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System changes for GDPR – Trade data

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Agenda

- GDPR update
- GDPR & trade data
- Implications of GDPR for trade data
- Trade systems impacted by GDPR
- Using eMarketing for trade data
- NVG & DMO responsibilities as data controllers of trade data
- What's next

GDPR Update

- General Data Protection Regulation (GDPR) extends current Data Protection Act (DPA) and applies to the personal data you control. GDPR will come into force on 25 May 2018 and is a legal requirement
- NVG are not GDPR experts and you should not rely on anything in this presentation for your GDPR compliance
- All of the system changes are on our GDPR pages (www.nvg.net/gdpr.aspx)
- Changes for visitor data are all complete (this impacts data protection, privacy, visitor data in the operational database, data protection in the eMarketing database)
- We have emailed those clients who use eMarketing to explain about the data we will be deleting in early May. Please contact Dawn if you have queries about this email.
- We have updated Guestlink + Diary regarding visitor data and will be emailing providers directly
- We have provided a statement on our GDPR pages covering the security of the data we store on your behalf: www.nvg.net/data_protection_agreement.aspx
- This webinar explains changes for trade data.

NVG phases for GDPR

Phase 1 - (implemented): Operational Database, Customer Reviews

Phase 2 - (implemented): Marketing Database

Phase 3 - (implemented): New Data Protection questions and privacy policy in use

Phase 4 - (implementation by March 2018)

Trade Data (e.g. accommodation and non-accommodation details)

Subject Access Requests (SARs)

Data security review for GDPR

Phase 5 - (implementation by March 2018)

Guestlink + Diary Data

Phase 6 - (implementation by May 2018)

Relationship Builder decommission

Delete eMarketing records with no Data Protection Question and Answer or unused for 24 months

Delete operational data that is unused for more than 18 months

GDPR & Trade data

- GDPR applies to businesses that are sole traders and partnerships so most trade data is covered by GDPR.
- As we share trade records between DMOs and NVG this means we are joint data controllers.
- The ICO lists 6 bases under which you can lawfully process personal data, we consider that the bases for trade data are: 'Legitimate interests' or 'Public task', and 'Contract'.

Lawful bases for processing data

- (a) **Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.
- (b) **Contract:** the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
- (c) **Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).
- (d) **Vital interests:** the processing is necessary to protect someone's life.
- (e) **Public task:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.
- (f) **Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

(From <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/>)

Implications of GDPR for trade data

- Businesses need to know they are part of the 'Guestlink' database and what this means (eg publication on websites, contact by DMOs)
- Businesses need to know what information we store about them (SAR)
- Businesses need to know how to remove their business from the Guestlink database
- We have introduced the concept of non-essential emails to allow a business to be part of the Guestlink database but not be bombarded with emails
- We need to ensure that trade data is not stored for longer than is necessary

Non-essential emails opt out

- We have introduced a single flag which a business can set if they don't want to receive non-essential emails
- This flag is a new 'MailTo - @' which applies to all bureaus
- It is a single flag that applies to all users of a data record
- With non-essential emails there needs to be an option for a business to opt out of non-essential emails

Trade systems impacted by GDPR

- Guestlink (lawful bases and non-essential emails)
- Manage trade data (non-essential emails)
- Privacy policy (lawful bases)
- Records will be completely deleted from the database when no longer used
- Use trade data, bMarketing (non-essential emails)
- eMarketing when used for communicating with the trade
- Emails used for communicating with the trade (opt out of non-essential emails)

Privacy policy changes

- The NVG standard privacy policy has been updated to include trade data; if you do not use the standard privacy policy you will need to update your privacy policy.
- As the lawful basis for processing is different if you are a public authority, there is a flag in the DC.net 'configure publication' tool to tick this if you are a public authority.

Use Default Privacy Policy

We are a Public Authority

Using the non-essential email flag

- In 'Use Trade Data' or in 'Communications Manager' on Advanced Contact search
- Ensure that you include this flag in any export for other systems (including eMarketing)
- There is a new field 'Trade Communications' in the export in Use Trade Data
- Allow businesses to opt out of non-essential emails by using the relevant footer or by including a manual method

Mail To

Does not contain ▾

@ - No Non-Essential Contact ▾

Using eMarketing for trade

- eMarketing is designed around a lawful basis of ‘Consent’ and so a data protection question and answer is required for all records.
- If you use eMarketing for trade, you are unlikely to be using ‘Consent’. We suggest you set the Data Protection question to ‘Trade communications’ and the Data Protection answer to either ‘Any’ or ‘Essential only’ as appropriate. You will need to ensure this data is set up on import/update and you will use this when sending non-essential emails.

NVG & DMO responsibilities

- Need to make sure that businesses are aware that they are part of the Guestlink database and what this means (eg from Guestlink Update>Details):
'United Kingdom organisations promoting tourism, including NVG, who use the Guestlink database (operated by NVG Ltd), may process your business data. The lawful bases for processing your business data may be 'Contract', 'Legitimate Interests' or 'Public Task', depending on the organisation and nature of the processing. This is processing you may reasonably expect, relating to your business presence on tourism websites and your use of Guestlink.
If you wish to be removed from the Guestlink database, please contact your data steward As part of the processing the organisations may contact your business about your use of Guestlink, updating your entry on a tourism website, or how to use system features that could benefit your visitor numbers or visitor spend.
- Only use the data in the Guestlink database for the purposes described above.
- Honour the non-essential emails flag; only send 'contract' type emails (eg membership renewal, annual data collection) to businesses who have opted out.

NVG will

- Honour non-essentials email flag by excluding opted out businesses with no GL contract out of the monthly newsletter.
- Once a year contact all businesses to make sure they are aware they are part of the Guestlink database and where they are published.
- Remove records from the Guestlink database that are no longer used and have no contracts.

DMO will

- When a data steward adds a business, make sure they are aware they are part of the Guestlink database (NVG will do this for managed data service).
- When a record is published to a website make sure the business is aware.
- Honour the non-essential emails flag by excluding opted out businesses in non-essential communications with the trade (including when using non-NVG systems).
- Work with NVG to make sure that businesses that are no longer used are removed from the database.
- Keep data (eg in communications manager) no longer than is required for lawful processing.

Next steps

- Make sure you have processes in place to comply with your trade responsibilities under GDPR
- NVG will be producing FAQs on what systems to use in responding to Subject Access Requests
- Contact Dawn if you have any queries about cleaning up your eMarketing database and helpdesk for all other GDR queries