

DATA PRIVACY

*how to implement privacy programs to maximize customer
trust & profits*



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“It’s a matter of trust.”

- Billy Joel



61%

Six in 10 Americans have said they would like to do more to protect their privacy

2/3

have said current laws are not good enough in protecting people's privacy

64%

support more regulation of advertisers

Just

9%

of social media users were "very confident" that social media companies would protect their data

about

half

of users were not at all or not too confident their data was in safe hands



The Importance of Data Privacy



Prevention

Preventative measures is much less expensive than regulatory fines, customer backlash, or lost data



Expectations

Your consumers expect your organization to protect their data privacy and you will lose customers if you do not do so effectively.



Popularity

Data Privacy Regulations are becoming more popular in other states and countries.



Data Collection & Use



PERSONAL DATA

EXAMPLES



Examples of online identifiers

(GDPR & CCPA)



Any moniker used for online presence—social media, e-mail, instant messenger

ID number

IP addresses

“Cookies”

Geolocation

Others

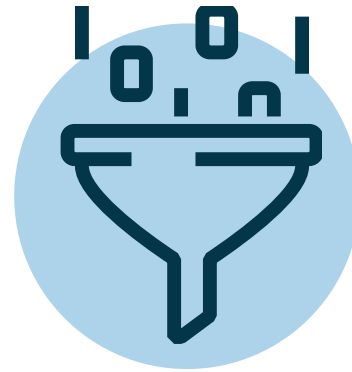




What data do you have?



How do you use data?



Where is it stored?



Who do you share it with?



GDPR SCOPE



What is the GDPR?



The **General Data Protection Regulation** regulates the way that data is handled across sectors within the **European Union** and **European Economic Area (EEA)**.



The **GDPR** provides citizens with the right to **protect** their own personal data and privacy.



Scope:

The **GDPR includes** all data controllers and processors located in the EU and all data processing that is in the context of the EU. The GDPR protects all **EU data subjects' data** even if it is processed outside of the EU, it also applies to all goods or services sold within the EU, and if an organization is monitoring a data subject's behavior.



DON'T WORRY, IT'S ONLY
MARKETERS COLLECTING
OUR PERSONAL DATA
SO THEY CAN CREATE
MORE RELEVANT
ADVERTISING FOR US.



TOM
FISH
BURNE

CCPA SCOPE



What is the CCPA?



The **California Consumer Privacy Act** is the first comprehensive data privacy law to go into effect in the United States and its creation has catalyzed other states to begin the process of passing their own **data privacy laws**.



Scope:

The CCPA covers a smaller region and includes any for-profit company that is operating and conducting business in the state of California or any business that collects information from California residents.



Do not sell my personal information

- Businesses must notify users
- Mandatory “Do Not Sell My Personal Information” link on homepage
- Requires toll free phone number + another form (e.g. email address) unless it’s a complete online business with a direct consumer relationship
- Selling” defined as “**selling, renting, releasing, disclosing, disseminating, making available, transferring, or otherwise communicating orally** , in writing, or by electronic or other means, a consumer’s personal information by the business to another business or a third party for monetary or **other valuable consideration**



