

# GDPR COMPLIANCE

## Lead Supply

Basis of personal data processing assessment and outcome for direct marketing purposes.



Business

Consumers

### GDPR & Direct Marketing

In May 2018 the General Data Protection Regulation came into effect giving consumers stronger rights over how their personal information is processed and used. Proconnect has produced this document to give you a better understanding of the basis on which we supply sales leads, and your legal basis for processing the leads we supply.

*Since 2008 Proconnect Marketing has been compliant with all data protection laws and continues this with compliance under the new GDPR rules.*



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# LEGITIMATE INTEREST ASSESSMENT

Recital 47 of the GDPR says:

*“...The processing of personal data for direct marketing purposes may be regarded as carried out for a legitimate interest”*

When supplying personal data under the GDPR rules it is important to carry out a balancing test to establish if the processing of the data has a lawful basis. Proconnect has carried out these tests as required to ensure the leads we supply meet the standards required for GDPR compliance.

Question	Answer
Would the individual expect the processing activity to take place?	Yes, our survey outlines the call and what the individuals information will be used for. The survey is very open and transparent.
Does the processing add value to a product or service that the individual uses?	Yes
Is the processing likely to negatively impact the individuals rights?	No
Is the processing likely to result in unwarranted harm or distress to the Individual?	No
Would there be a prejudice to Data Controller if processing does not happen?	Yes
Would there be a prejudice to the Third Party if processing does not happen?	Yes
Is the processing in the interests of the individual whose personal data it relates to?	Yes

Question	Answer
What is the connection between the individual and the organisation?	<ul style="list-style-type: none"> <li>• Existing survey responder</li> <li>• Lapsed survey responder</li> </ul>
Is the processing likely to result in unwarranted harm or distress to the Individual?	Consumers that have undertaken a survey and responded positively to be contacted in regard to companies calling them to discuss products, services or promotions.
Is there a two-way relationship in place between the organisation and the individual whose personal information is going to be processed? If so how close is that relationship?	<ul style="list-style-type: none"> <li>• Ongoing</li> <li>• Periodic</li> <li>• One-off</li> <li>• No relationship, or relationship has effectively ceased</li> </ul>
Would the processing limit or undermine the rights of individuals?	No
Has the personal information been obtained directly from the individual, or obtained indirectly?	Directly
Is there any imbalance in who holds the power between the organisation and the individual?	<p>No – The individual has the choice of how their data will be processed, which channel of contact and which industry / company will contact them.</p> <p>The individual also has the option to opt-out of future marketing should they wish.</p> <p>We also TPS screen all individuals to ensure compliance with PECR rules.</p>
Is it likely that the individual may expect their information to be used for this purpose?	Yes

