

USING ACT-ON TO MANAGE CONSENT FOR THE GDPR



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Disclaimer

The General Data Protection Regulation (GDPR) is broad in scope, and successful compliance will vary between organizations. This document is provided for informational purposes and should not be relied upon as legal advice. Please consult your own legal team for counsel.



What is the GDPR?

The General Data Protection Regulation (GDPR) is legislation approved by the European Union (EU) to create greater and more uniform data privacy protection for all EU residents. It strengthens individual rights and provides stronger measures for enforcing them.

The goals of the GDPR are to:

- Give EU citizens insight into the data collected about them and control over how it is used.
- Clarify and simplify the legal expectations for businesses.
- Create a cohesive EU data law for all member states.
- Improve compliance.

The GDPR replaces the Data Protection Directive (DPA), and goes into effect May 25, 2018. More information is available on the [EU GDPR Portal](#).

www.act-on.com

WHY SHOULD YOU COMPLY?

Complying with the GDPR is good for your business because it helps you earn your buyers' trust. If you know when and how your buyers want to be engaged, you can create exchanges that are more personal and memorable, and reflect a respect for their preferences.

Also, the fines for non-compliance are steep – up to 4% of global annual revenue!

Act-On can help you comply with the GDPR so you can avoid penalties and facilitate thoughtful, inviting relationships with your audience.

Additional resources to help you prepare are available on our [GDPR Hub](#).

WHO DOES IT AFFECT?

The GDPR applies to anyone living in an EU member state, and any organization doing business with them – even if that organization is outside of the EU. If you are marketing to, or tracking the activity of, individuals in the EU, this legislation impacts you.

Preparing for the GDPR can feel overwhelming, but don't despair – Act-On is here to help!

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Managing Consent With Act-On

The GDPR has significantly narrowed the definition of consent. Implicit or “opt-out” consent is no longer sufficient. All individuals must now provide consent through a “statement or clear affirmative action.”

Consent must also be “freely given, specific, informed and unambiguous.” This means individuals need to know how their personal data will be used before any processing of the data can take place.

And since people’s feelings about their data and how it’s used can vary over time, the GDPR requires organizations to make it easy for individuals to change their preferences, withdraw consent, or be removed from your database entirely.

The remainder of this document provides instructions for using Act-On to comply with various aspects of the GDPR’s consent requirements.

As you work through them, keep in mind that if you currently use a Master List, you only need to complete the list modifications for your Master List. If you are using multiple lists, you need to complete the list modifications for each list in your Act-On instance.

We recommend consolidating your lists to remove these redundancies.

CREATING AND USING PRIVACY POLICIES

The GDPR rules governing privacy policies are more detailed than the ones established by the DPA, but they essentially boil down to this: Organizations need to make sure their privacy policies are understandable and available.

More specifically, the information must be:

- Concise, transparent, intelligible and easily accessible
- Written in clear and plain language, particularly if addressed to a child
- Free of charge

The UK’s Information Commissioner’s Office published guidelines on [what should you include in your privacy notice](#).

Organizations are required to link to their privacy policy on every form.

When they obtain data from other sources, such as third-party data providers, they must also provide [additional information about the data and its source](#).

Capturing Consent for Web Tracking

Act-On gives you the ability to track and analyze an individual's web activity. Under the GDPR, however, you must give individuals the opportunity to opt-out of being tracked. Act-On makes this easy.

Enabling Web Tracking Consent (Admin User required)

1. In the left-hand nav in Act-On, Click Settings > Other Settings > Beacon Settings.
2. Click the "Change" button, then select "Opt-In with Opt-Out." (See screenshot below.)

Change Tracking Mode

To help you comply with the laws and policies that apply to your organization, we allow you to choose how we collect and store tracking information:

- **Standard Mode** provides the most complete level of website metrics by automatically saving tracking information about every visitor to your website.
- **Opt-In with Opt-Out** gives your website visitors a choice to either opt-in to being tracked or opt-out of being tracked. In Standard Mode, tracking information saved. A one-time opt-out cookie will be placed to ensure visitors receive no further requests for permission to save the tracking information when they deny permission.
- **Opt-In Only Mode** asks visitors for permission before saving the tracking information. Once a user grants permission, their experience will be similar to Standard Mode.
- **No Cookies Mode** does not cookie your visitors at all. Visitors will not be tracked, and all visitors will appear as anonymous in Website Prospector. This mode is not recommended unless you must comply with strict privacy regulations.

If you change your tracking mode, you will need to replace your tracking code on each web page you have placed it.

NOTE: If you have already implemented the tracking code on your website, you will need to replace it with the new version you receive. (See screenshot below.)

