




The Spektrix GDPR Toolkit for the Performing Arts

How to Implement your GDPR Approach in the Spektrix System



Once you understand the main concepts of GDPR and PECR and have made a decision about the approach you'll take to compliance, use this practical guide to help you implement the necessary changes to your Spektrix system. We also outline how we're planning to make implementing your chosen approach even easier with new and updated features.

About this document

This guide is part of the [Spektrix GDPR Toolkit for the Performing Arts](#). Here's more information about how you can use these resources to prepare for GDPR.

Guides

[Boldly Compliant: A Guide to GDPR for Performing Arts Marketers & Fundraisers](#)

An overview of GDPR that explains why we recommend a Legitimate Interest-based approach.

[How to Implement your GDPR Approach in the Spektrix System \(this document\)](#)

This outlines the practical steps to take so you can gain and maintain permission to contact your customers.

Tools

[1. GDPR Compliance Checklist](#)

When you're ready to take action, these checklists contain recommended steps.

[2. Sample Data Processes Audit](#)

Carry out your own data processes audit to determine which legal bases you're using for each data processing activity.

[3. Sample Legitimate Interest Assessment](#)

Use this to create and document your Legitimate Interest assessments for the data processes that you're taking a Legitimate Interest approach to.

[4. Sample Privacy Policy](#)

Provides copy to guide your own privacy policy.

Disclaimer

We're here to help you prepare for GDPR as much as possible, but we can't offer legal advice and none of the information in the following document should be taken as such. We strongly recommend taking your own legal advice before committing to any decision regarding GDPR. As the data controller, it is your responsibility to design an appropriate approach to data privacy. Neither Spektrix nor any other data processor can make you GDPR compliant without your own processes in place.

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What is Spektrix's recommended approach to GDPR compliance?

If you have read [Boldly Compliant: A Guide to GDPR for Performing Arts Marketers & Fundraisers](#), we hope it has inspired you to take a balanced, process-based and business-friendly approach to GDPR and PECR.

We're suggesting a balanced approach to compliance, which simply means that it uses a combination of three legal bases for processing individuals' data: In Performance of a Contract basis, Consent basis and Legitimate Interest basis.

Although the Spektrix system can facilitate a Consent-only approach, we don't believe this is the best option for most of the organisations we work with. As we outline in more detail in the guide mentioned above, the Legitimate Interest basis is probably best suited to most direct marketing communications. This is because it will allow your organisation to keep communicating respectfully with the largest possible segment of your database, now and in the future. We think this is the key goal to bear in mind when you decide on your approach to GDPR compliance.

What's more, the Consent-only approach is likely to come with very real practical difficulties for performing arts organisations. There are two major reasons for this:

- **Consent has to be granular under GDPR requirements.** This means you likely have to ask consent for every single data processing activity you carry out. Many of the organisations we work with carry out more than 20 or 30 data processing activities, so they would either have to include all 30 activities in a single contact preference, or create up to 30 individual contact preferences. We think asking for consent to this number of processing activities is neither customer-friendly nor practical to maintain.
- **GDPR Consent requirements apply retroactively to your existing data.** Many organisations are finding their current consent statements don't meet new requirements. Therefore, they may not be able to contact their customers after 25th May. While some are choosing to ask for fresh consent from every customer, we think this is impactful and could negatively impact both your revenue and audience relationships.

What different approaches can your organisation take?

We've developed the [GDPR Compliance Checklists](#) with suggested approaches for different organisations: those taking a balanced approach which uses a combination of bases without fundraising and those taking a balanced approach with fundraising. Follow these checklists to start putting the right approach for your organisation into practice.

How can you implement your chosen approach in Spektrix?

Whatever approach you decide to take, you may have to make changes to how you're using the Spektrix system. We outline these changes for each of the different approaches you might be taking below. Remember that with every approach, you will also need to take steps outside Spektrix to be compliant. No third party can make you compliant. We aim to help you as much as we can but ultimately, the decision and responsibility lies with your organisation. We recommend using the checklist and engaging your own legal advice to make sure you're considering everything you need to be compliant.

A: For commercial or other non-fundraising organisations

This approach uses a combination of Legitimate Interest, Consent and Performance of a Contract. To follow this approach, set up the following in your Spektrix system:

- Use the Legitimate Interest basis and PECR Soft Opt-In rule to create a contact preference for marketing emails. This can be either opt-in or opt-out, as both options are acceptable under the PECR Soft Opt-In rule.
- Use Consent to collect emails for partner companies with the Partner Companies feature to comply with PECR.
- Provide a link to your privacy policy. You will need to host your privacy policy on your website, but you can then link out to it from the Spektrix booking path (see how this is changing further on in this document).
- To manage objections under Legitimate Interest, create a system of tags. You don't necessarily need to set these up in advance. You may wish to wait and see what kinds of objections you get. However, you might want to create the tag group straight away so that all of the future tags are kept within the same group.

To use Consent with the [Simple Sign-Up Form](#) you don't need to make any major changes. You'll just want to make sure the wording is suitable under GDPR definitions of Consent.

See *checklist A* in our [GDPR Compliance Checklist](#) to see all recommended steps.

B: For fundraising organisations

This approach uses a combination of Legitimate Interest, Consent and Performance of a Contract as above, but with considerations for fundraising. As such, we suggest following the same process as A with the addition of the following changes:

- As Consent is likely necessary for fundraising emails, set up a single contact preference for this purpose. This needs to be opt-in i.e. make sure to leave the “this preference is selected by default” option unticked.
- Use Legitimate Interest for post and donor profiling (using the Legitimate Interest assessment, a privacy policy and providing a way to opt out).

See *checklist B* in our [GDPR Compliance Checklist](#) for all recommended steps.

C: For organisations using Consent only

We don't suggest taking a Consent-only approach and it's unclear how you would best implement it. But if you do, you could use the system t

- Create a single contact preference where the wording includes comprehensive details of every one of your processes. It should reference every single type of data processing in the “text” field but must remain clear and unambiguous. One risk is that lack of consent for one data processing activity will result in lack of consent for them all. The second risk is that customers will find it difficult to know what they are agreeing to and therefore it is not compliant.

or

- One contact preference per data processing activity. Depending on how many data processing activities your organisation carries out, you might need to set up 20 to 30 individual contact preferences. One risk is that this is overwhelming and confusing to the customer.

With either option, keep in mind that all contact preferences must be opt-in only.

Remember, that you will need to segment your database by customers that you still have the right to contact under GDPR. Be aware that this is likely to be a small

percentage of your database.

For all approaches

No matter which approach you take, if you use telephone marketing there may be further requirements. Get in touch with the Spektrix Support team to talk about this in more detail.

How can Spektrix help?

The Spektrix system currently has the tools to support you in becoming GDPR compliant. But we're working on developing some additional features and updating existing features that will make the system even better.

Privacy policies in the booking path

If you're taking an approach that includes using Legitimate Interest, your privacy policy has to be displayed to customers as clearly as possible. You'll be able to link out to your policy as part of the booking path, so that every customer has the opportunity to read it before entering any of their personal data.

Archived contact preferences

You'll be able to archive contact preferences so that you can easily transition from your existing setup to whatever new setup you choose. This way you won't have to delete anything and old contact preferences will remain on customers' records. They will only be visible to your organisation for historical purposes.

The Spektrix Support team is always on hand to help you implement your approach to compliance in the Spektrix system, so get in touch.

Explore the Spektrix GDPR Toolkit for the Performing Arts

This document is part of the [Spektrix GDPR Toolkit for the Performing Arts](#) which provides guidance to help your arts organisation comply with GDPR before 25th May.