



Crusader Limited

Data Processing Compliance Policy (PECR and GDPR)

The Privacy and Electronic Communication Regulations 2003 (PECR) govern, in part, direct marketing by telephone and email, in order to send unsolicited (that is, unanticipated) email marketing to private individuals, they must have given consent to be marketed in that way. This applies to sole traders and those working in partnership (i.e. not those employed by or directing incorporated Trusts, Charities or Limited Companies).

This differs from the rules governing Business to Business (B2B) marketing to individual employees/directors of Trusts, Charities and Limited Companies. Unless such an individual has “opted out” of receiving such email marketing (i.e. by using an unsubscribe function on the relevant email/s, it is then lawful to send unsolicited email marketing to them at their corporate email address.

Therefore, consent is essential, if email marketing is to consumers, sole traders or those in partnerships. PECR governs the process and legality of direct marketing.

The General Data Protection Regulation (GDPR) as it applies in the UK, tailored by the Data Protection Act 2018 requires that personal data must be processed lawfully, which means that one of a selection of lawful bases for processing must be established before that processing can take place.

Processing on the basis that the data subject has given consent is a legal basis, as is processing based on a “legitimate interest”. A legitimate interest to process personal data can be for the purpose of direct marketing. The question of whether or not to process on this basis is answered on analysis of the competing interests between the data subject (B2B contact) and the data controller (Crusader Limited).

So if we are processing a data subject’s personal data for direct marketing purposes, we will do so lawfully, because we assess that we have a legitimate interest that is in balance with the rights and freedoms of the data subject in this case.

Our data base of contacts contains B2B contacts where no “opt out” has been made.

We regularly screen our B2B lists for contacts who are sole traders and those in partnerships.

Consent (“or opt-in”) may or may not have been obtained for each contact on these lists, however consent is not legally required for B2B contacts of incorporated organisations (direct marketing by email, mail or telephone (live calls)).

To comply with GDPR our lists of B2B contacts must be processed lawfully by Crusader.

This policy statement will be reviewed annually.



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Data Processing Compliance Policy (PECR and GDPR) continued

The lawful basis for processing these contacts is that we have a “legitimate interest” to process them for the exclusive purpose of direct marketing.

We assess this to be an appropriate lawful basis because;

The data subjects are business contacts (Names, telephone numbers and email addresses)

The processing is of business contact details, and there is a demonstrable low impact on the privacy of the individual.

Email direct marketing is a reasonable and proportionate method of processing to achieve commercial objectives

The data subjects might reasonably expect to receive business marketing to their corporate email addresses

As such the processing is transparent and fair.

The data subjects may easily indicate that the data processing is against their wishes, by unsubscribing from marketing emails.

We conclude that the rights and freedoms of the data subjects in question are not disproportionately or negatively infringed upon through this course of processing.

Where a B2B contact objects to this processing, they have the right to “opt-out” and we will stop processing for this purpose.

K Soden-Barton

Managing Director
Crusader Limited
1st February 2019

This policy statement will be reviewed annually.