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GDPR for Email Marketing – Your Essential Guide to Achieving Compliance in 2018

16 step checklist to help you achieve GDPR Email Marketing compliance.

GDPR Compliance Checklist

GDPR is the new framework for data protection laws and is aimed to replace the 1995 Data Protection Directive.

It will come into force on May 25, 2018 (GDPR compliance date), a date when you as a small businesses will have to demonstrate that good data protection is a key element of your policies and practices.

Starting with this day, you will have to comply with the new laws. Otherwise, you will pay huge fines; the GDPR fines are up to €20 million (about \$24.5m) or 4% of your global annual turnover.

It is one of the most significant legislation in the past two decades, based on the experts' statements, and the truth is that the comprehensive reform of data protection rules was necessary.

However, the Regulation isn't about massive fines, nor ceasing contacting your subscribers. GDPR aims to uphold the rights and freedoms of EU citizens to privacy and facilitate the free transfer of data between the countries within the European Union.

Did you know that, according to a [Consumer Privacy study](#), 92% of online customers perceive data security and privacy as a concern?

Obviously, you want to avoid this. You could use the checklist below to comply with the GDPR and earn the confidence of your clients.

1. Evaluate and audit. Evaluate how well your current mailing list is in compliance with the Regulation. Rumors are that [75% of marketing email lists](#) will become obsolete by the time GDPR will come into force.

Start auditing your email list and remove the addresses that do not have a record of their email opt-in. If your users freely and willingly gave their consent to handle their information, you must keep accurate records of their permission.

If you already use double opt-in for [list building](#), then you will be fine with having valid consent for your existing subscribers.

Also, investigate if the [email marketing solution](#) that you use as well as other tools that collect customer data are GDPR compliant. If they are, your life will be much more easier.

2. Deal with the gaps identified during the audit process, and request external expertise, if needed.

3. Evaluate the existing policies and procedures, such as terms and conditions, privacy policies and the way you interact with your contacts and customers. Then update them to let people know what type of data you collect and ask for consent.

4. Estimate the risks to the personal data collected from users. If you believe that you collect data which is not needed, but could affect your reputations in case of a security leak, then choose to no longer collect that.

5. Use double opt-in. New subscribers must confirm through an automated email that they want to join your list. As for the email consents that were obtained in the past – and it fulfills the Regulations' requirements – you don't have to re-request your contacts' permission, based on the GDPR's [Recital 171](#):

Where processing is based on consent pursuant to Directive 95/46/EC, it is not necessary for the data subject to give his or her consent again if the manner in which the consent has been given is in line with the conditions of this Regulation, so as to allow the controller to continue such processing after the date of application of this Regulation.

6. Stop buying email lists. If you used to buy mailing lists you should review the way you are collecting users' data. Sorry, folks, but you have to start fresh with a new marketing database, especially if you want to play by the rules and avoid paying exorbitant penalties.

Look at the bright side! You will achieve a list of engaged and interested subscribers.

7. Ask for explicit consent during opt-in. Use opt-in forms (email or account creation) on your website and invite more users to add themselves to your email list. Consider specific opt-in forms for blog posts, product news, and general business news.

If you need some inspiration, here are [10 examples of best practice](#) UX for obtaining marketing consent.

Also, remember to keep email consent separate that your terms and conditions.

8. Improve your [content marketing strategy](#). Invest in a content marketing strategy, especially if you create messages tailored to your potential clients. Create eBooks, guides, and email courses that your subscribers can download or access in return for them sharing their contact info. It's a win-win situation!

9. Run a re-permission campaign. If you have the feeling that your email list might be stale, then it is time to run a re-permission campaign. This will help keep people that are still interested in hearing from you and remove those that no longer find your content relevant to them.

Plus, if you do not have clear consent from your email list and proof to show it, then you need to run a re-permission campaign before May 2018 to be sure that you have a GDPR compliant email list.

10. Use social media for outreach. Your sales team must learn about social selling techniques. Instead of reaching new prospects by email, connect with them on social media.

Give your potential clients relevant content and obtain their affirmative consent to join your mailing list.

11. Verify if you have to install age verification controls for your email marketing business.

12. Keep records of what personal information you store, why you collect and

process it, or for how long.

13. Prepare for any data breaches and, if it's the case, report it to the relevant data protection agency within 72 hours.

14. Appoint a **Data Protection Officer**, considering the number of your employees and your market size. If you run a small business, with 250 staff members or less, and you do not process and monitor data on a large scale, nominating a DPO is not mandatory. However, for best practice, you are advised to appoint someone with reasonable capacity for the job.

15. Erase the personal data of your users when a service/agreement comes to an end, or they revoke their consent.

16. Map your data flows and keep in mind that you cannot share it with companies within non-EU states.

Over to you

Do you feel prepared for GDPR? Have you done any changes yet? If not, what is your plan?

Join the conversation about GDPR and all things online marketing in our [private group here](#).

Work With Me

If you need help with any of the items on this checklist feel free to reach out.

[Get in touch!](#)