Email marketing



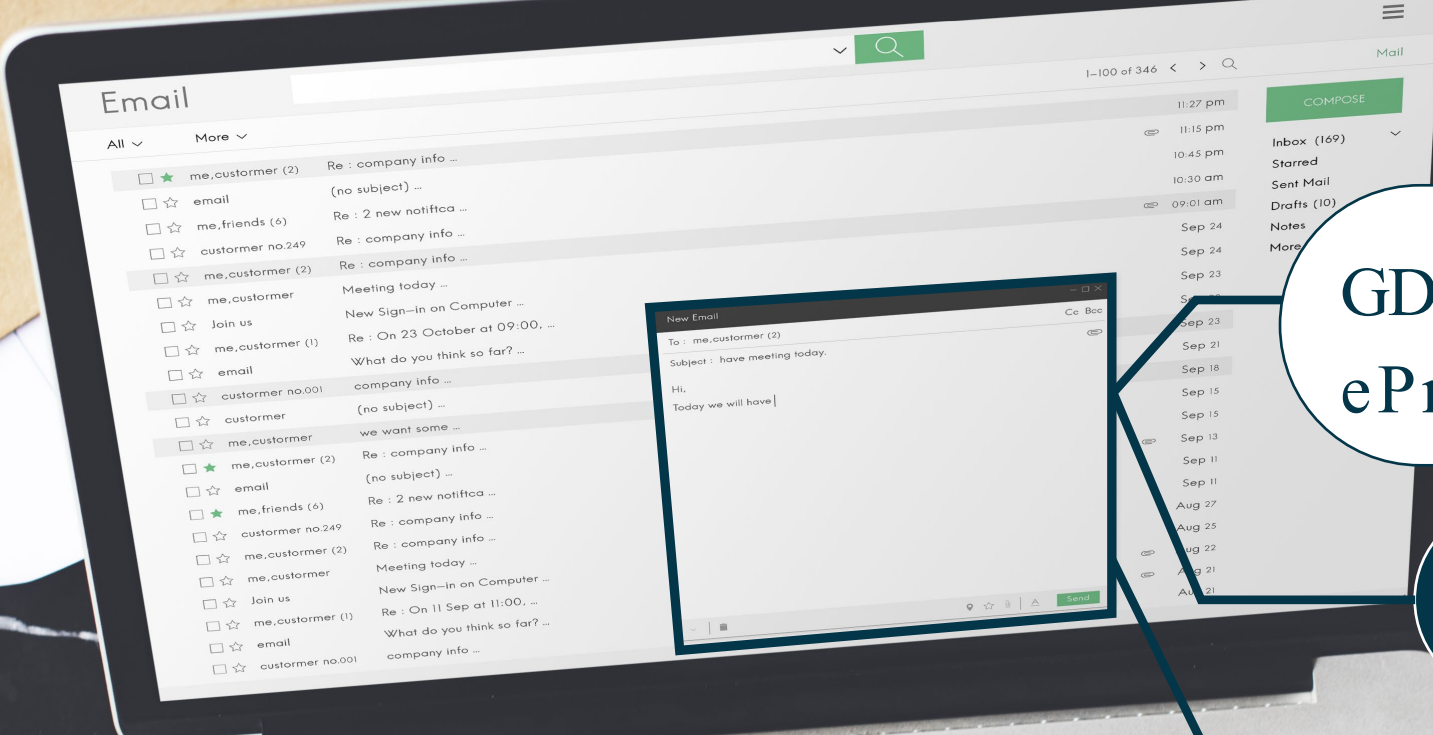
If the email is shared with a partner, was it sold?

Do I need consent?

Can I send this email?

Do I know what country this person is from?





GDPR: What's your legal basis?
ePrivacy Directive: opt-in?

Consent?

Legitimate interest?



Opt-In Requirements Must Haves

- NO pre-ticked boxes
- Be specific
- Not a condition of service
 - Opt-in for marketing emails should not be tied to purchasing the service (must be freely given)
- Must be easy to withdraw
- Link to privacy notice
- *Note: unsubscribe does not fulfill the individual right to deletion*

- Check your GDPR settings in your ESP, example of Convertkit below. Each ESP manages it differently.

Which would look like this on the Form itself:

GDPR Consent

I consent to receiving weekly emails!

Create Segment

Segment name
EU Subscribers without consent

Select your subscribers 569 SUBSCRIBERS

Matching **any** of the following:

