



The Practical Guide to GDPR



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Must emails opt-in under GDPR?

Put simply, No. But you do need to ensure you are using the data in a lawful manner.

Buying Schools Mailing School Data or using our Email service will ensure you are fully compliant. As long as you are sending marketing that is of legitimate business interest to the recipient, that it does not negatively affect them and you allow them to opt out in future.

What is GDPR?

GDPR stands for General Data Protection Regulation. It has been developed by the European Parliament, with the aim of strengthening and standardising data protection laws for individuals within the European Union.

It is designed to simplify and unify data protection laws across all countries in the EU (including UK even after Brexit).

The regulation is enforceable from 25 May 2018, at which point businesses need to ensure they are fully compliant.



What data is covered by GDPR?

GDPR applies to ‘personal data’ and ‘sensitive personal data’, but not to ‘business data’:

Personal Data

Any information that allows a person to be directly or indirectly identified. The obvious fields of “personal data” are names and identity numbers, but factors such as location and online identifiers (e.g. jane.smith@school.com) also count under the ICO definition.

Sensitive Personal Data

This is referred to in the GDPR as “special categories of personal data”, and mainly covers data surrounding genetics, biometrics, race, religion, health, etc.

Business Data (School Data)

The GDPR only applies to data relating to individuals, not relating to businesses. So, data that is clearly related to a business such as a school name and address, landline number and office@ email are all outside of GDPR ruling.

However, personal school email addresses can fall under a classification of “personal data”. Where a name is present in the body of an email address, that address counts as “personal data” whatever the format of the name (initialised, abbreviated etc.). So, this data must be processed in compliance with the GDPR, and will effect on what lawful basis you may use it. You need to enure it is of Legitimate Interest i.e. you are sending information of genuine relevance to a school.

Lawful Basis for Using Data

“You must have a valid lawful basis in order to use personal data”

- The ICO

The GDPR is meticulous in its requirements for all data to be processed on a lawful basis. It allows six different options, encouraging companies to choose the basis that applies best to their needs in each business area.

The six different lawful basis of processing personal data are:

- Consent (*they opted in*)
- **Legitimate Interest** (*you are sending information that is relevant to a school*)
- Contract
- Legal Obligation
- Vital Interests
- Public Task

When marketing to Schools we will use **Legitimate Interest** as the most relevant lawful basis from the six options above.

Notice that this is a separate basis to ‘Consent’ (they opted in).

There has been a lot of confusion & concern around the requirement to ‘Opt in’. However that requirement does not apply if you choose a different lawful basis.

Legitimate Interest

The ICO describes Legitimate Interest as “the most flexible” of all lawful basis of processing, and it is likely that data processing for most B2B marketing departments will sit comfortably within this.



It allows you to process personal data on the grounds that your organisation is working towards the legitimate interest of the individual - which include commercial interests.

As long as the data processing doesn’t infringe on the rights and freedoms of an individual and you can prove the data subject (individual) is likely to have a legitimate interest in what you’re marketing, E.g. Maths education resources marketed to a Maths Teacher, you can collect and process their data.



GDPR
25 May 2018

Put simply, how does all this apply to you

-  GDPR **does not apply** to Business data such as School Data - School Name, Address, Telephone Number and Generic Email address e.g. office@school.co.uk
-  GDPR **does apply** to Data that can identify a person. Such as an email address with their name in the data itself e.g. r.stevenson@school.co.uk

You must in this instance ensure:

1. That your marketing complies with 'Legitimate Interest' and is applicable to them specifically in a business context. For example, marketing reading books appropriate to their role as Librarian.
2. That your marketing does not compromise the recipient's rights and freedoms.
 - Will your message put that person in danger?
 - Will it land them in trouble?
 - Are they likely to be personally negatively affected by your message?

If so, then it is likely that your message will not be compliant with GDPR. Of course, for most Schools' Marketing it is highly unlikely that a data subjects' rights or freedoms will be compromised.
3. It is essential to provide an 'unsubscribe' method, as the individual should always have the right to 'opt out'.

Our commitment to GDPR

Data is at the very core of our business. It has therefore always been essential that our data is both accurate and sensitively handled in accordance with best practise.

As well as ensuring we are fully GDPR Compliant, we see this as an opportunity to ensure we are continually providing the best service to our customers and schools.

Some of our latest developments include:

- In the footer of our emails we have added text to outline the 'Legitimate Interest' (why they are receiving the email). For Example:
You are receiving this email because we think you may be interested in Schools Resources and Services.
- Any Data we hold, including School Data and your own information are now encrypted with AES256 when not on-site.
- We will be providing a 'Legitimate Interest Assessment' to ensure compliancy and safeguarding all of our clients. In accordance with the recommendations by the [Data Protection Network](#) and [The ICO](#).

Useful Links

Below are some web links that you may find helpful:

[The ICO guidance on GDPR](#)

[The ICO guidance on Legitimate Interest](#)

[The Data Protection Network guidance on Legitimate Interest](#)

[The full official GDPR legislation](#)

Schools Mailing Afterword

Thank you for taking time to read through our guide. We hope this alleviates any apprehension of the upcoming changes in regulation.

If you have any questions, please do not hesitate to call us on 0117 958 4572 or email us at team@schoolsmailing.co.uk

Visit our website www.schoolsmailing.co.uk

