

NationBuilder

The Road to GDPR Compliance

Legal disclosure

- We're not your lawyers.
- This webinar is not legal advice.
 - It's an overview of the law and some of the tools we're building for our customers who want to use them as part of their GDPR compliance efforts.
 - We don't know the facts of your particular situation.
- Using NationBuilder GDPR compliance tools is not a substitute for legal advice.
 - GDPR is 2018's lawyers employment protection law!

What We Will Cover Today

1. GDPR Overview

Jeanine

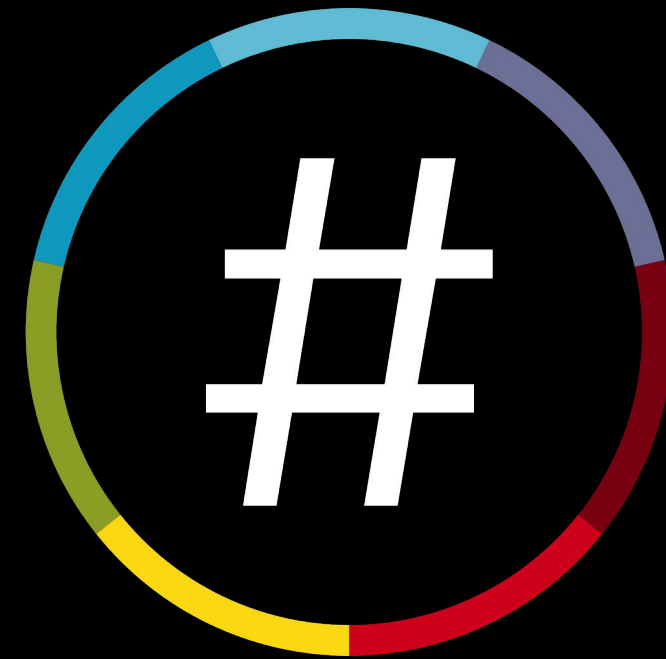
- a. What is it?
- b. Who does it apply to?
- c. Some definitions
- d. GDPR's requirements
- e. Possible consequences
- f. Questions

2. NationBuilder's Tools

Katy

- a. Consent
- b. Cookies banner
- c. Erasure
- d. Future tools
- e. Questions

The new world privacy regime ... GDPR



The background is a dark, deep blue or black space filled with numerous small, white, star-like particles. A prominent horizontal band of these particles, appearing as a bright, shimmering line, stretches across the lower half of the image. The overall effect is that of a starry night sky or a distant galaxy.

GDPR
IS COMING

I DON'T KNOW HOW TO PUT THIS BUT...

