🚨 Contact Marketing Status and GDPR

✅ Marketing Contact Status Parameters

Set as Marketing contact:	**Set as non-marketing contact**
Every time a contact is created or has a form submission and: • Email doesn't contain any of **pray.com** OR **test** OR • **Invalid email** address is not equal to True or is empty OR • **Email hard bounce reason** is none of Other, Policy, Mailbox full, Content, Spam, or Unknown user or is empty OR • Marketing contact status is none of "**Non-marketing contact**" OR	• Unsubscribed from all email is equal to True OR • The email contains any of pray.com OR test OR • Invalid email address is equal to True OR • Email hard bounce reason is known OR • Has opted out of Marketing Information OR one-to-one emails

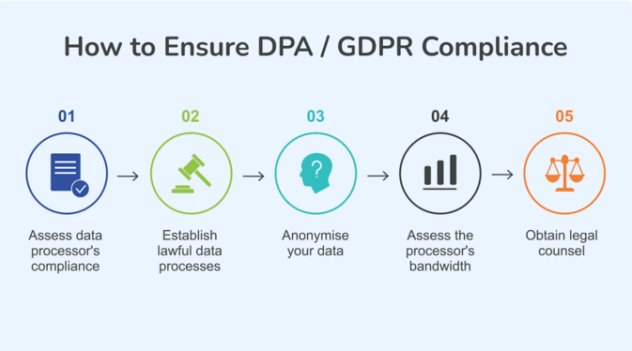
is empty OR • **It's not a B2C Meta Ads Contact:** Original Source is any of Paid Social + Original source drill-down 1 is equal to any of Facebook + Record source is any of Forms + Record source detail 1 doesn't contain any of FullFunnel, Schedule Demo - Lead Form, or Bryan		

📲 Communication subscriptions

Criteria	Subscription Type	Legal Basis
Not manually created AND • Has a valid email AND • Marketing contact status is none of "Non-marketing contact" OR is empty	• Automatically Subscribes contact for email marketing • Automatically Subscribes contact for one-on-one emails	Explicit Consent - Freely Given Consent from contact
Not manually created AND Has a mobile phone number AND Marketing contact status is none of "Non-marketing contact" OR is empty	• Automatically Subscribes contact for SMS	Explicit Consent - Freely Given Consent from contact
Manually created AND Has a valid email	• Automatically Subscribes contact for one-on-one emails	Implicit Consent - Legitimate Interest: This lead is a sales

AND Marketing contact status is none of “Non-marketing contact” OR is empty		representative’s personal contact.
Manually created AND Has a mobile phone number AND Marketing contact status is none of “Non-marketing contact” OR is empty	• Automatically Subscribes contact for SMS	Implicit Consent - Legitimate Interest: This lead is a sales representative’s personal contact.

🚦 GDPR Compliance Explanation



The GDPR (General Data Protection Regulation) is an EU Regulation that significantly enhances the protection of the personal data of EU citizens and increases the obligations of organizations that collect or process personal data.

The regulation builds on many of the 1995 Directive’s requirements for data privacy and security but **includes several new provisions to bolster the rights of data subjects and add harsher penalties for violations.** The regulation came into effect on May 25th, 2018.

The GDPR applies to businesses that:

a) market their products to people in the EU or who

b) monitor the behavior of people in the EU

Severe Penalties:

The GDPR’s new provisions are important, and its new penalties for violations

underscore this. Depending on the type of violation, controllers and processors who mishandle personal data or otherwise violate data subjects' rights could incur fines of up to €20 million or 4% of their global annual turnover (whichever is greater).

Individual's Rights

Consent

The GDPR steps up the standard for disclosures when obtaining consent, as it needs to be "freely given, specific, informed and unambiguous," with controllers using "clear and plain" legal language that is "clearly distinguishable from other matters."

Controllers must also provide evidence that their processes are compliant and followed in each case.

Essentially, your customer cannot be forced into consent or unaware that they are consenting to the processing of their personal data. They must also know exactly what they are consenting to and be informed in advance of their right to withdraw that consent.

