

B2B DIRECT MARKETING & GDPR

THE FACTS



4 IMPORTANT GDPR FACTS

1. Under GDPR - b2b marketers DO NOT ALWAYS NEED consent for holding and using personal data
2. Under GDPR - b2b marketers CAN rely on [legitimate interest](#) as legal grounds for holding and using personal data
3. Under GDPR - collection of b2b marketing data via automated or manual means from online sources IS ALLOWED if done correctly
4. Under GDPR - processing, storage and using b2b marketing data for direct marketing IS ALLOWED

[Article 6 Point 1.\(f\) - gdpr-info.eu/art-6-gdpr/](#)





[Recital 47 of GDPR 2016/679 EU - gdpr-info.eu/recitals/no-47/](#)

For a detailed 'FAQ' citing relevant GDPR regulation text and ICO guidance, view the accompanying document or click the button below:

VIEW THE MERIT GDPR FAQ

LEGITIMATE INTEREST - 4 THINGS YOU MUST DO

To justify that a legitimate interest applies, businesses will need to:

-  Ensure all data research is focused on specific, relevant target markets
-  Ensure messaging is well targeted and directly relevant to the person you are communicating with
-  Build a plan for robust data management (CRM) system in order to track engagement and honour 'opt-outs'
-  Ensure your database is always up to date and relevant with ongoing maintenance processes and data research

[ICO on Legitimate Interest - ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/legitimate-interests/](#)

PECR AND EPRIVACY REGULATIONS - THE FACTS

Alongside GDPR, email marketing is still ruled by PECR, which is likely to be replaced by new ePrivacy regulations in 2018 (timeline not yet specified):

- According to PECR, b2b direct marketing is on an opt-out basis (not requiring opt-in/consent)
- New ePrivacy regulations (replacing PECR) will determine if we can continue to use email marketing in b2b on an opt-out basis
- ePrivacy regulations are still being debated by the EU Parliament and Council, and the outcome and timeline for any changes is still very unclear
- According to leading MEP, Mariu Lauristan, responsible for the ePrivacy Regulation, it is not the European Parliament's intention to unnecessarily restrict b2b marketing
- Maintaining the b2b marketing 'opt-out' is the DMA's major lobbying focus at this stage - lead by DMA Group CEO, Chris Combemale

[DMA on ePrivacy - dma.org.uk/article/eprivacy-lobbying-and-the-threat-to-b2b-marketing-and-telemarketing](http://dma.org.uk/article/eprivacy-lobbying-and-the-threat-to-b2b-marketing-and-telemarketing)

THE DIRECT MARKETING ASSOCIATION HAS ISSUED THE FOLLOWING ADVICE IN RELATION TO B2B MARKETING AND GDPR

- " When dealing with employees of corporates - that is limited companies, LLPs, partnerships in Scotland and government departments - the rules for telephone and direct mail are the same: opt-out. When emailing or texting, you do not need the prior consent/opt-in from the individual. You can therefore send them a marketing email/text as long as you provide an easy way to opt out of future communications from you.
- " For any b2b marketing communications, regardless of channel, the content must be about products and/or services that are relevant to the recipients' job role. This situation will not change under GDPR. These rules for email and text messages come under the Privacy and Electronic Communications Regulations (PECR) and this will not be affected by the implementation of GDPR.
- " What is important to remember when emailing or texting corporate employees is that where personal data is used for marketing (a work email address, for example) they have the right to prevent their personal data being processed for direct marketing, which is why you must provide a way to opt out of future communications. "

[Guide to PECR - ico.org.uk/for-organisations/guide-to-pecr/](http://ico.org.uk/for-organisations/guide-to-pecr/)

