

# NEWZAPP GDPR RESOURCES



# NewZapp Email Marketing GDPR Resources<sup>1</sup>

## What is the GDPR?

The General Data Protection Regulation (GDPR) is a regulation intended to strengthen and unify data protection for all individuals within the European Union (EU). It also addresses the export of personal data outside the EU. The primary objectives of the GDPR are to give control back to citizens and residents over their personal data.

Even under current privacy and data protection directives, Email Marketing is consent driven. The GDPR looks to strengthen how that consent is given and recorded.

It must be clear to an individual what they are consenting to with affirmative action. For example; you do not have consent to send your email campaigns if an individual:

- ✓ Didn't untick the signup box on your contact form
- ✓ Gave you their details to download a voucher code or whitepaper

## The GDPR & Email Marketing

Marketers will only be allowed to send email to people who've opted-in to receive messages. Yes, you're right, this has always been the case! The difference is from May 2018 you need to have proof of unambiguous consent from your subscriber to be compliant with GDPR.

The GDPR does not only apply to data collected after May 2018, it is in effect right now. The data you currently have should adhere to the regulation before the 28th of May 2018, when it becomes law for it to do so.

Many companies will be using the GDPR as a catalyst for a database spring clean. A great opportunity to review current data collection policies and gain consent with re-subscription campaigns to current subscriber lists.

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<sup>1</sup>The information in this document and materials created by NewZapp Email Marketing are not intended to constitute or provide any legal advice. You should seek advice from a legal professional or contact the Information Commissioners Office to discuss your business needs.

## GDPR Compliance

NewZapp Email Marketing is GDPR Compliant. Our servers and procedures conform to the guidelines required by the General Data Protection Regulation. We have an appointed Data Protection Officer who informs and advises the company and its employees about their obligations to comply with the GDPR and other data protection laws.



All of our servers are in the UK and we do not store any of the system data, including customer data, outside of the UK nor do we transfer it outside the EU for any processing. The NewZapp cloud based service is accessible via <https://system5.newzapp.co.uk> and is governed by separate terms and conditions available here <https://www.newzapp.co.uk/email-marketing/terms-and-conditions.php>.

Further information can be requested by emailing [support@newzapp.com](mailto:support@newzapp.com)

## Data Processor and Data Controller

NewZapp Email Marketing is a **Data Processor**. We hold a copy of and process your **Data Subjects**. This means that we send your Email Marketing campaigns to your subscribers. We will provide you with the tools to gather consent from your data subjects stored within our system and hold this information within your NewZapp Account.

You are the **Data Controllers**. For more information on the Data Controller's responsibilities, please visit the [ICO website](#).

## Consent through Double Opt-in

A NewZapp account can acquire, store and manage that vital subscriber consent for you. Double opt-in' is a setting that works with your website's email signup form. It triggers a process whereby an online Subscriber is required to confirm their sign-up via a link emailed to them. Only once they have clicked the link in the email to confirm their subscription, are they added to your account's mailing list.

**Double Opt-in** - Using our online sign-up code or when subscribers are added manually to a NewZapp you can trigger a confirmation email. Once clicked NewZapp will record the consent required by the GDPR for you to use should you ever be called upon to do so.

**Double Opt-out** - Another vital part of the GDPR is an individual's right to restrict processing. All NewZapp emails carry an automated unsubscription facility which gives them that right whilst protecting you from sending further emails that could result in a large fine.

## How to turn on the Double Opt-in email setting in your NewZapp Account

All NewZapp accounts have Double Opt-in email set 'ON' by default<sup>2</sup>.

