

GDPR



**Data Protection
Officer (DPO)**



Compliance



25 May 2018



Data Breaches



Personal Data

GDPR Countdown and You



Introduction

ZINFI recently held a small survey and internal discussion on the impending General Data Protection Regulation, known as GDPR, which is intended to strengthen and unify data protection for all individuals within the European Union (EU) and will have a major impact on all marketers who do business in the EU. An engaged panel brought a number of thoughtful questions to the discussion, and ZINFI's directors and top-level managers did their best to provide insight into the requirements marketers will be obligated to comply with and how GDPR will affect marketers' responsibilities.

Those questions, and our attempts to answer them, should enhance your understanding of some of the most important issues emerging as GDPR takes effect.

Are all organizations, regardless of size, required to have a DPO?

Under GDPR, organizations with more than 250 employees that store or process the personal data of EU subjects are required to have a Data Protection Officer (DPO) on staff. However, regardless of the size of your organization, you should consider creating a Data Protection Office to handle matters pertaining to personal data management.

Does GDPR itself apply to organizations of all sizes?

GDPR applies to all organizations that market to people in the European Union, regardless of the size of the organization.

Will ZINFI add new functionality to make it easier to be compliant?

We're completely upgrading our product to meet all GDPR requirements with respect to data privacy, data security, and data collection and processing. We have designed and implemented these changes with the objective of easing our customers' own compliance burdens under GDPR.

Does ZINFI plan to comply with all of these regulations—including, for example, the "right to be forgotten"?

Yes, we're required under the law to comply with every aspect of the GDPR whenever we are dealing with EU subjects, and we will make changes to our processes and our solutions wherever applicable to help our clients fulfill their obligations. This includes compliance with data subjects' right to have their personal data erased under specified conditions.

Will ZINFI enable forms that offer positive opt-in based on location?—so subjects with EU-based IP addresses are see a positive opt-in while subjects in non-GDPR countries do not.

Form enhancements are being considered in the research and development process of our GDPR preparations, and we hope to implement a solution soon.

Does ZINFI back up our stored lists?

Personal data security is paramount for GDPR compliance and data is backed up for security and recovery measures during the term of the agreement with a client. Once the processing is complete, as per the agreement, backups are respectively destroyed and end users are notified via email about deletion of their data.

From a marketing perspective, what types of detail do we think will be necessary?—to ask for consent from a person before they're a customer,

Under the GDPR we'll have to communicate exactly what we're going to do with a data subject's information and the purpose for processing it, and that purpose must satisfy one of six possible "legitimate interests" of the data subject. This is a complex requirement, and organizations should consult the Regulation for comprehensive information, including [Chapter 6](#) ("Lawfulness of processing"), and [Chapter 3](#) ("Rights of the data subject").

Will we still be able to use gated content and progressive profiling?

Yes, if we have provided complete information to the individual who signs up for the program and we've adhered to the data subject's rights under GDPR.

How do I know if I have any EU email addresses in my database? —I am a US B2B operator for businesses in the United States, but some customers or prospects may have an EU email.

Your first step should be to conduct a data assessment and analysis of the data held by you. You should assume that if you have EU clients, you will have EU addresses in your files. Prepare now for the Regulation by modifying your onboarding and acquisition methods to include geolocation information.

We're a UK-based business, but do we also need to comply from an outbound perspective? —In other words, if we're processing data from an individual in the United States, do similar restrictions apply?

No, only EU individuals are covered under GDPR.

How will GDPR affect those businesses that are focused only on B2B engagements?

GDPR applies to any business marketing to EU citizens, regardless of the channel.

Does the Regulation apply to B2B customers and data, or only to B2C individual data?

Any data you hold on an individual is covered under GDPR, whether that person is a consumer or a business owner or employee.

How will the UK be affected by Brexit under GDPR?

The UK government has indicated that Brexit will not affect GDPR. GDPR will be implemented in the UK as originally scheduled.

What best practices can we follow to find out location of opted-in end users?

Updating records now would be a great point to start. Proactively reaching out and requesting additional data to ensure information is accurate and up to date is the best we can do. More specifics on controller responsibilities can be accessed in [Chapter 4](#) ("Controller and processor") of the GDPR.

GDPR requires EU members to comply, but how is it different for a US-based company?

If you hold any data on EU citizens, then you're required to comply with GDPR.

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www.zinfo.com

Contact Us

AMERICAS

sales.noram@zinfitech.com
6200 Stoneridge Mall Road, Suite 300
Pleasanton, CA 94588
United States of America

EUROPE, MIDDLE EAST AND AFRICA

sales.emea@zinfitech.com
Davidson House
Forbury Square, Reading
RG1 3EU, United Kingdom

ASIA PACIFIC

sales.ap@zinfitech.com
3 Temasek Avenue
#21-00 Centennial Tower
Singapore 039190