WITHIN **European Union** LOCATION OR + Add Filter

AND

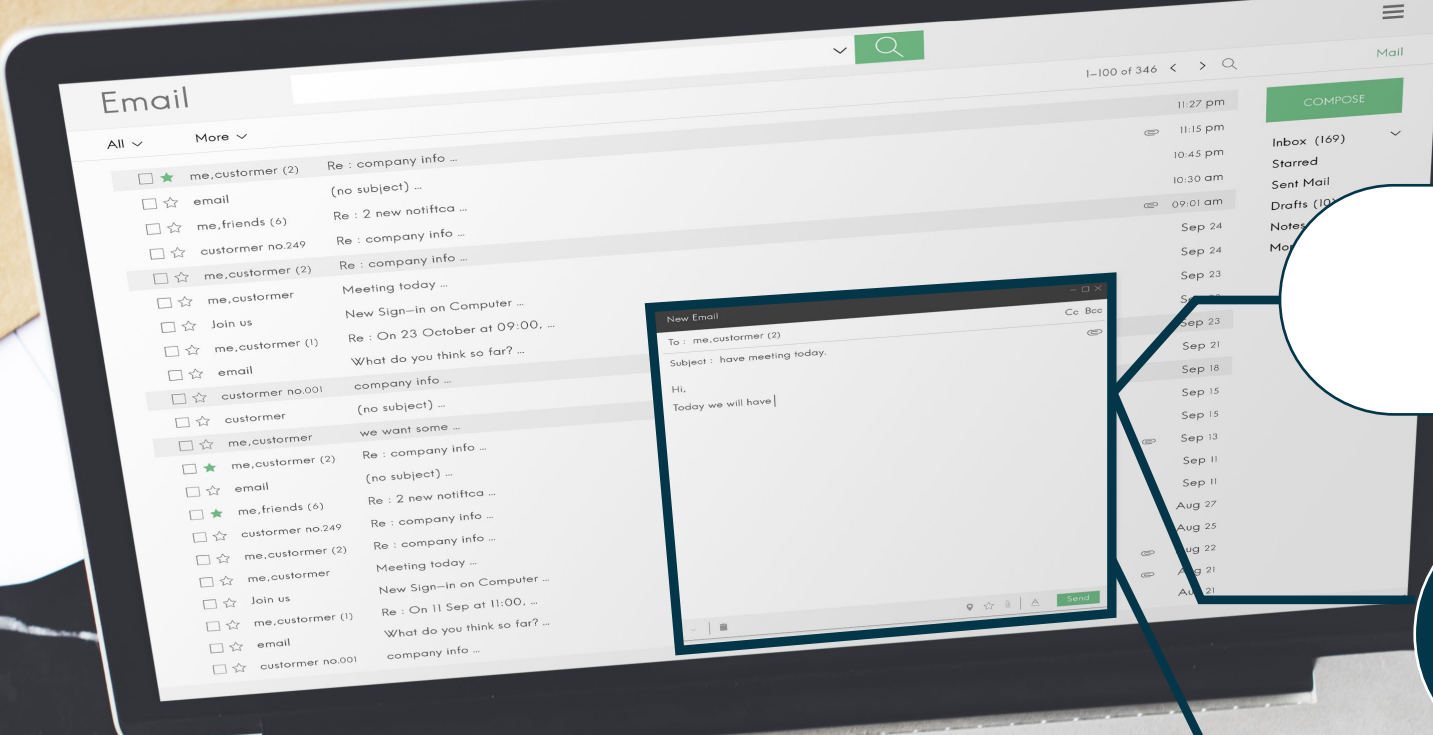
Matching **none** of the following:

SUBSCRIBED TO THE **GDPR: Newsletter consent** TAG OR + Add Filter

+ Add Filter Group

Save Cancel





CASL: What's your relationship?

