



Το έργο χρηματοδοτήθηκε από το
Πρόγραμμα Δικαιώματα,
Ισότητα και Ιθαγένεια 2014-2020
της Ευρωπαϊκής Ένωσης

Direct marketing

byDesign: Facilitating GDPR compliance for SMEs and promoting Data Protection by Design in ICT products and services

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Direct marketing via phone

- Article 13 Directive 2002/58/EK
- Greece: Law 3471/2006, article 11, par. 2
 - Opt-out system:
 - Unsolicited human intervention communications (calls) may not be made if the subscriber has stated to the publicly available service provider that he or she generally does not wish to receive such calls.
 - The provider is obliged to register these statements free of charge in a special directory ("opt-out" register).



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Marketing via electronic messages

- Article 11 law. 3471/2006 (according to article 13 of Directive 2002/58/EK).
- **Opt-in**
 - Consent, prior notification
 - Ability to revoke consent with each message
 - It also includes legal entities
- **Exception - opt-out**
 - The data was legally obtained in the context of the sale of a product or service to the supplier
 - Promotion of similar products / services
 - During the collection of this information but also with each sending of a message the recipient has the opportunity to express his objection



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Electronic messages include e-mails, SMS and messages in messaging platforms



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e-Marketing examples

Opt-in example (good practice)

Tick if you would like to receive information about our products and any special offers:

- by post
- by email
- by telephone
- by text message
- by recorded call

Opt-out example (bad practice)

By submitting this registration form, you indicate your consent to receiving email marketing messages from us.

If you do not want to receive such messages, tick here:

Opt-out example (acceptable practice, in case of purchasing)

Tick here if you **do not** want to hear about the latest offers and news from

Email SMS Post Phone

We'll use your contact details for **legitimate business purposes** to tell you about our **latest holiday offers, products and services**. If you would like further information on how we process your personal data please click on our [privacy policy](#). If you opt out of receiving marketing information from us, we'll still send you important service messages about your booking.



e-Marketing examples



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- ✓ Consent from the recipient (or existing customer relationship)
- ✓ Accurate identification of the sender (business name)
- ✓ Clear unsubscribe function e.g.
 - SMS Reply Number
 - Opt-out Keyword on specific number
 - Opt-out URL Link
 - Even manually

Unlawful practice!



LEGAL INFORMATION ABOUT THIS EMAIL: This e-mail cannot be considered as spam as long as the **senders contact info** and **unsubscribe options** are valid according to the EU Directiva 2002/58/EC, Relative as A5-270/2001. We are firmly committed to respecting your privacy. We do not share your information with anyone, for any reason. If you don't wish to receive newsletters please **click here**.



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Opt-in/Opt-out effectiveness*

The data subject is presented with one of the following options, during the collection of his/hers personal data

Table 1. Formats and Participation Rates, Experiment 1

Question	Percent Participating
(1) <input type="checkbox"/> Notify me about more health surveys.	48.2
(1) <input type="checkbox"/> Do NOT notify me about more health surveys.	96.3
(3) <input checked="" type="checkbox"/> Notify me about more health surveys.	73.8
(4) <input checked="" type="checkbox"/> Do NOT notify me about more health surveys.	69.2

Note which (design) options result in higher participations than others.....

*Johnson, E.J., Bellman, S. & Lohse, G.L. Defaults, Framing and Privacy: Why Opting In-Opting Out¹. *Marketing Letters* 13, 5–15 (2002). <https://doi.org/10.1023/A:1015044207315>

Guidelines 3/2022 on Dark patterns in social media platform interfaces: How to recognise and avoid them