 **Beacon is Active**
Tracking website visitors using **Opt-In with Opt-Out Mode**

Include the code below on each webpage you want Beacon to track:

```
<script>/<[[[DATA]]*(function(a,b,d,s){w[a]=w[a]||{};w[a][d]=w[a][d]||{};w[a][d].track=function(r,e,t){this.q.push({r:e,e:t||new Date()});var e=window.location.protocol+'//demo.actionsoftware.com/demo/action/track/25613?r-parentNode-insertBeacon(+911)}(window,'Action','Beacon','document','script','ActionBeacon','track');}]]>/</script>
```

Capturing Consent through Double Opt-In

The GDPR mandates that before you can market to your contacts, you need to get their permission through a “closed-loop” or “double” opt-in process.

In this process, contacts initially provide their consent through a form they complete on your website. They then receive an opt-in confirmation email, and confirm their consent by clicking through a link. The GDPR also requires you to be able to show proof of consent for all the contacts you market to.

With Act-On, you can easily create a double opt-in process, and then filter your Master List to confirm your contacts have provided the appropriate consent.

Create a Double Opt-In Form

The first step in establishing a double opt-in process is to create a double opt-in form.

STEP 1

On the form you want to use for capturing consent, add a “Combo Field” checkbox to capture the opt-in.

The screenshot shows the 'Field Mapping' section of the Act-On form builder. It has two columns: 'Field Name' and 'Column Name'. Under 'Field Name', there is a 'Privacy Policy' dropdown menu. Under 'Column Name', there is a 'Privacy Polic' dropdown menu. Below this is a 'Type' dropdown menu set to 'Checkboxes'. Underneath, there is a 'Values' section with a 'Label' field containing 'I agree to the pri' and a 'Value' field containing 'Opt-In' with a radio button icon.

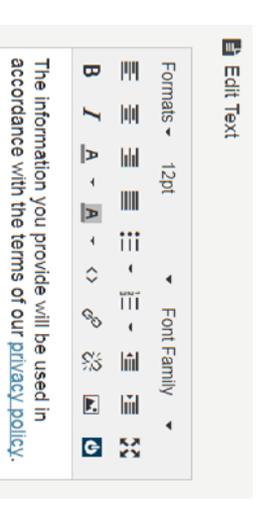
STEP 3

Save your form, then embed it on the desired web page or landing page.

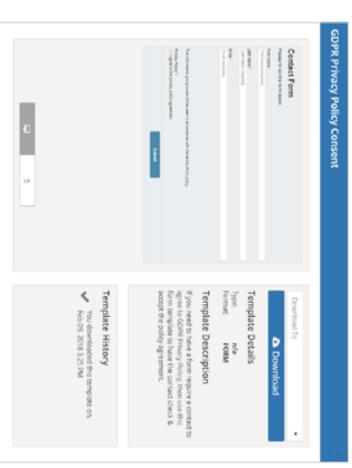


STEP 2

Insert a “Rich Text” block to link to your privacy policy



NOTE: If you'd rather not create your own form, Act-On provides a GDPR Privacy Policy Consent template. From the left nav, click on Content > Catalog > Forms, then search for “GDPR Privacy Policy Consent.”



Capturing Consent through Double Opt-In

Enable Double Opt-In Confirmation

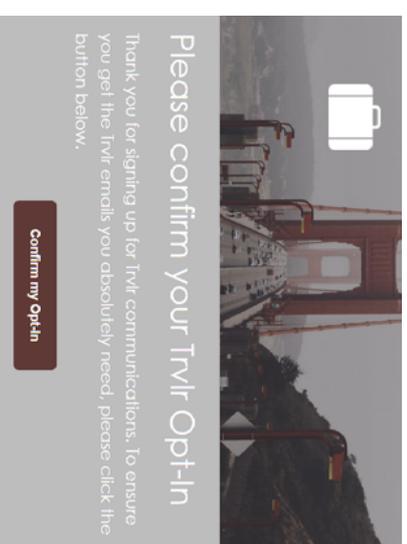
Once you've created the double opt-in form, you need to build the remaining confirmation process.

STEP 1

Create a confirmation form for individuals who opted in. This form should include at least an email verification and a submit button.

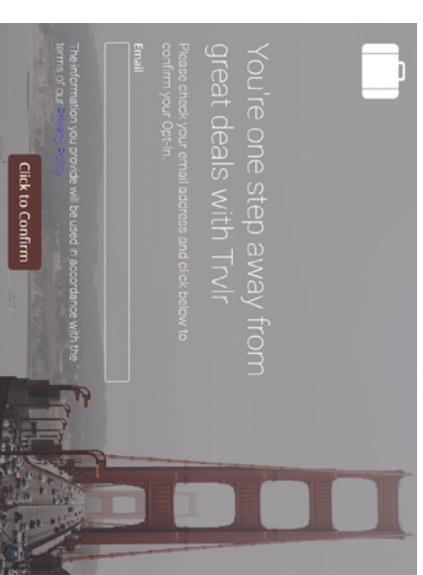
STEP 3

Edit the consent form you previously created to include a form response email, and then add a link in that email to your newly created Opt-In Confirmation page.