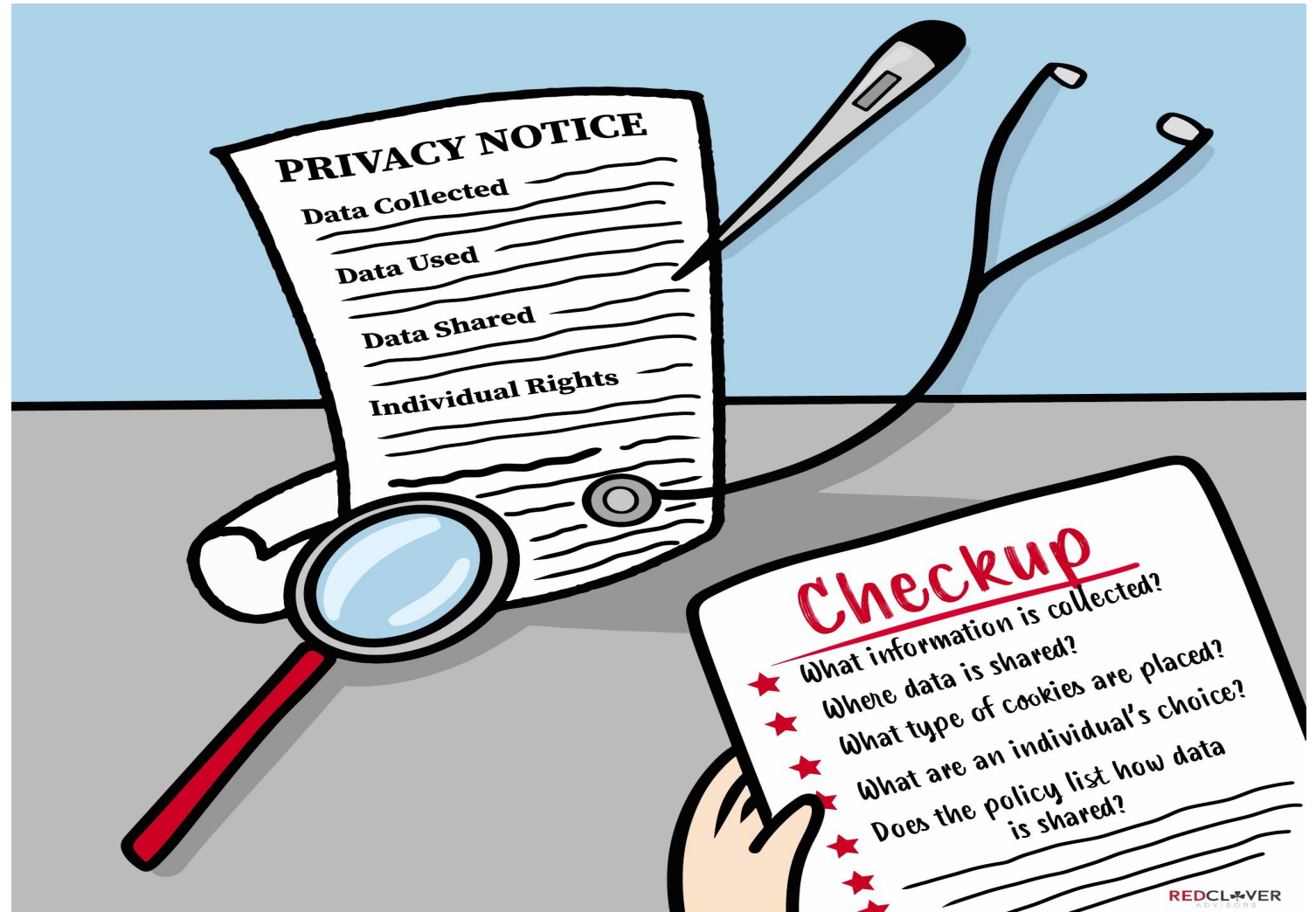
Customer?
Prospect?

B2B? B2C?



Other Privacy Notice Sections

- *Social media opt-outs*
- *Cookies*
- *Purchase of Data*
- *Sale of Data*
- *Security, Retention*
- *Do Not Track*
- *Children*
- *Location of Data*



