

## Using Third Party Data Under GDPR

Since GDPR was on the drawing board, there have been myths and misconceptions about the use of third-party data. The latest [DMA guide](#) provides much needed reassurance to marketers considering the use of third party data as an acquisition tool.

Given the importance of this channel to Access DM and our clients we have attempted to summarise the pertinent points relating to Legitimate Interest for postal communications as well as feed into this some practical advice and guidance which we believe will aid you in your decision to undertake personalised DM in 2019. Please note this document does not constitute legal advice and brands must seek their own legal counsel.

### Can I use third party data

It is really important to note, **there is nothing in the GDPR that prohibits the use of third party data** provided it is undertaken in the right way with the appropriate safeguards.

Remember Legitimate Interests that are relevant are no longer limited to your own interests or those of third parties to whom you disclose the data. You can now consider the interests of any third party, including the wider benefits to society by increasing choice for consumers and fostering fair competition among businesses. All brands need to acquire new customers. Whatever the LI is you need to consider it from your business point of view and be prepared to justify it in context with the processing being undertaken should you be challenged.

**NB. Access DM have produced due diligence templates that will help your compliance team understand if data can be used for third party marketing and the pertinent questions to ask.**

**To see examples of these templates please just contact us.**

#### CONTACT US

[support@access-dm.co.uk](mailto:support@access-dm.co.uk)

[www.access-dm.co.uk](http://www.access-dm.co.uk)

01622 232714

GDPR seeks to ensure that, through its key transparency and accountability principles, organisations are building an environment where consumers can understand and control what is happening with their personal data.

This simply means that ahead of purchasing third party data that you satisfy yourself of the following:

1

#### INFORMED

Data subjects must have been informed as to how their data would be used in a clear, concise and transparent way

2

#### PREFERENCES

Individuals should be given the opportunity to opt out of or unsubscribe from marketing and manage their preferences

3

#### LI ASSESSMENT

A legitimate Interest assessment is provided by the Controller which demonstrates data can be shared with third parties

4

#### DPA

An appropriate Data Processing Agreement is in place

## What might a privacy statement look like

Following consultation the ICO will be publishing a new Direct Marketing Code in 2019. The new code will build on the current guidance and address the aspects of GDPR relevant to direct marketing, such as transparency and lawful bases for processing data. What we do know is that the sectors should be small and specific.

The more the 3rd party sectors are defined the better as this will ensure greater transparency. Top line sectors in the privacy statement backed up with more detail in the privacy policy is likely to be appropriate provided they are easy to access and are not excessive.

### Example Statement:

We think you'd enjoy some of the latest products and selected offers & information by post from other trusted retailers, charities, finance and travel companies. If you would prefer not to receive these by post, please tick this box .

To learn more about our trusted partners, see our privacy policy ([Insert link to PP](#)). If you wish to change your marketing preference at any time, please (**detail action to be taken**).

*Additional clarification is expected from the ICO's new DM Code of Practice.*

## Conclusion

Third party data will undoubtedly continue to play a significant role in providing support, insight, and market context to brands and organisations growing their customer base.

In order to safeguard yourself when carrying out cold data purchases you simply need to follow the basic principles set out in GDPR. Ensure you fully document your decision-making processes and rationale for undertaking the decisions. Access DM can assist in the due diligence process providing completed compliance questionnaires, privacy statements, links to privacy policies and completed LIA documents for all proposed lists to help you make an informed decision.

Carrying out due diligence on third party data is crucial, however it is also essential that the principles outlined in Article 14 of GDPR are adhered to. Remember brands and organisations also have a responsibility to ensure that the uses to which they intend to utilise this data for are transparent to consumers, and that regulatory and ethical considerations are made on the use of this data. As a buyer remember to;

5

Complete a satisfactory **Legitimate Interest Assessment** on your proposed use of the data for marketing

6

Ensure your **Privacy Notice** is updated and includes information required in Article 14 of the GDPR text, such as the ways you procure third party data, what it is used for, what information you hold and how to manage marketing preferences. Full details can be found on the ICO website

If you intend to use profiling to identify new prospects, ensure this is also detailed in your privacy policy.

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