



Is a work email address personal data under GDPR?

Posted by [Derek A. Lackey, Editor](#) / February 06, 2018

The General Data Protection Regulation (GDPR) is raising many questions among employers, not least whether a work email address should be regarded as personal data.

The short answer is, yes it is personal data. If you take my email address, laura.franklin@beswicks.com, it states my full name, as well as the place that I work, clearly identifying me and, therefore, qualifying as personal data.

However, an employer does not need consent to use your work email address or access your work emails, for example, for disciplinary purposes.

In contrast generic business email addresses (e.g. enquiry@ or info@) are not personal data. While email addresses that relate to a sole trader or a non-limited liability partnership are personal data if an individual can be identified from the email address.

When it comes to using a business email address for marketing purposes, it is the Privacy and Electronic Communications Regulations (PECR) that sit alongside current data protection legislation, which govern how an organisation can use email addresses for marketing by email, telephone, text or fax.

GDPR will apply to how personal data, including email addresses, is processed, while PECR gives further guidance on how that data can be used for electronic and telephone marketing purposes.

In short, PECR states that you must not send electronic mail marketing to individuals unless:

The term soft opt-in is often used to describe the rule about existing customers. The theory is that if someone bought something from you, gave you their details and did not opt out of marketing messages, they are probably happy to receive marketing from you about similar products or services even if they haven't specifically consented. However, you must have given them a clear chance to opt out both when their details were first collected and in every message you subsequently send. This rule means you may be able to email your own customers, even after GDPR comes into force.

It is worth noting that a new ePrivacy Regulation, currently in draft form and subject to change, is expected to eventually replace PECR. This will extend PECR's reach to include over the top communications such as voice over internet protocol providers, or VoIPs, (like Skype) and social media messaging services (for example, WhatsApp).

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