GDPR IS KIND OF A BIG DEAL

SAY "GDPR COMPLIANT" AGAIN

I DARE YA

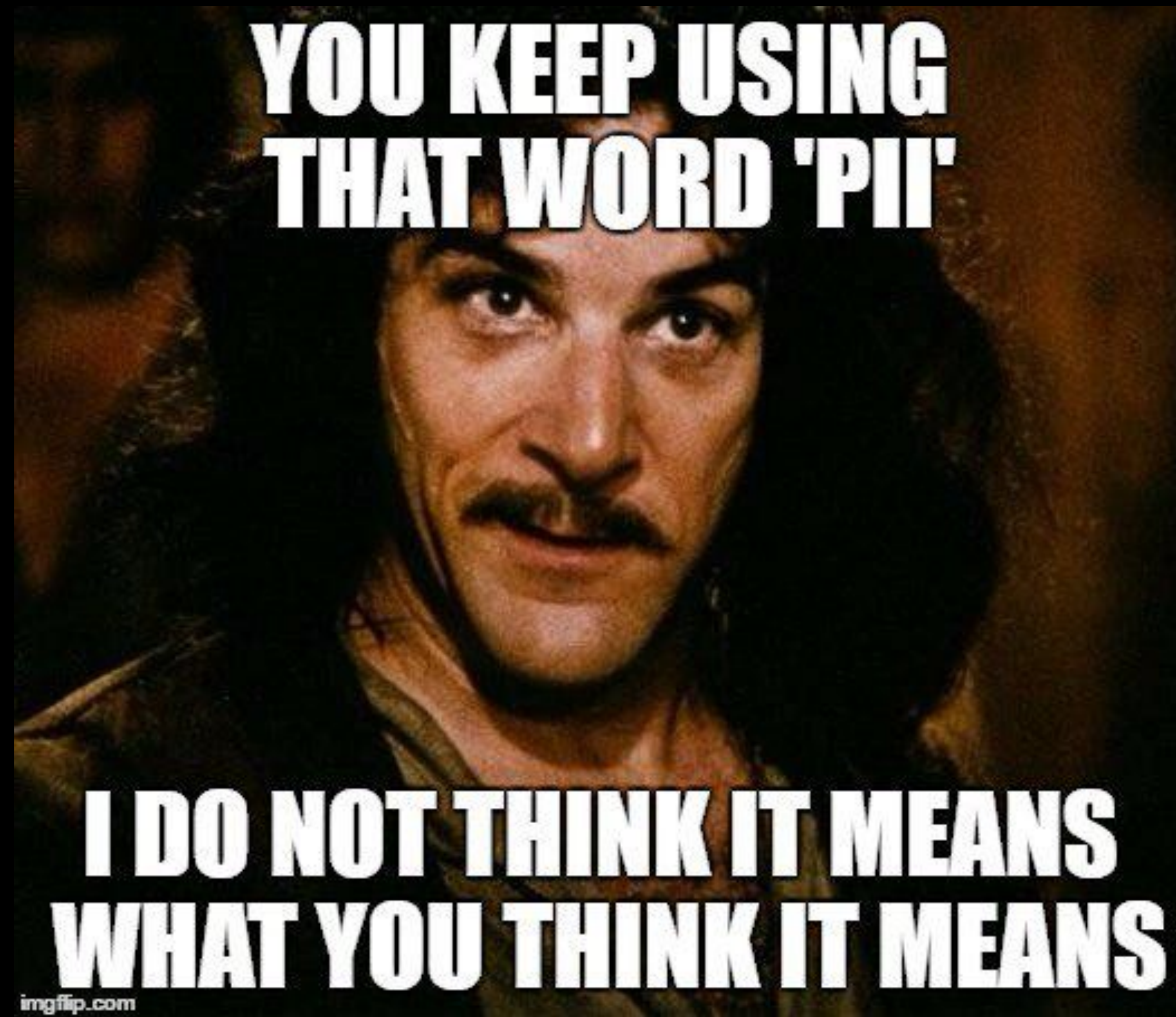
GDPR - General Data Protection Regulation

- Replaces EU Data Protection Directive 95/46/EC
- Single biggest change in 20+ years
- Introduced 2012 / Adopted April 2016 / **Effective May 25, 2018**
- Regulates “processing” of “personal data” of EU residents
- Including the collection, use, transfer, monitoring, tracking, even *viewing* of personal data
- Includes provisions re privacy by design, security and data breach obligations
- Big change: Not only do you have to do it, you have to prove it

Does GDPR Apply to Me?

- GDPR applies to *any* organization that *processes* the “personal data” of EU residents, *whether or not* based in an EU country or has EU presence
- GDPR applies in any of these circumstances:
 - You have an EU presence
 - You offer goods/services in the EU
 - You are monitoring EU data subjects’ behavior (e.g., if you are using an advertising technology platform to track EU data subjects and profiling them)

Some Definitions



What is “Personal Data”?

“Personally Identifiable Information”

- Much broader than PII in U.S.
- Need not be sensitive or secret

“Any information relating to an identified or **identifiable** natural person” (a “data subject”)

- Can be identified directly or indirectly e.g. by reference to an identifier:
 - Name
 - ID number
 - Location data
 - Online identifier
 - One or more factors specific to physical, physiological, genetic, mental, economic, cultural or social identify

“Special Categories” of Personal Data

- Unless an exception is met, GDPR prohibits processing of certain categories:
 - Racial/ethnic origin
 - Political opinions
 - Religious/philosophical beliefs
 - Trade union membership
 - Genetic data
 - Biometric data for the purpose of uniquely identifying a person
 - Data concerning health
 - Data concerning a person’s sex life
 - Sexual orientation
- Exceptions: Explicit consent, others where processing required

What is “Processing”?

