



EMAIL MARKETING & SURVEYS

POLICY AND PROCEDURES

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1 PURPOSE OF POLICY

To ensure compliance with all relevant legislation with regards to all Email Marketing activity within the Students' Union.

The following legislation applies to the Students' Union:

The Privacy and Electronic Communications (EC Directive) Regulations 2003 (PECR)

Data Protection Act 2018 (DPA)

General Data Protection Regulations 2016/679 (GDPR)

1.1 Email Marketing

To ensure users of email marketing are aware of:

- The differences between Direct Marketing and Legitimate Interest Email Communications;
- How the above legislation applies to both the creation and maintenance of email marketing lists and the marketing activity performed using these lists; and
- How to ensure email marketing activity is carried out in accordance with the relevant legislation

1.2 Surveys

To ensure those staff involved in designing and carrying out surveys are aware of:

- When surveys fall within GDPR
- How GDPR will apply;
- How to ensure surveys falling within GDPR are carried out in accordance with the relevant legislation

2 SCOPE OF POLICY

This policy applies to all members of staff, trustees and volunteers who may be involved in email marketing and survey activities on behalf of the Students' Union:

This policy covers all surveying, mailshots, promotional and campaigning activity within the Students' Union directed to particular individuals by email and includes, but is not limited to, the following specific activities:

- Surveys
- Promotion of events
- Promotion of campaigns
- Marketing of special offers
- Newsletters

- Messages that contain a marketing element, as defined under section 2.1, even if it is not the main purpose of the message

3 DEFINITIONS

3.1 Direct Marketing

Direct Marketing is defined as the communication (by whatever means) of any advertising or marketing material which is directed to particular individuals.

This definition covers any advertising or marketing material, not just commercial marketing. All marketing material falls within this definition, including material promoting an organisation's aims and ideals. This means that the direct marketing rules of the DPA, GDPR and PECR will apply to promotional, campaigning and fundraising activities for not-for-profit organisation.

Consent must be obtained from the individuals prior to any Direct Marketing activity to those individuals.

Indiscriminate marketing, for example the distribution of leaflets, magazine inserts or adverts on the Students Union's websites do not fall under the definition of Direct Marketing.

3.2 Consent

Consent must be:

Freely given – the individual must have a genuine choice over whether or not they consent to direct marketing communications. Consent requires a positive “opt in” from the individual, pre-ticked boxes or any other form of default consent are not acceptable. The individual must also be able to easily withdraw consent (“opt out”) at any time.

Specific – separate specific consent is required for separate things and, in the context of direct marketing, consent must also be specific to the type of marketing communication in question (e.g. email / text etc.) and the organisation sending it.

Informed – the individual must understand what they consenting to.

3.2.1 Soft opt-in

This term is sometimes used to describe the rule about existing customers. The idea is that if an individual bought something from you recently, gave you their details, and did not opt out of marketing messages, they are probably happy to receive marketing from the Students' Union about similar products or services even if they have not specifically consented. However, the individual must have been given a

clear chance to opt out – both when they first provide their details, and in every subsequent message sent.

The soft opt-in rule means you may be able to email or text your own customers, but it does not apply to prospective customers or new contacts. It also does not apply to non-commercial promotions.

3.3 Legitimate Interest Email Communication

Legitimate Interest Email Communication is not specifically defined in legislation. Our interpretation is any communication to our members that is for the purpose of promoting the general interests of members in accordance with the Education Act 1994 Part 2 is legitimate interest.

4 POLICY

4.1 Email Marketing

This section refers to both Direct Marketing by email, and Legitimate Interest Email Communications, as defined in Section 3. The Students' Union does not participate in any postal, text or telephone marketing.

4.1.1 Control

The Senior Marketing Manager is responsible for keeping abreast of all relevant legislation in respect of this policy and for updating this document in response to any changes in legislation.

All Senior Managers are responsible for ensuring any Email Marketing Lists generated for use by their departments are managed in accordance with these policies and procedures.

As delegated by the Data Controller, The Senior Marketing Manager will be responsible for the assessment and approval of all Email Marketing Lists and maintaining the approval records.

