

Data Privacy: A Real World Case Study



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Today's agenda

- 1 Disclaimer: We're not lawyers!**
- 2 What's all the fuss about data privacy?**
- 3 What's a marketer to do?**
- 4 Questions**

Legal landscape

- 1** GDPR
- 2** California
- 3** Colorado
- 4** Illinois
- 5** Vermont

GDPR

- Applies to US organizations
- Target people in EU - e.g. marketing in their language and references specific to EU residents
- Governs
 - How you get their consent
 - How people are informed of how you are using their data
 - Person's right to be forgotten, export their data and seek damages
- Effective May 25, 2018
- Legislation:
<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0679&from=EN>

California Data Privacy Law

- The right of California residents to:
 - know what personal info is being collected about them
 - know whether their personal info is sold/rented or disclosed and to whom
 - say no to the sale of personal info
 - access their personal info
 - equal service and price, even if they exercise their rights
- Effective Jan 1, 2020 with 12 month “look back”
- Revision coming September 2019
- Legislation:
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB375

**Nonprofits
exempt**

**Your 3rd
party data
providers are
not.**

Colorado Data Privacy Law

- Protect personal identifying information of Colorado residents by:
 - Reasonable security procedures and practices that are appropriate to the nature of data and the business
 - Making sure third-party service providers maintain reasonable security practices
 - Having a written policy for the destruction and proper disposal of data
 - Following specific rules in event of security breach
- Effective September 1, 2018
- Legislation:
https://leg.colorado.gov/sites/default/files/documents/2018A/bills/2018a_1128_signed.pdf

Other States?

- Vermont Data Broker Law – Effective Jan 1, 2019
- Illinois Personal Information Protection Act – Effective Jan 1, 2017
- New Jersey – working on it

What's a marketer to do???

Risk Management

- Enterprise-wide problem to solve
 - Senior management
 - Legal counsel
 - Cross functional team
- Data “officer”
- Inventory & audit data
- Prioritize your compliance issues
- Ensure partners are compliant too

Don't wait

- Federal law is coming
- Compliance takes time
- Constituent expectations



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Resources

- Guide to General Data Protection Regulation (GDPR) created by the Information Commissioner's Office, an independent authority in the UK
<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>
- GDPR: The Essentials for Fundraising Organisations from the Institute of Fundraising
<https://www.institute-of-fundraising.org.uk/library/gdpr-the-essentials-for-fundraising-organisations/>
- iapp International Association of Privacy Professional
www.iapp.org
 - Analysis: The California Consumer Privacy Act of 2018
<https://iapp.org/news/a/analysis-the-california-consumer-privacy-act-of-2018/>
 - United States Privacy Digest (blog)
<https://iapp.org/news/united-states-dashboard-digest/>
- The Nonprofit Alliance
www.tnpa.org