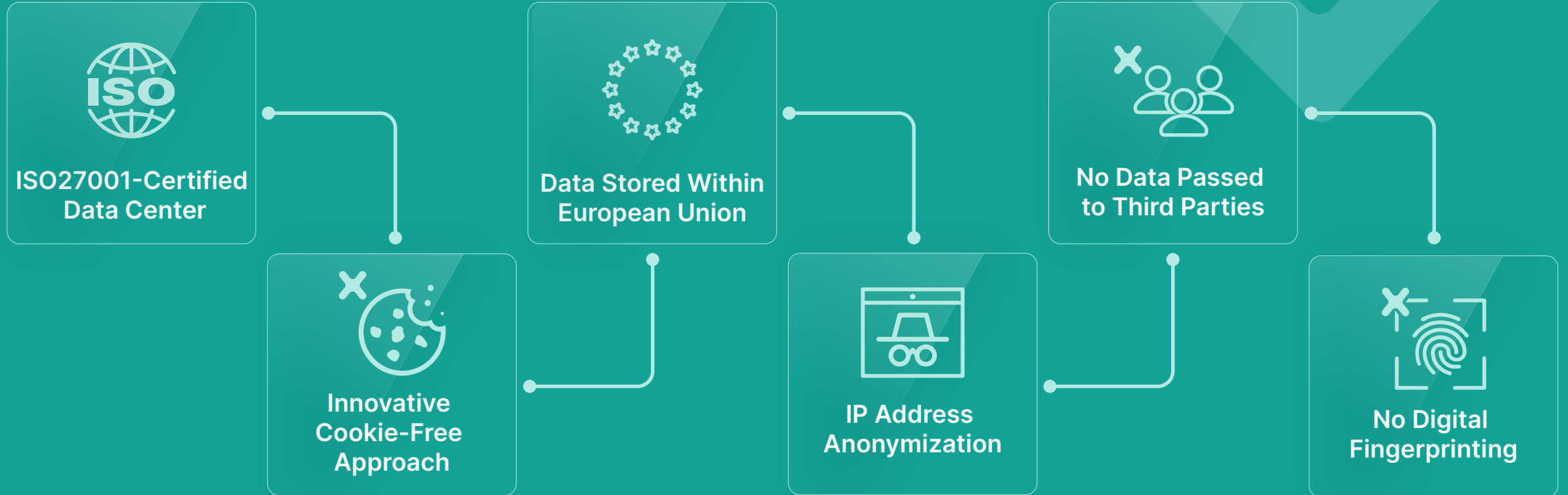
Introducing Visitor Analytics

Your Complete Platform
for Compliant Online Marketing Data

Register Today For A Free Trial →



Fully Compliant With GDPR Requirements



Trial Visitor Analytics in conjunction with existing software and decide for yourself.

3 Pillars of User Insight

Our software provides companies and marketers with an all-in-one package of tools to analyze both statistics and visitors - all in one app.



Website Statistics

The foundation for effective site auditing and building your online presence.

- ✓ Visitor Statistics
- ✓ Page performance
- ✓ Hardware information
- ✓ Campaign performance



Visitor Behavior Analysis

Comprehensive toolkit for analyzing how users interact with your website on every level.

- ✓ Custom events tracking
- ✓ Session recordings
 - ✓ Heatmaps
- ✓ Conversion funnels



Visitor Feedback

The foundation for effective site auditing and building your online presence.

- ✓ Polls
- ✓ Surveys

[Register Today For A Free Trial →](#)

visitor**analytics**

Privacy First Website Analytics

- ✔ With more than 2 million active users from 190 countries and offering an all-on-one website statistics toolkit for any business, **Visitor Analytics is one of the leading online analytical solutions worldwide.**
- ✔ All features are **100% GDPR/CCPA compliant** and data is collected in real time.



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