- Automated and non-automated operations performed on personal data
- In short: *anything* you think of doing with personal data, up to merely viewing that data
 - Moving data
 - Analyzing data
 - Viewing/accessing data outside the EU

What Does GDPR Require?



Some Highlights of What GDPR Requires

1. Processed lawfully, fairly, and in a transparent manner
2. Collected for specified, explicit, and legitimate purposes
3. Adequate, relevant, and limited to what is necessary
4. Accurate and, where necessary, kept up to date
5. Retained only for as long as necessary
6. Processed in an appropriate manner to maintain security
7. Accountability

**That's the great thing
about GDPR**



**It's so vague and
nobody really knows
what it's all about**

Lawful Basis of Processing (Art. 6)

- All processing of personal data must be “lawful”
- Processing lawful only if one of the following applies:
 - Data subject has given consent
 - Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party
 - Processing is necessary for the performance of a contract to which the data subject is party
 - Processing is necessary for compliance with a legal obligation
 - Processing is necessary in order to protect the vital interests of the data subject or of another natural person
 - Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller

**I DON'T ALWAYS RELY
ON CONSENT TO
PROCESS PERSONAL DATA**

**BUT WHEN I DO, IT'S ONLY
BECAUSE I DON'T MEET
ANY OTHER LAWFUL CONDITIONS**

Consent (Art. 7)

- ✓ Freely given, specific, informed
- ✓ Unambiguous
- ✓ By statement or clear affirmative action
- ✓ Clearly distinguishable from other matters
- ✓ As easy to withdraw as give
- ✗ Silence
- ✗ Pre-ticked boxes
- ✗ Inactivity
- ✗ Condition of provision of service
- ✗ Unclear, confusing, legalese
- ✗ Blanket or bundled

Potential Consequences of Noncompliance



HUGE Enforcement Capabilities



4% worldwide
turnover fines or
€20MM

**WE MADE SURE TO BE
TRANSPARENT**

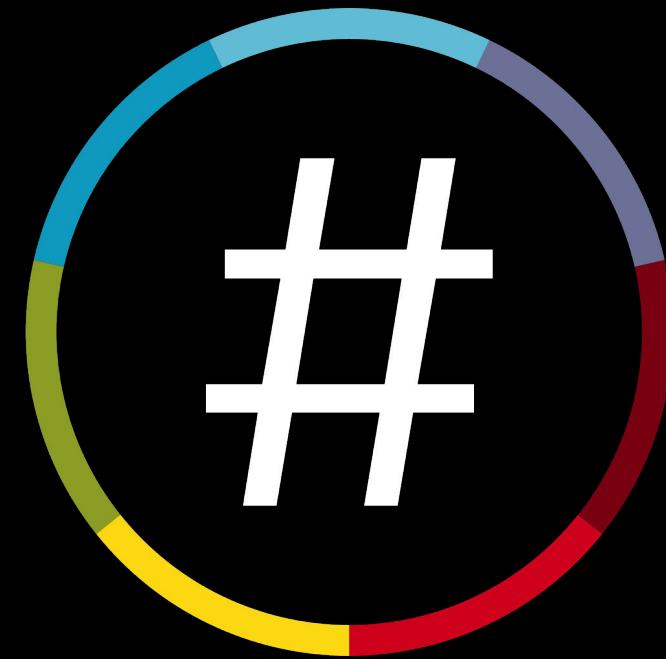


**AND WE DIDN'T GET
FINED!**

What legal docs can you expect from us?

1. New Terms of Service, Privacy Policy, Acceptable Use Policy and Email Acceptable Use Policy (next week)
2. Data Protection Agreement for everyone (first week of May)
3. New model privacy policy (end of the week)

Questions



NationBuilder Tools

Provide flexible, reliable tools for GDPR compliance

- Consent
 - Re-permissioning campaigns
 - Managing consent
- Cookies banner
- Erasure
- Data download
- Future tools