New Rights for Individuals

The regulation also builds in two new rights for data subjects:

1. a "*right to be forgotten*" that requires controllers to alert downstream recipients of deletion requests and
2. a "*right to data portability*" that allows data subjects to demand a copy of their data in a common format.

These two rights make it easier for users to request that any stored information should be deleted or that information collected should be shared with them.

Access Requests

Data subjects always had a right to request access to their data. However, the GDPR enhances these rights. In most cases, you cannot charge for processing an access request unless you demonstrate that the cost will be excessive. The timescale for processing an access request will also drop to a one-month period (but this can be extended to a further two months in some circumstances).

In certain cases, organizations may refuse to grant an access request, such as when the request is deemed manifestly unfounded or excessive. However, organizations must have clear refusal policies and procedures and demonstrate why the request meets these criteria.

Obtaining consent requires a positive indication of agreement – it cannot be inferred from silence, pre-ticked boxes or inactivity.

This means that informing the user during the opt-in is becoming more important.

Consent terms

Consent

Giving permission to use or share data. This could be done via opting-in or can be implied.

Under the GDPR and similar data privacy laws, consent must be freely given, specific, informed and unambiguous. Consent must be positive and affirmative, and in some cases it must be explicitly given.

Affirmative or explicit consent

When a person communicates clear approval and agreement to process their data. For example, responding "Yes" to receiving text messages from a business.

Implicit consent

When consent can reasonably be assumed from a person's action or inaction. For example, when a customer buys a product from a business, their personal data would be processed in order to ship the product, to provide customer support, etc.

Consent to process (data)

When a contact has agreed to collect, store, send, etc. of their data, it is also known as processing data. Under the GDPR and other privacy laws, this permission must be "freely given, specific, informed, and unambiguous."

Consent to communicate

When a contact has given permission to be contacted or receive communication. For example, via SMS, email, etc.

Double opt in

A type of consent that requires two separate positive actions. For example, to double-opt-in to receive marketing emails would mean first signing up for the emails, then clicking on a separate email confirmation link.

Data Privacy Glossary

- **Personal data:** Any information related to a person or contact, for example: name, national ID number, address, IP address, etc. This type of information is also known as personally identifiable information (PII).
- **General Data Protection Regulation (GDPR):** A European Union (EU) law that protects the personal data of EU and European Economic Area citizens and residents. It outlines requirements necessary for both EU businesses and any business that collects or processes this personal data. Similar requirements can also be found in many national data privacy laws outside of the EU.
- **Controller:** A business or person that decides why and how to process data about a person. One example is a business owner serving as a Controller over its data stored in HubSpot, where the business makes decisions about how to use the data. Note: A business or person can be both a controller and a processor at the same time.
- **Processor:** A business or person that processes data. They process the data as instructed but don't have control over how or why it's processed. For example, HubSpot is a processor for a business owner when HubSpot stores and processes data based on the business owner's instructions. Note: A business or person can be both a controller and a processor at the same time.
- **Processing (data processing):** Any action performed on personal data. This can be automated or manual. Examples include collecting, organizing, recording, storing, or deleting data.
- **Permanently delete (a contact):** Permanent removal of a contact from HubSpot's database. This type of deletion is often used to follow data privacy laws and may be done regardless if data privacy settings are turned on or off in HubSpot. Deleted information includes the contact record, email tracking history, call records, form submissions, and other engagement data and activity.
- **Legal basis:** Reasons that explain why a business uses or processes a contact's personal data. According to GDPR, businesses are required to have at least one legal basis as a reason for processing data. In HubSpot, we ask customers to choose from 6 types of legal basis that cover Consent, Performance of a Contract, and Legitimate Interest. There may be more than one legal basis that fits each situation.
- Recording the reason for processing contact data is part of data privacy best practices.
- **Legitimate interest:** When businesses have a necessary and lawful business reason—a legitimate interest—they can process a contact's personal data in a way the contact would

expect. The exception is when these interests go against a contact's best interests or fundamental rights.