



PRIVACY AND GDPR

This guide is for informational purposes only and should not be considered legal advice. The rules around privacy vary based on country and industry. New privacy laws are being added and revised all the time. We advise you to do your own research to evaluate what standards and protocols you'll need to implement for your own business.

Privacy and GDPR

The [General Data Protection Regulation](#) is a European law that went into effect in 2018. It regulates how personal data of individuals in the EEA (European Economic Area) can be collected, used, and processed by businesses.

If you have a business based in the [European Economic Area](#), or you have customers or collect data from any persons located in the EEA, you should be aware of GDPR. It will not matter if your company is based inside or outside the EEA - if you process any personal data of people located in the EEA, GDPR will apply to you and your company. If you are found to be in non-compliance with this regulation, you can be assessed a large financial penalty.

Some of the most important terms outlined in the GDPR are personal data, data processing, data subject, data controller and data processor.

Personal data is any information that could be used to identify an individual - this includes commonly collected information like names, IP addresses, location data, physical addresses and email addresses. Many of these items are collected and stored by software you might use on your website - including your newsletter, contact forms and data analytics.

Data processing is any action performed on data - this could include collecting, recording, storing and using data.



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Data controller is the person who decides how and why personal data is used. (If you own your business, this is likely you).

Data processor is a third-party that processes personal data on behalf of a data controller. Examples could include a server or email service provider.

Everything you do in your business should consider data protection - and the GDPR outlines when it's legal to process personal data. Many large third-party services (including the ones we feature in our bonus trainings) have GDPR specific tools that you can use to stay compliant.

WHAT ARE SOME BEST PRACTICES YOU CAN IMPLEMENT FOR YOUR WEBSITE, YOUR OPT-INS AND YOUR NEWSLETTER?

GENERAL

- Clearly outline how you will use their data when you obtain their consent.
- Obtain separate consent for different purposes. If you're offering a PDF download in one form and a webinar signup in another form, get consent for each offer.
- Users should be able to delete or modify their information at any time.
- Users have the right to request the removal of their information from your records - this is called the "right to be forgotten."
- Keep detailed records so you can prove user consent (meaning you can prove how and when someone consented to hearing from you)
- Read the regulation guides created by your specific newsletter and software services.
- If your users have opted out of communications or unsubscribed, but you still have them in your database, make sure you do not email them.



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YOUR OPT-IN FORM

- Don't use pre-checked boxes - users must explicitly consent to receive your communications. If you have a checkbox like "yes / no I want to be added to your newsletter" make sure it is not pre-selected with an answer.
- Users must consent to be marketed to - if someone contacts you via your contact form, do not automatically add them to your list. You can add an additional checkbox on your form (make sure it is not pre-selected) that allows them to accept marketing from you.
- Clearly indicate how the user's information will be used. Be very clear what they are signing up for - will you be sending regular newsletters and offers? Will you be sharing their emails with anyone else? For example, If someone signs up for a webinar and you're going to send them offers or other unrelated info later, you must inform them on the signup form that you will be sending them other information.
- If you're offering a freebie incentive such as a PDF, you can add an additional checkbox that gives users an option to opt-into your marketing communications - this would be separate consent from receiving the free gift.

YOUR NEWSLETTER / LIST

- Do NOT add people to your mailing list without their explicit consent to receive your marketing communications.
- Make sure you have an unsubscribe link at the bottom of every email.
- If possible, include a link for users to update their email preferences (many email providers have this built into their templates).



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YOUR WEBSITE

The use of cookies and similar tracking technologies on your website also falls under GDPR. Cookies are files set on a users' computer to track their behavior.

You may want to consider:

- Using a cookie notification tool that allows people in EEA countries to accept and/or change their cookie settings on your site.
- Add a privacy policy to your site that includes a cookie policy and a mechanism for people in EEA countries to change their cookie settings on your site.

GENERAL GDPR RESOURCES

- <https://gdpr.eu/>
- <https://gdpr.eu/cookies/>

COOKIE TOOLS

- <https://www.osano.com/>
- <https://www.cookiebot.com/>

AWEBER RESOURCES

- <https://help.aweber.com/hc/en-us/articles/115016056728-The-General-Data-Protection-Regulation-GDPR-What-is-it-what-is-AWeber-doing-and-what-should-you-do->

ACTIVECAMPAIGN RESOURCES

- <https://www.activecampaign.com/learn/guides/preparing-for-the-gdpr-collecting-consent>



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CONVERTKIT RESOURCES

- <https://help.convertkit.com/article/661-compliance-with-gdpr>

MAILCHIMP RESOURCES

- <https://blog.mailchimp.com/gdpr-tools-from-mailchimp/>
- <https://kb.mailchimp.com/accounts/management/about-the-general-data-protection-regulation>