

# Reply Email And GDPR Compliance

## What Is The EU GDPR?

EU GDPR stands for European Union General Data Protection Regulation.

GDPR is a new law that aims to give European Union citizens greater protection from data breaches, and more control over how their personal data is used.

We will focus on how GDPR impacts an organization's email marketing when sending to EU citizens -- whether they reside in Europe or elsewhere. Regardless of physical location, if you are emailing an EU citizen, GDPR applies.

## What Does GDPR Regulate?

Under GDPR, organizations that do business with EU citizens have to follow legal processes for gathering and managing data. Additionally, organizations will be legally bound to respect the rights of data owners in terms of sales and marketing communication, and grant data owners the right to access their data as well as the right to be deleted.

In terms of email marketing, organizations must be able to demonstrate that they have consent or legitimate interest. Additionally, you must provide email recipients with a clear and easy means of withdrawing consent (unsubscribe).

Organizations that violate the terms face fines and penalties for non-compliance.

## Who Does GDPR Apply To?

GDPR applies to citizens of all countries in the European Union (regardless of their physical location), and to any business (regardless of physical location) that processes the personal information of EU citizens.

Within organizations and third-party service providers, there are two types of data-handlers affected: processors and controllers. Read how these roles are defined as it relates to the GDPR [here](#).

## How Will This Impact Your Current Database?

Data controllers and processors now have legal liability in the event your company's data is breached. Additionally, they must have processes in place to uphold the rights of EU citizens under GDPR regarding how their personal data is being used. This means controllers must review their database to determine the impact, review processes for collecting and managing data, and review contracts in place with processors (i.e. third-party cloud service providers that store customer data).

In terms of email marketing, this means you need to be able to prove any EU contacts in your database have provided consent or have legitimate interest [using GDPR standards](#). If not, you may need to ask contacts to give their consent again. Privacy expert, Phil Lee, goes into great detail on this topic if you're looking for [additional resources on GDPR consent](#).

## How To Handle Emailed Unsubscribe Requests (not clicking link)

Sometimes people will manually reply to your email asking to unsubscribe, instead of clicking the automatic "unsubscribe" link. Under GDPR, it's important that these requests are caught and handled immediately.

If you are manually reviewing your reply emails, or worse, not reviewing them at all, these unsubscribe emails could go unnoticed. The result could be an annoyed person slamming your company and tarnishing your brand, and potentially substantial fines for violating GDPR.

LeadGnome automates the reply email mining process, significantly increasing your ability to manage unsubscribe requests. Running seamlessly in the background every time you send an email campaign, LeadGnome uses artificial intelligence to analyze every single reply that comes back - both manual and auto-responses. The system mines the relevant data and cleans up your inbox by organizing the replies based on rules you establish. The data is then used to update your CRM or trigger automatic workflows in your MAP if you have integrated the systems and created workflows.

## How To Handle Adding Net New Contacts

One of the advantages of mining reply emails is the new contacts uncovered. Think of a standard Out-Of-Office or Left-The-Company auto-response; they almost always contain an alternative or replacement contact. In fact, based on data from LeadGnome customers, we have found that 50% - 60% of Out-Of-Office replies contain additional contacts that can be added to your database. And each Left-The-Company email contain 1.5 - 2.5 replacement contacts.

**From:** Pamela@ABCSoftwareGroup.com  
**To:** marketing@yourcorpcom  
**Subject:** Don't Miss Out!

Hello,

Thank you for your email. Please be advised that as of July 30th, Pamela Williams is no longer with ABC Software Group. Our new Marketing Manager is Jenni Miller and she can be reached at [jenni@abcsoftware.com](mailto:jenni@abcsoftware.com) or 800-555-5454.

Thank you,  
ABC Software Group

When adding contact records of EU citizens, here's what you need to know:

Contacts uncovered in reply emails can be lawfully used (via "[legitimate interest](#)" [Recital 47](#)). GDPR acknowledges that direct marketing - like email marketing - will often be a 'legitimate interest' of the data controller.

However, we always recommend practicing permission-based marketing - whether the new contacts are in the EU or not. Reaching out to new contacts, introducing yourself, making your intent clear, and asking them to opt-in to future communications from you ensures you always stay on the right side of the law and shows the new contacts that you are respectful. Additionally, you should always provide a clear and easy way for contacts to opt-out.

## LeadGnome's Legal Opinion

We proactively built LeadGnome to be compliant with CAN-SPAM, CASL, and GDPR. In an effort to solidify our platform and processes, we reached out to respected legal firm, Fieldfisher, a well-known European Union law firm, for a formal legal opinion to address the ability of our customers to communicate lawfully with net new contacts mined from reply emails. If you would like a copy of this, email [info@leadgnome.com](mailto:info@leadgnome.com).

*DISCLAIMER: This document provides a high level overview about international email laws, but is not intended, and should not be taken, as legal advice. Please contact your attorney for advice on email marketing regulations or any specific legal problems.*