

REPUTATION.COM QUICK GUIDE

Complying with GDPR and e-Privacy Consent Requirements When Sending Review Requests to Current Customers

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One of the key features of the Reputation.com Online Reputation Management Platform and Mobile App is the ease with which a Reputation.com User can create and deliver customized requests for feedback from its customers. Such review requests or surveys can be sent out directly from the Platform via email or text, or via text from the Mobile App.

The purpose of this *Quick Guide* is to provide information to the Reputation.com User about what the “consent” requirements are for sending out email or text requests for feedback to current customers of the User under the General Data Protection Regulation (GDPR) applicable from May 25th and the EU e-Privacy Directive and Member State implementing laws (in the UK, the Privacy and Electronic Communications Regulations 2003 or PECR).

The GDPR covers the use of individuals’ personal data, whereas e-Privacy laws set out requirements for undertaking marketing by phone, email, text or fax.

A customer feedback email or text can be considered “marketing.” If the Reputation.com User is sending marketing to an individual email address like john.smith@organisation.com, then the User will be processing personal data and will therefore need to follow the requirements of GDPR in terms of how personal data is used and how consent, where required, is obtained. The User will also need to comply with e-Privacy laws.

Consent Requirements

It is permissible for a User to send out a customer feedback email or text if all of the following are true:

1. The email or SMS is sent to a *current customer*;
2. The customer provided his / her email or phone number within their existing business relationship with the User;
3. The email or SMS is sent out by the User (not by third parties, including affiliates) for purposes of gathering customer feedback (review request or survey);
4. The information in the message relates to the User’s own similar goods or services (not those of a third party) and shows the correct contact information of the User (i.e. name and e-mail / phone number);
5. The User offered an easy opportunity to *opt out* when the customer’s contact details were first collected; and,
6. Each email or text contains a clear opt out (**note**: all Reputation.com email and text forms have opt-out mechanisms).

Outside the conditions described above, a prior specific consent will be required to send out marketing-related communications. The GDPR requires consent to be freely given, specific, informed, expressed through a positive opt-in and easy to withdraw.

DISCLAIMER: This Quick Guide is for informational purposes only. It is not intended, nor should it be relied upon as legal opinion or legal advice. It is not a substitute for obtaining professional legal advice from a qualified lawyer. We encourage you to consult with your legal counsel to discuss how EU data privacy laws like the GDPR may apply to your organization and how to ensure compliance.