STEP 2

Create a new landing page and embed your confirmation form, making sure to check "Show Prefilled" when adding the form.



Capturing Consent through Double Opt-In

Adjust Your Master List to Show Proof of Consent

Once you've established your double opt-in process, you can show proof of consent by defining a segment of your Master List (or each of your lists) that identifies all contacts who have both submitted your Opt-In form and clicked through your confirmation email.

STEP 1

In your segment, create a query by selecting both the Opt-In and Consent Confirmation forms.

The screenshot shows a query builder interface. At the top, there is a 'Name' field containing 'Confirmed Opt-ins' and a 'Method' dropdown menu set to 'Query'. Below this, a section titled 'Combine expressions with' has a dropdown menu set to 'AND'. Underneath, there are two columns of filters. The first column has a search icon, a dropdown arrow, and the text 'in all time'. The second column has a search icon, a dropdown arrow, and the text 'submitted forms'. Below these columns, there is a dropdown menu set to 'all of these' and a counter that says '2 selected'. At the bottom, there is a list of two items: 'Opt-In Form' and 'Consent Confirmation Form', each with a checkmark icon. A blue plus sign icon is located at the bottom right of the list.

Managing Withdrawals from Your Database

Under the GDPR, individuals have the right to not only withdraw their consent, but to also withdraw themselves from your database entirely. You can use Act-On to create this process.

Enable Withdrawal from Your Database

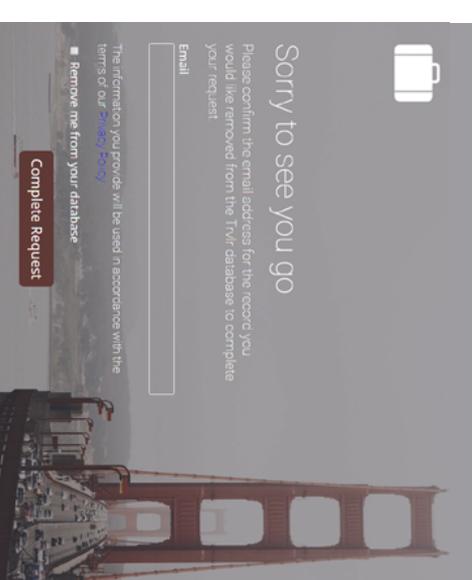
STEP 1

Create a new Consent Withdrawal form with at least 2 fields: an email capture field and a "Combo Field."



STEP 2

Embed the form on a landing page or web page designed to capture withdrawal requests.



STEP 3

Go to your Subscription Management page. In the "Customer Settings Page Introduction" section, add a link to your Consent Withdrawal form.



Subscription Management

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Customer Settings Page Introduction

Subscription Settings

Manage subscription settings for `{{VCard.Email}}`. If this is not your email address, please ignore this page.

To be completely removed from our database, please complete our [Consent Withdrawal Form](#).

Managing Withdrawals from Your Database

STEP 4

In your Master List (or each of your lists), create a segment for individuals who have completed your Consent Withdrawal form.

The screenshot shows the Segment Builder interface. At the top, there are fields for 'Name' (Consent Withdrawals) and 'Method' (Query). Below these, there is a section for 'Combine expressions with' set to 'AND'. Underneath, there are three dropdown menus: 'In all time', 'submitted forms', and 'all of these'. At the bottom, there is a list of segments with 'Consent Withdrawal Form' selected, indicated by a checkmark and a blue arrow. A plus sign icon is visible to the left of the list.

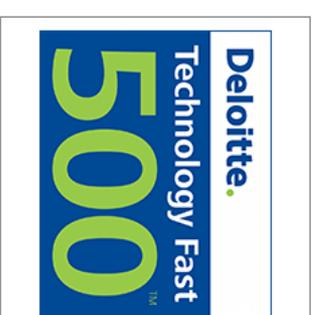
STEP 5

At the end of each week, delete these individuals' records by going to the Segment Menu and click on "Clear Records."

The screenshot shows the Segment Menu for a segment named 'Consent Withdrawal Form'. The menu items are: Open, Refresh Record Count, Edit, Rename, Create a Segment, Generate A/B Splits, Import/Export, Maintenance, Mailings to Segment, Delete, and Clear Records. The 'Clear Records' option is highlighted in green at the bottom of the menu.

NOTE: If you use multiple lists instead of a single "Master List," you need to create this segment and then clear the records for each list.

Acclaim for Act-On



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About Act-On

Act-On Software is the leader in adaptive marketing solutions that enable marketers to create Adaptive Journeys™ using customer behaviors, preferences and data to intelligently guide the engagement strategy. With Act-On, marketers can drive better business outcomes and see higher customer lifetime value. For more information about GDPR, please visit our [GDPR Hub](https://gdprinquiry@act-on.net) or contact gdprinquiry@act-on.net