All Email Marketing Lists and the planned marketing activity or purpose of holding each list must be assessed (refer [5.1 Assessment](#)) to determine their status as either Direct Marketing or Legitimate Interest Email Communication, allocated a reference, recorded in the “Approved Email Marketing List Log” and then approved. Approval must be obtained prior to the commencement of any email activity.

Email communication to “all students” will only be approved if the marketing activity is assessed as being for Legitimate Interest Email Communication.

To ensure compliance with this policy and the Students' Union's own branding policy the Marketing Department will provide template email footers for every approved Email Marketing List (refer [4.1.3 Email Footers](#))

The Senior Marketing Manager will carry out periodic audits, at least annually, to ensure Email Marketing Lists are being maintained in accordance with this policy and procedures document and will report findings to the Directors and Audit & Risk Committee.

4.1.2 Use of Email Marketing Lists

Approved Email Marketing Lists can only be used for the purpose they have been assessed on.

Approved Email Marketing Lists cannot be shared with or used by any other department unless the shared activity was specifically identified during the assessment process.

All Email Marketing lists are only permitted to be stored on MSL. Lists must not be exported for use via any other medium. SU Homes are the only exception where LetMC is the approved platform for their email communications.

"All Student" Emails can only be issued by the Marketing Department and only via MSL or Outlook.

Emails to other approved Email Marketing Lists can only be issued via MSL.

4.1.3 Email Footers

All Marketing Emails, whether Direct Mailing or Legitimate Interest Email Communication must include the following in the email footer:

- The appropriate legal identification footer (refer [Appendix A](#))
- Link to the relevant Privacy Notice*
- An option to "opt out" of all future correspondence in respect of the specific Email Marketing List

**University of Essex Students' Union Privacy Notice (for all Student Members, Guests and Service Providers) <https://www.essexstudent.com/privacy/>*

**Essex Student Lets Ltd trading as SU Homes Privacy Notice (for all Prospective Tenants, Tenants, Landlords, Guarantors and Service Providers) <https://www.essexstudent.com/suhomes/privacy/>*

The Marketing Department will provide the appropriate email footer for each Email Marketing List.

4.2 Social Media

When using any Students' Union administered social media accounts, (e.g. SU Angels, Essex SU Twitter, Essex SU Instagram) it is not permitted to send any direct marketing, as defined in section 2 above, to any individuals' social media profile whether by messenger or through public post.

Examples of non-permitted marketing activity include the following:

- Sending a direct message promoting an event to everyone who “likes” the Essex SU page on Facebook.
- Sending a “tweet” directly to a personal account to promote an event unless in direct response to a specific question

4.3 Surveys

All surveys require the prior approval of the Marketing Intelligence Department.

Surveys are carried out either face to face or by email. The purpose for a survey must be assessed (refer [5.1 Assessment](#)) as being for Legitimate Interest if the email option is to be used.

Where respondents have opted into an online panel, consent will have been obtained at the point of joining the panel (refer [5.5.1 Panel Surveys](#)).

GDPR will not apply to surveys that are conducted anonymously, without referring to personal data.

Qualtrics and Typeform are the only approved platforms for survey activity.

5 PROCEDURES

5.1 Assessment

All proposed Email Marketing Lists must be assessed in order to ascertain whether the proposed activity / purpose is classified as either Direct Marketing or Legitimate Interest Email Communication by completing an “Email Marketing Assessment” for each list. The current form can be found at this link::

https://essex.eu.qualtrics.com/jfe/form/SV_9mAEqTWiwxM3X4F

The form will be submitted to sudata@essex.ac.uk for assessment and reviewed by the Senior Marketing Manager, as delegated by the Data Controller.

The Senior Marketing Manager will confirm whether the activity is classed as Direct Marketing or Legitimate Interest Email Communications.

The Marketing Team will create a template Email Footer to be used for all email communications in respect of the approved Email Marketing List.

The owner of the Email Marketing List must then ensure the appropriate procedures under either 5.2 or 5.4 below are implemented.

5.2 Direct Marketing

Direct Marketing activities may include, but are not limited to the following:

- Promotion of Events, e.g. Just Play, Fireworks
- Promotion of Events for the sale of Tickets
- Promotion of Special Offers
- Promotion of services available to student members to participate in / join, e.g. VTeam, Societies, Sports Clubs etc.

