

# THE GDPR OPPORTUNITY WITH MAIL

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# INTRODUCTION

The General Data Protection Regulation (GDPR) is **a set of rules which governs the way organisations protect individuals and the data that they hold about them**. In the UK, the rules are overseen by the **Information Commissioner's Office (ICO)** which issues guidance on its website, [ico.org.uk](https://ico.org.uk)

For marketers, GDPR (and PECR, which is further detailed on page 11) includes rules dictating the way you can use personal data to communicate with customers.

There is no doubt that the complexity of the rules has led some brands to avoid using direct marketing for fear of attracting penalties for non-compliance.

But one-to-one communications are still a very powerful weapon in a marketer's armoury.

Of all the direct channels, mail is proven to be one of the most successful in building relationships. And as mail is not affected by all the rules that apply to electronic media, in some circumstances, it will be the most effective way to communicate and build trust amongst customers.



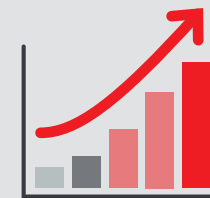
At Royal Mail, **we welcome the GDPR** as it helps marketers become more customer-centric and gives individuals more control over how their data is used.

This document does not impart any legal advice as to whether your activity is lawful or not – that's a question for your legal advisor.

## THIS DOCUMENT WILL:



Share some of the key observations about the GDPR.



Highlight the unique role that mail will continue to play in driving your business success.



Explain how mail provides a welcomed channel of communication in instances where electronic media cannot.

# WHY WE NOW HAVE GDPR

Before GDPR, there was a set of data protection rules across Europe dating back to the 1990s. However, with the rapid changes in digital technology, an update fit for the 21<sup>st</sup> century was needed.

This is where GDPR comes into play. It provides a body of regulations, which sets out, to protect an individual's data and access to it. Failure to comply means the possibility of heavy fines and potential damage to a business's reputation.

Data protection regulations will need to evolve as uses of individuals' data develops, so whether you're a small business, large corporation or sole trader, it's important to keep up to speed with changes in GDPR.

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## GDPR HELPS BUILD TRUST AMONGST CONSUMERS

Trust has always been an issue when it comes to brands using personal data. A number of privacy incidents involving big brands led to many consumers being wary of sharing or allowing the use of their data.

Furthermore, some marketers and brands took their customers for granted. Customer data was being used in a fairly liberal manner, putting customers at risk. So, consumers' attitudes changed. And that is supported by research.

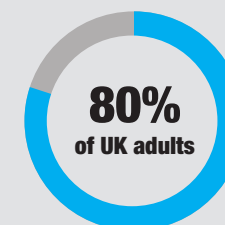
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**This lack of trust affects all of us as marketers.**

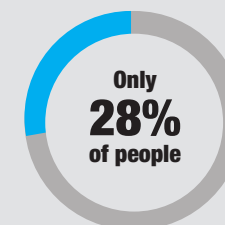
**This guide will help you make the most of the reassurance and confidence GDPR gives your customers.**

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## THE 2019 ANNUAL TRACK BY THE ICO SHOWS THAT:



...agree that it's important that personal information is protected when it's shared with organisations.



...trust companies and organisations with their personal information.



### Cyber security

tops the list of issues that people are most concerned about, followed by children's rights and data sharing.

Information Commissioner's Office, Information Rights Strategic Plan: Trust and Confidence, July 2019.

# TURNING TRUST INTO A BRAND DIFFERENTIATOR

Compliance with GDPR helps organisations deliver on transparency and trust. More than that, it provides marketers with an opportunity to embrace data protection as a brand differentiator – a core value that creates better, more trusting relationships with consumers.

## GDPR IS PUTTING CUSTOMERS BACK IN CONTROL

Your customers now have greater control and transparency over when you can communicate with them and on what basis. To earn their permission, your marketing has to be relevant and welcomed. If your marketing is irrelevant or irritating, you risk driving your customers to opt out and losing them.

Brands that use data in a way that is appropriate and sensitive will demonstrate they are worthy of consumer trust and be the ones that are remembered and trusted.

## USE CHANNELS THAT CONSUMERS TRUST

One way to build trust is to use communication channels that consumers are known to trust, and to use them compliantly.

And as we explain on page 12 of this guide, mail could offer you a more effective way to thrive in a GDPR world.

## INVEST IN CUSTOMERS MOST LIKELY TO BUY

The consumers you can send direct marketing to right now are those worth investing in – they're likely to have a connection with your brand and have shared their data with you.

Where databases now consist of customers who are happy to receive your marketing you can expect a greater return on your marketing investment. And, consider increasing your investment per customer.

When considering the best means of engagement, research indicates that trust in the media promoting the brand or message is becoming increasingly important.



## MAIL IS TRUSTED:



...find mail believable.



...feel the same about email.



...feel confident that the contents of their mail remain private.<sup>1</sup>

<sup>1</sup>Royal Mail MarketReach Kantar TNS, 2017

# THE LEGAL BASES FOR MARKETING COMMUNICATIONS

GDPR requires organisations to have a lawful basis to use personal data. In the case of marketing communications, this will often be a choice between two options: **consent and legitimate interests**.

