

Data Protection

Data Protection regulations have evolved to protect individuals when their personal data is processed. Whilst most marketers in the UK will only encounter the 1995 EU Directive (95/46/EC) which was then adopted by individual EU members, there are Data Protection regulations across the globe.

Europe and North America have the strongest laws whilst many areas of Africa have no laws at all. [DLA Piper](#) is a global law firm who have combined their world knowledge in an online resource. They have a map where you can see if they consider the laws to be heavy, robust, moderate limited or non-existent.

The OECD has been an important supporter in promoting respect for privacy and they have produced their own guidelines – [2013 OECD Privacy Guidelines](#).

What does it mean in marketing terms?

None of us like getting spam, or nuisance phone calls, or large amounts of junk mail and the Data Protection laws along with Privacy and Electronic Communications Regulations are there to ensure our personal information is handled safely and securely. Not all marketers like the stringent laws but there are advantages as well. If companies abuse our data they run the risk of large fines and also annoy consumers but if they are targeting the right people, at the right time, then it can increase sales and engagement. There are eight principles of good information handling that clearly detail the scope of the act and define how companies have to operate to remain within the law.

For more information

Consumers can find out more at [Data Protection – from GOV.UK](#) – This site is an introduction to the eight data principles which the law is based on. Its emphasis is on you as an individual and how you can find out what information a company holds on you. It also explains how you can complain. Other links on this site explain how much information an employer can hold on you and also how you can request CCTV footage.

For a more in-depth round up of the law you can contact the independent public body called the [Information Commissioner's Office \(ICO\)](#). There are sections on their website to help members of the public but also a section to help organisations comply with the law.

For organisations there is a [self-assessment tool-kit](#) that you can work through to check you are adhering to the principles. Their [Key Definitions](#) section clearly takes you through the principles. Moreover, the ICO have begun to take a tough line on enforcement on breaches and penalty notices and post action on their [website](#).

The ICO are working hard at making the laws accessible. They also have a blog and are now moving into YouTube videos. Visit their [blog](#) for more information.

For marketers specifically there is a [Direct Marketing Guide](#) and a [Direct Marketing Checklist](#) available.



The Laws (UK and EU)

The [Data Protection Act 1998](#) is the text of the UK law and the EU law is available in the [EUR-Lex](#) site in a range of languages.

At the time of producing this guide a new law is being discussed. It is known as the EU General Data Protection Regulation (GDPR) although it will not come into force until 2018.

CIM Courses

The Chartered Institute of Marketing runs two courses on this area.

Essential Marketing Data

The introductory course to lawful, profitable and ethical use of personal data in direct marketing. Marketers need a clear understanding of how legislation like the Data Protection Act and the Privacy and Electronic Communication Regulations impact on the success of direct marketing campaigns. This course will show you how to build better marketing lists, increase email opt-in rates and accuracy of marketing databases.

Must Know Law for Marketers

Must Know Law for Marketers is ALL about the practical application of the law as it affects marketers and sales professionals in the delivery of their marketing strategy. Designed as a 'marketing course', not a 'legal course', we bring the subject to life, building your knowledge and technical skills of the laws and regulations that shape marketing in the 21st century.

CIM members also have access to a legal helpline, for further details visit [MyCIM](#).

This document is for guidance only and should not be used as a substitute for specific legal advice.

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