**GUIDANCE ON UK GDPR AND PRIVACY & ELECTRONIC COMMUNICATIONS REGULATIONS**

When communicating with members or non-members electronic communications are subject to the following legislation:

* **UK General Data Protection Regulations (UK GDPR**) this applies when personal data is used.
* **Privacy & Electronic Communications Regulations (PECR)** this applies when sending direct marketing material.
* Complying with PECR will help with compliance with UK GDPR and vice versa.

**Direct marketing** – This is the communication by electronic means (including telephone calls, emails, text messages, and direct messages on social media) of unsolicited advertising, or marketing material which is directed to a named individual.

Direct marketing also includes the promotion of the aims and ideals of an organisation, which as a not-for-profit organisation will apply to trade union communications.

If the communication seeks to influence the thought or behaviour of an individual, by asking them to do something, then this would be direct marketing.

Examples of communication promoting aims and ideals are:

* Asking members to write to MP on an issue.
* Asking for a donation to a particular cause or charity.
* Asking members to sign a petition on a particular issue, not connected to the work of the union.

**Consent**

* Direct marketing electronic communications can only be sent with the consent of an individual. Consent must be given before the communication is sent.

**Workplace Email Addresses**

* Workplace/Corporate email addresses which use the company name and dot org, co, com or gov in the email address are not subject to PECR to the same restrictions as personal email addresses.
* Individuals using corporate emails do not need to give consent before you contact them.
* They have the right to opt-out from receiving marketing material.
* Reps can email non-members using workplace systems.
* However, if a corporate email address includes the name of an individual, it will still be subject to UK GDPR, as it is personal data.

An example of a corporate email address would be: [Elizabeth.taylor@prospect.org.uk](mailto:Elizabeth.taylor@prospect.org.uk)

**Contacting Members**

When sending communications containing direct marketing:

* Ensure the mailing list does not contain addresses of members who have opted out of direct marketing.
* Use lists provided from the membership database, as members who have opted out can be removed.

**Contacting Non-members**

When contacting non-members for the first time

Example of a statement which asks for consent:

*If you are interested in receiving more information about the work of Prospect, and want to be kept informed about workplace issues, please reply to this email with the following: I consent to receiving further information from Prospect and understand this consent can be withdrawn at any time.*

* No response to a message does not indicate consent.
* Under the regulations you can keep mailing lists, as you should keep a list of individuals who have opted out of receiving emails, so they are not contacted again
* All further communications should include information about the sender, and information about opting out of mailings

**Service Messages**

The other type of communication which can be sent to members is a service message. This describes a communication which is sent for administrative or information purposes. These types of messages should be kept neutral in tone and simply provide information. If asking members to do something, then it will become direct marketing.

Example of a service message:

* Reminding members that their subscription is about to lapse.
* Asking members to check contact details are correct
* Update individuals on terms & conditions

Messages to members containing information about the work of the union and issues affecting members employment, can be defined as service message if they are factual reports.

These should cover the following types of information:

* Information on terms and conditions of employment
* Information on relationship and negotiations with employers, including disputes and industrial action.
* Information on the industries and organisations the union organises in.
* Information on the status of and laws about trade union members
* Information on equal opportunities.
* Information on science and technology.
* Information on trade union educational activities.
* To inform/consult members on legislation/regulations which may directly or indirectly affect their work/pension/retirement.
* Information on the work of other organisations/bodies whose work is likely to advance directly or indirectly the interests of Prospect members.
* To provide information for the recruitment of new members.

However, service messages which also contains **any** marketing text will be direct marketing.

**Example**

Prospect sends out a service message email about a report it’s produced on pay to its members. However, if the Prospect then goes on to say it is working to improve pay awards through its great programmes – it can turn whole report into a marketing message, because the union is promoting its aims and ideals. Doesn’t matter if only one mention of the activity.

# Social media

As reps you may also be using several types of on-line applications to stay connected with members and non-members. This could include Facebook, WhatsApp, Signal, Twitter, or Instagram.

The UK GDPR and PECR will also apply to the use of these types of communications when being used for the purposes of promoting Prospect or to allow members to communicate with each other regarding union issues.

Examples of actions using personal data when the regulations apply:

* When you post personal data on your own site or a third party’s site.
* When you download and use personal data from a third party’s site.
* When an organisation or individual runs a social media site which allows third parties to add comments or posts about individuals.