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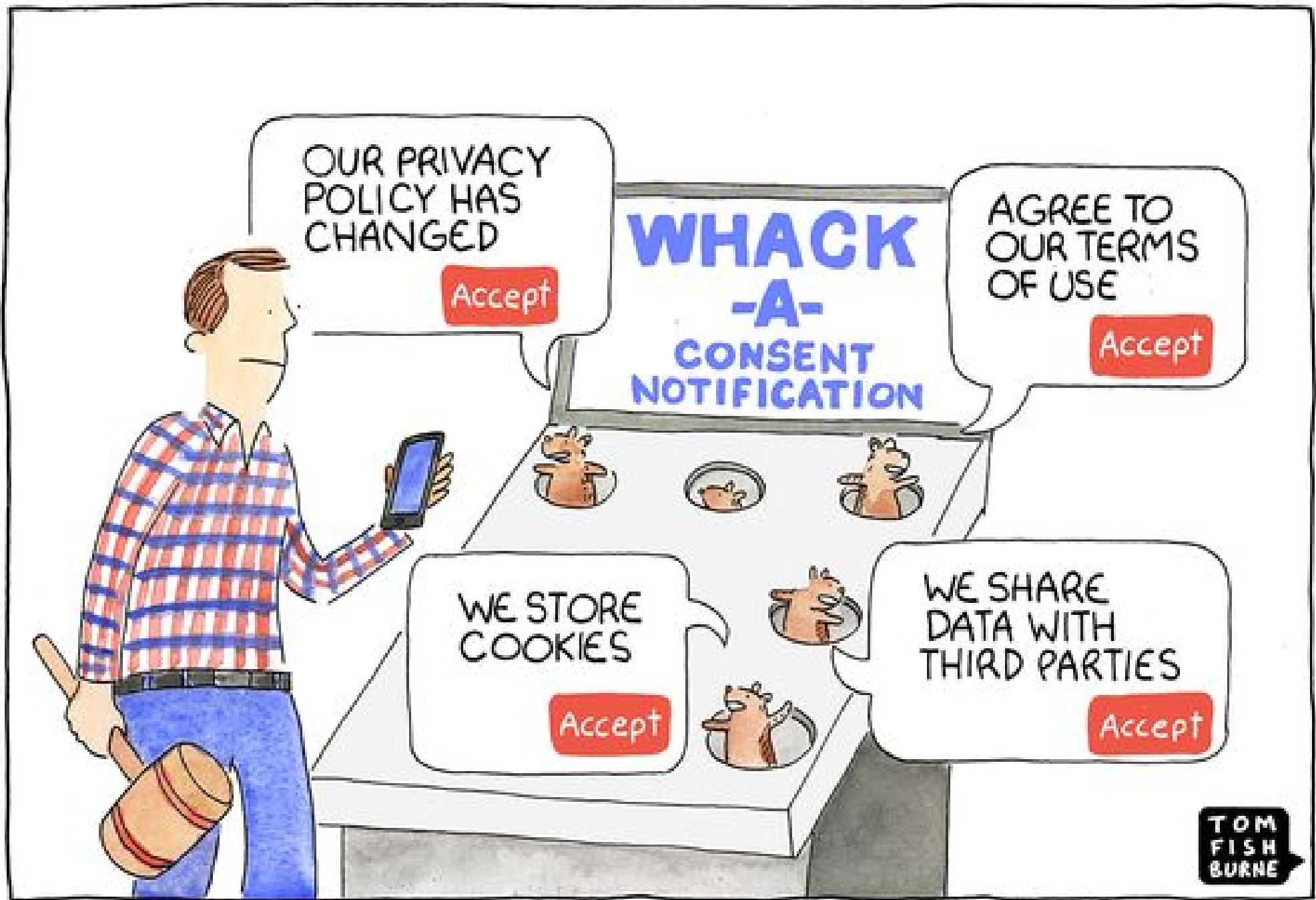
WWW.ANDERTOONS.COM



"Before I write my name on the board, I'll need to know how you're planning to use that data."

Say what you do,
do what you say





TOM
FISH
BURNE



What's the deal with cookie banners?

- In the EU: cookie banners should be explicit OPT IN and the cookie should fire after the user hits accept
- Cookie banners should not block the site or be a condition of using the site
- Consider the cookie banner and mobile experience (don't block the site)
- The language should explain what cookies do (advertising, analytics, user experience)
- There should be a separate cookie notice
- In the US: cookie banners do NOT need to be explicit opt in
- In the US: under CCPA, cookies can be considered a sale of data



We updated our Privacy Policy. [Learn more.](#)



Search for items or shops



Sign in



Jewelry & Accessories

Clothing & Shoes

Home & Living

Wedding & Party

Toys & Entertainment

Art & Collectibles

Craft Supplies

Vintage

📁 Gifts

If it's handcrafted, vintage, custom, or unique, it's on Etsy.

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OK



When do I need to respond? Can I just ignore it?

Where is this data?


What do I do with this?

What do I say?



PRIVACY BY DESIGN

FONT CHOICE

16pt
Times New Roman in Black 

7pt
Curly font in Hot Pink 

PLACEMENT

Check box is not ticked. 

Check box is pre-ticked. 



DO

DON'T

Ask to use location data	Use geo-location without permission
Place the privacy notice in a prominent place	Make the privacy notice 5 links deep
Offer additional explanation on why data is being collected	Request sensitive data and not clearly explain why
Consider if tracking technologies are used	Sneak any tags or other data collection methods on the site
Incorporate security measures at the start of the project	Forget about protecting personal data

“If people like you they’ll listen to you, but if they trust you they’ll do business with you.”

- Zig Ziglar



QUIZ: What's YOUR #1 privacy mistake that could get you sued?

PLUS Grab your CCPA/GDPR Guide

www.redcloveradvisors.com/getyourguide

FREE 15 minute consultation

<https://calendly.com/redcloveradvisors/15min>



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