### Subscribers

Subscriber sign up: *Double opt-in email*

Unsubscribe confirmation: *Goodbye email*

This means that the system sends a confirmation email to every new online Subscriber on your behalf. This is in a default style provided by NewZapp Email Marketing. You cannot edit the text within the email, but it will include your company name (as saved in the Company Branding section of your Settings) and your company logo (this is only available on the Enterprise Package)

#### Company Branding

Company Name:

Logo upload:

Current Logo:

Your logo image should be in JPG, PNG or GIF format and can be up to 350kb in size. The system will automatically resize large images for you, but ideally your logo should be no wider than 300px. This logo will be displayed on your Subscriber Preferences page, your Double Opt-in and Goodbye emails (if applicable) and your Manager's Report PDF cover.



<sup>2</sup> Whilst 'Double Opt-in email' is now a default setting in all new accounts If you have ever made any changes to your settings in the past we have not overridden your existing settings. You will need to check your settings and switch the Double Opt-in email setting 'ON'

## NewZapp Sign up form and Double Opt-in

Once Double Opt-in has been switched on in your NewZapp account, it will be triggered every time a subscriber signs up to your database. You will need to use our HTML code which will link to your account. You can find this in our Knowledge base as well as your Facebook sign up form.



Please confirm your subscription.

[confirm](#)

If you've received this email by mistake, please just ignore or delete it. You won't be subscribed if you don't click the confirmation button above.

## Which email address will the double opt-in email be "from"?

The opt-in email that the system sends on your behalf will be sent from the 'Default 'From' email address' saved in the Create section of your Settings screen.

## How do you set up a Welcome Email after the subscription has been confirmed?

Every NewZapp account has a Welcome Automation available for you to use as the next step of engagement with your Subscriber. Further information can be found in our Knowledge Base.

## Existing subscribers and the GDPR

You may not have to ask for consent again if you can either trace valid consent or utilise one of the other legal basis for processing data. You may think about including our new [confirm] tag<sup>3</sup> in your emails to continue to offer fairness and transparency for the continued choice to Opt-In. The [confirm] tag turns into a confirm link when sent. Any subscriber who clicks it is re-confirmed and you'll have a record of that consent.

## Storing consent for the General Data Protection Regulation

As part of the General Data Protection Reform which becomes law on the 25th of May 2018, we have provided an area to store the unambiguous consent gained from the opt-in email sent to your subscriber and any actions taken with this data. This area provides additional tools for data controllers.

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<sup>3</sup> Bear in mind if you go down the re-confirmation route, even if it's just once, you are committed to honouring it. Otherwise, after May 2018 you will ONLY be able to email subscribers who have clicked confirm.

Within your NewZapp account, each email address has a Subscriber Card which contains their personal information such as name and contact details etc. There is an additional tab dedicated to the GDPR which records a comprehensive range of Subscriber actions such as the origin of a Subscriber, the method used to Subscribe, Unsubscribe or Re-subscribe, and changes to Subscriber email address by Admin.

Details
Groups (1)
Segments (4)
Send History
GDPR

Date Added: 12-03-2014

Date Unsubscribed: 17-10-2017

Date/Time	Action	IP Address	Device	Email Address
12/03/2014 08:05	Opted-in to Public Group (Subscriber Preferences)	109.176.131.138	Desktop	johnsmith@newzapp.com
17/10/2017 08:06	Unsubscribed (by Admin)	109.176.131.138	N/A	johnsmith@newzapp.com
17/10/2017 08:07	Resubscribed (by Admin)	109.176.131.138	N/A	johnsmith@newzapp.com
17/10/2017 08:08	Unsubscribed (by Admin)	109.176.131.138	N/A	johnsmith@newzapp.com
17/10/2017 08:08	Changed Email Address (by Admin)	109.176.131.138	N/A	johnsmith@newzapp.com
17/10/2017 08:10	Unsubscribed	109.176.131.138	Desktop	johnsmith@newzapp.co.uk
17/10/2017 08:10	Resubscribed	109.176.131.138	Desktop	johnsmith@newzapp.co.uk

Records also include Date, Time, IP Address and Device. The GDPR tab replaces the origin tab (source of subscriber information) your Subscriber Card for easy access to subscriber actions.