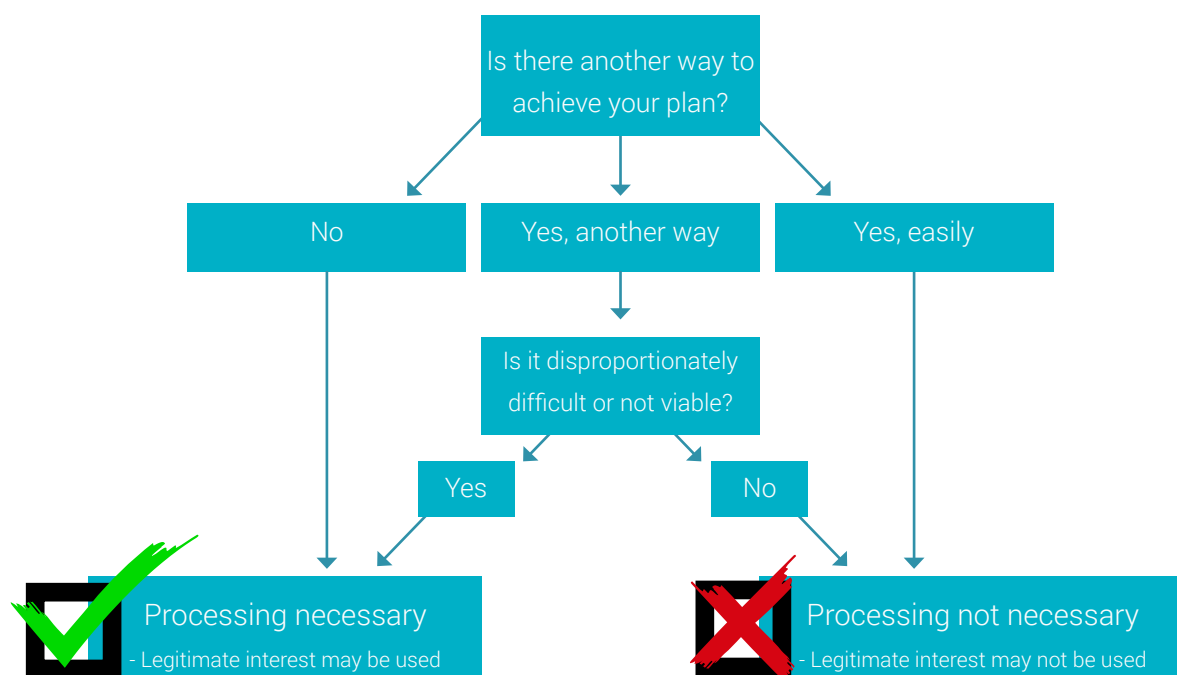
Question	Answer
Is a fair processing notice provided to the individual, if so, how? Are they sufficiently clear and up front regarding the purposes of the processing?	Yes – during the call, the individual will clearly be informed and each responder is played a recorded message explaining the purpose of processing their data as well as the option to opt-out.

## NECESSITY TEST

*“...‘Necessary’ means that the processing must be a targeted and proportionate way of achieving your purpose. You cannot rely on legitimate interests if there is another reasonable and less intrusive way to achieve the same result.”*

When using legitimate interest as your basis for processing personal information you need to be sure that there is no other reasonable or viable method of achieving your goal. Many of our clients have tried alternative methods of marketing (newspaper advertising, online advertising, and direct mail) and found them to be not viable or disproportionately difficult, on this basis legitimate interest would apply.

When considering whether to use our leads for marketing purposes, you should always consider if there is another way of achieving your goals as legitimate interest may not necessarily apply if there is.



## OUTCOME OF ASSESSMENT

Having carried out the balancing assessment, we feel that legitimate interest would be the appropriate basis for processing our consumer survey responders personal information. We feel this would be appropriate for the following reasons:

- The strength of opt-in from the consumer
- Transparency to the consumer
- Who – The companies or sectors that could contact
- When – Definitive time frame for processing of 12 months
- Why – Call to promote products and services
- Clear opt-in during the call - Agent: Thanks very much for your time today and before you hear the recorded message we mentioned at the start of the call if at any point you wish to opt out from {Survey Name} please simply go to [www.xxxxxxxx.com](http://www.xxxxxxxx.com)

## WHAT TO TELL CONSUMERS

In the event of a consumer asking why their personal details have been processed for marketing under GDPR, you should reply with the following:

*"We received your details as {Mr/Mrs} {Surname} carried out research recently and expressed an interest in {your service or product} and opted in to receiving contact from businesses in our sector. Due to this, we have processed your details for direct marketing purposes on the basis of legitimate interest."*

If having explained the above the consumer wishes to remove their consent for you to process their details, you should flag the record as such and add to your do not call list to prevent future contact. You should also notify us to enable Proconnect to suppress their details.

## CONCLUSION

At the heart of GDPR are the rights of consumers, and that their personal data is processed fairly and securely. For legitimate businesses, using legitimate leads which are collected & supplied in a compliant manner, GDPR will have limited effect on customer acquisition.

Proconnect feels it is important that individuals rights are upheld and have always strived to achieve the highest standards for our clients.

