

...And then what happened?

25th May
2018

GDPR
General
Data
Protection
Regulation

It's over 2 years since people tasked with marketing and customer experience nervously faced the start of the General Data Protection Regulation (GDPR) regime and the UK's new Data Protection Act from 25th May 2018.

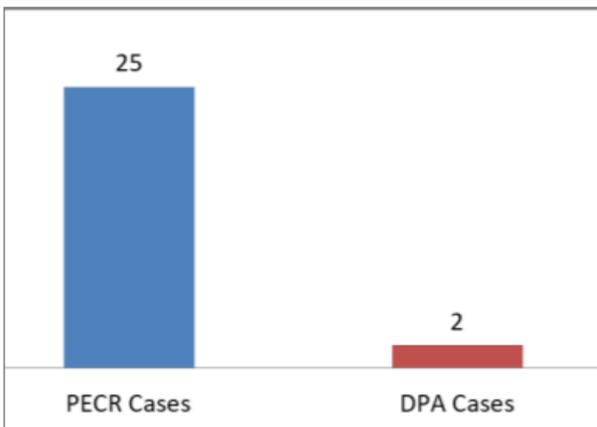
So, what happened?

**Not a lot, really.
Mostly just more
of the same...**

"For a moment, nothing happened. Then, after a second or so, nothing continued to happen"

Douglas Adams

Since May 2018 there have been just 27 cases in which the [Information Commissioner's Office](#) (ICO) has taken action and imposed fines on organisations in relation to their sales and marketing efforts.

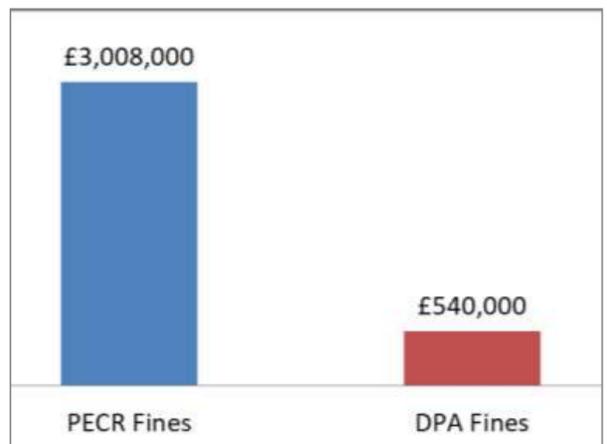


Of those, the vast majority have been on the basis of the old Privacy and Electronic Communications Regulations ('PECR' or 'PEC Regs'), not the GDPR / 2018 Data Protection Act.

What is PECR?



PECR dates back nearly 20 years to when faxes were a major electronic communication channel and no-one had heard of TikTok. PECR's regularly updated, but incompletely describes contemporary customer communications.



What does PECR say?

PECR is concerned with what you do with personal data in sales and marketing, how you interact with consumers through various channels. Simply put, live (real person) phone calls and direct mail are opt out channels, whereas email, SMS and automated calls require customers to opt-in to contact*.

Opt Out



Opt In

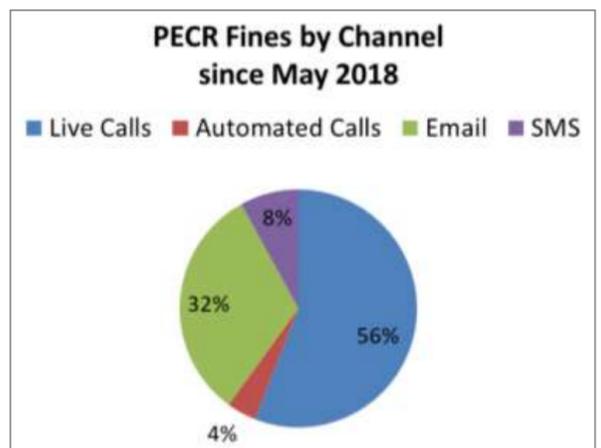


** As you may have guessed, it's not quite that simple, but those are the guiding principles of PECR*

Most PECR fines are due to marketers not screening prospect data against the [Telephone Preference Service](#) (TPS) or sending business-to-consumer marketing emails without the recipients' consent.

So, is it just the ill-informed and scammers who fall foul of the PECR rules?

Sadly not. In recent years big brands including EE, BT, Honda, Money Supermarket and Morrisons have all been sanctioned and fined by the ICO for breaking the PECR regulations.



Why?

The simple-seeming PECR rules – and the 2018 Data Protection Act which is still there, of course – can be subject to a great deal of interpretation. E.g.

- *Are you really sure that you have a 'Soft Opt In' to email previous customers or prospects with offers?*
- *Does your existing customer relationship mean that you can disregard your customer's TPS registration and call them?*
- *Are you certain that your prospect data provider is compliant? Really?*

If you would like to discuss some of these questions and be confident of marketing compliantly, get in touch: hello@channeldoctors.co.uk

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