## CONSENT

GDPR sets a high standard for valid consent and organisations may be concerned about their ability to meet it. Gaining reliable consent can be a major challenge for brands.

This may have contributed to some marketers having avoided communicating with customers directly since GDPR came into effect.

## LEGITIMATE INTEREST

However, if brands are able to establish that they have a legitimate interest in using personal data in marketing – which GDPR acknowledges may be the case – and this is not overridden by the rights of individuals, it could provide an alternative lawful basis for the use of that personal data. This may therefore give brands scope to use personal data in marketing where valid consent is not available.

## LEGAL ADVICE

You cannot assume that relying on legitimate interest will always be an option for you, so you should take legal advice to understand your organisation's position better.

The ICO website also provides useful guidance on when you can use legitimate interest and how to apply it in practice. There's a downloadable **Legitimate Interest Assessment template**, which takes you through a series of questions and answers to help you understand if legitimate interest is a lawful basis for your activity.

**If you are using personal data in direct marketing and the individual asks that their personal data is not used that way, then you must make sure you comply with their request.**

# EXTRA REGULATIONS AFFECTING DIGITAL MEDIA

The ICO offers further guidance for digital media called the **Privacy & Electronic Communications Regulation (PECR)**. This regulation governs some marketing activities via electronic media such as email, SMS or messaging, and gives consumers additional privacy rights.

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**Complying with PECR may mean communicating via electronic media in certain circumstances is no longer possible or desirable.**

**However, as mail is not governed by the same rules and has additional strengths not associated with email, there may be greater scope to use it to talk directly to customers.**

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## NEW DIGITAL REGULATIONS IN THE PIPELINE

The legislation underpinning PECR is under review and it is not yet known what impact this will have on digital marketing activities. However, organisations can confidently plan ahead with marketing activities using mail.

# MAIL CAN HELP YOU THRIVE IN A GDPR WORLD

With 70% of people saying that mail makes them feel valued, here's how mail can work with GDPR to benefit you and your business.

## 1. YOU MAY NOT NEED CONSENT FOR DIRECT MAIL

If you can meet the conditions for legitimate interest, then you won't need consent for postal marketing.

## 2. FEWER REGULATIONS WITH MAIL

As mail is not in scope of PECR, you have fewer regulations when contacting customers by mail in comparison to electronic channels.

## 3. MAIL IS TRUSTED

Mail can play a major role in helping you win trust amongst consumers and stand out from your competitors. 87% of customers find mail believable, whereas only 48% feel the same about email. And mail scores well for privacy levels as 79% of customers feel the contents of their mail remain secure.<sup>1</sup>

## 4. A MAIL ADDRESS IS MORE RELIABLE

While people are more likely to have multiple email addresses – including ghost ones they do not check – people generally only have one residential address, and our home-mover data services make it possible for you to stay in touch if your customer moves.

## 5. TARGET NEW CUSTOMERS WITHOUT REQUIRING THEIR PERSONAL DATA

Door drops and Partially Addressed Mail are targeted ways to reach new customers without requiring their personal data.

You can use door drops to reach almost 30 million households, locally or nationally. Or, there's Partially Addressed Mail, where you can reach highly targeted groups of around 15 households.

# THE BENEFITS OF MAIL FOR YOUR MARKETING

## 1. MAIL DRIVES PURCHASE

Mail is proven to drive people to purchase either online or in store. In fact, 25% of people bought something or made a payment or donation as a result of receiving mail in the last 12 months.<sup>2</sup>

## 2. CUSTOMERS REMEMBER MAIL

According to Neuro-Insight research, mail is remembered 35% more than social media, and 49% more than email.<sup>3</sup> That means you can use mail to build brand awareness and cut-through.

## 3. MAIL IS KEPT AND REVISITED

Mail stays in the home – 75% of business mail and 45% of advertising mail stays in the home for over 4 weeks and is revisited over 4 times on average – meaning your brand stays top of mind.<sup>4</sup>

## 4. PEOPLE OF ALL AGES LIKE MAIL

Research shows that people of all life stages read, appreciate, share, file, display and respond to mail.

In fact, 18-24 year olds, on average, respond to Direct Mail quicker than any other age group.<sup>5</sup>

Consumers recognise that mail takes effort to send. So, when it is used, it reassures them that companies recognise and value them – they cared enough to send mail.

## 5. MAIL HAS EVOLVED IN INNOVATIVE WAYS

New technologies such as Programmatic Mail, augmented reality and automation platforms have allowed mail to deliver greater standout and cut-through as well as be delivered with the same ease, speed and level of personalisation.



<sup>2</sup>Touchpoints 2019: SuperHub Database – ©IPA

<sup>3</sup>Royal Mail MarketReach Neuro-Insight 2018

<sup>4</sup>JIC TGI Fusion July 2017 – June 2018

<sup>5</sup>Jicmail, Kantar TNS, Q2 2017 – Q1 2018

<sup>1</sup>Royal Mail MarketReach Kantar TNS, 2017



As the UK's leading expert on the power of mail, we help organisations to achieve their goals by unleashing the magic of mail.

Whether you need broad market insight or have a question about making mail work for your organisation, we've got it covered. And our advice is always available for free.

For more information, visit [marketreach.co.uk](https://marketreach.co.uk)

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unleash the magic of mail