Also stored within this Subscriber Card tab, is the new soft opt-in (or re-opt-in) tools which records double opt-in and re-engagement confirmation, per Subscriber, via the use of the 'confirm' tag.

## 10 Myths about the GDPR

### 1. If I haven't sent a reconfirmation email to my subscribers I can't send to them?

You can still send to your subscribers if you can stand behind one of the 6 lawful basis for processing data. You can find out about the lawful basis for processing on the ICO website.

### 2. Consent is the only way to meet the standards set by the GDPR

Consent is one of six ways to meet lawful processing. There are other ways to lawfully process data subjects (your subscribers). Further information about lawfully processing subscribers is on the ICO website.

### 3. If I have a pre-ticked box on my sign up form that is still consent?

No! Consent needs to be unambiguous. A pre-ticked form/box is passive consent. The subscriber needs to take the physical action to say 'yes'. You cannot assume because they haven't unticked (opted-out) that this is a form of consent.

### 4. If I offer white papers, free downloads or WiFi I have consent and comply with the GDPR

Just because someone downloads a white paper or logs on to your WIFI does not mean you have unambiguous consent to send them Email Marketing campaigns.

### 5. GDPR is a barrier to businesses; it's pure red tape, and means you can't contact your subscribers as freely as you want to.

Something we hear quite often. The GDPR is not all about businesses, it is about data as a citizen of the EU. It is more control over your data (you the person, not you the business). The GDPR doesn't need to be seen as a barrier to contacting your subscribers or leads, it is a way to reduce dead data, create potentials that are genuinely interested and provide you with a rich database of engaged subscribers.

### 6. Data that is already in my database isn't subject to the GDPR is it?

The GDPR is reaffirming the legislation's that are already law around data. If you cannot prove that you have consent (opt-in data) or meet one of the other 5 ways for lawful processing you will break the GDPR.

### 7. GDPR doesn't apply to my company because of BREXIT

Yes, it does. Any company with EU citizen's data (even if it's one person) needs to comply with the GDPR. It does not matter that the UK is leaving the European Union in March 2019, the GDPR applies to European citizens.

**8. I have to turn double opt-in on to comply with the GDPR**

No this is just one way to meet lawful processing of data. It's the quickest and easiest way plus it's free.

**9. If I comply with the GDPR I don't need to include unsubscribe in my email campaigns?**

Wrong, you still have to offer the recipient the right to decide if they want to hear from you. People can change their minds!

**10. My subscribers haven't opted-out of my mailing lists so they must be happy to still hear from me?**

Wrong, they may one day decide they don't want to hear from you. Depending on how frequently you send to them. They may not notice your campaign in their inbox, click or open your Email Marketing campaigns but that doesn't mean they want to hear from you!

### Further resources

NewZapp Email Marketing does not specialise in the GDPR or Data Protection Act reform. We cannot provide specific advice relating to your database or the control of your data. NewZapp Email Marketing can only provide support regarding the GDPR for system features.

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1. NewZapp LinkedIn: Follow us for updates, best practice and Email Marketing support, tips and software showcasing - <https://uk.linkedin.com/company/destinet-ltd>
2. NewZapp Twitter: Follow us for Email Marketing hints and tips, hot topics, support and advice to make the most out of your NewZapp Account - <https://twitter.com/NewZapp>
3. NewZapp Knowledge Base: For everything related to NewZapp, customer led articles and support guides. - <https://support.newzapp.com/portal/kb>
4. NewZapp Newsletter: Sign up to our weekly Newsletter <https://www.newzapp.co.uk>
5. ICO - Preparing for the GDPR: 12 steps to take now - <https://ico.org.uk/media/1624219/preparing-for-the-gdpr-12-steps.pdf>
6. ICO - Getting ready for the GDPR: Checklist - <https://ico.org.uk/for-organisations/resources-and-support/data-protection-self-assessment/getting-ready-for-the-gdpr/>
7. ICO - Guide to the GDPR: For organisations - <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>