Direct Marketing Checklist:

The purpose of the Email Marketing activity has been approved via the Assessment process in 2.1 above	
Consent has been obtained and can be evidenced	
Where the list is sourced from individuals purchasing tickets and the "soft opt in" applies (ref 3.2 above) it be can evidenced that an option to "opt out" of the marketing email list was provided and not taken at the point of sale	
The list is maintained on MSL	
The appropriate legal footer (refer Appendix A) has been added to template email footer	
A link to the appropriate "Privacy Notice" has been added to the email template	
An email option to "opt out" of all future correspondence has been added to the email template	
A process is in place to action "opt out" requests and maintain the list in accordance with 5.3 below	

5.2.1 Opt In (consent obtained)

Any Direct Marketing activity requires consent in advance of any communication.

5.2.2 Opt Out (consent withdrawn)

Both Direct Marketing emails **and** Legitimate Interest emails **must** include an option to "opt out" of receiving future emails

5.3 Email Marketing Lists

Email Marketing Lists – must be able to demonstrate the following:

- The specific purpose of the Email Marketing List
- That the list has been assessed and approved as either Legitimate Interest or Direct Marketing

- Who is on the Email Marketing List
- That consent has been obtained (For Direct Marketing Lists only)
- When that consent was obtained (For Direct Marketing Lists only)
- How that consent was obtained (For Direct Marketing Lists only)
- Who has subsequently opted out from the Email Marketing List
- When they opted out

All Email lists on MSL are automatically cleansed annually.

All Email lists on Mailchimp must be cleansed annually before the start of each academic year by the Marketing Department

5.4 Legitimate Interest Email Communications

Legitimate Interest Email Communications may include, but are not limited to the following:

- To advise student members of their right to vote in Student Union Elections, when and how to vote
- To advise a group of students (e.g. society members) of up and coming awards or elections relating to that group
- To promote internal campaigns that relate to the general welfare and educational interests of student members, e.g. "mental health awareness" campaign
- To promote local campaigns that relate to the general welfare and educational interests of student members, e.g. "street lighting in Colchester"
- To promote nationwide campaigns that relate to the general welfare and educational interests of students members, e.g. "University Fees"
- To email surveys to student members for the collection and analysis of data and feedback for the purpose of guiding the Students' Union's work in representing student members effectively and to provide services that meet the needs of student members
- To email newsletters that provide relevant information for a particular group of students (e.g. Student Reps, SU Homes Tenants) – these must not include any marketing elements.
- To email staff surveys.

Legitimate Interest Email Communications Checklist:

The purpose of the Email Marketing activity has been approved via the Assessment process in 5.1 above	
The list is maintained on MSL	
The appropriate legal footer (refer Appendix A) has been added to template email footer	
A link to the appropriate "Privacy Notice " has been added to the email template	
An email option to "opt out" of all future correspondence has been added	

to the email template	
A process is in place to action "opt out" requests and maintain the list in accordance with 5.3 above	

5.5 Other Email Communications

Some Email Communications are covered under existing Legitimate Interest Assessments. These communications are considered essential to the members' participation or their role therefore consent is not required. Opting out of these communications would require them to opt out of future participation or their role. The following fall under this category:

- Blades/Societies/Rebel Committee Members
- BUCS participants
- Registered Student Reps
- VISA workshop participants
- Post SU Advice Appointment Contact
- Parliament Members
- Election Candidates

5.6 Surveys

Where the Students' Union requires personal data from survey respondents, GDPR will apply.

Where the completion of a survey is incentivised by way of a prize draw, contact information is collected in order to inform the respondent of the result of the draw. Consent must therefore be obtained. The following opt in statement must be displayed prior to obtaining consent:

You email address will be processed by the University of Essex Students' Union in line with our Privacy Notice and to contact you only to inform you of the outcome of the prize draw. If you do not wish to provide your email address, you will not be entered into the prize draw.

Please indicate your preference using the boxes below.

- I consent to being contacted for the reason outlined above.*
- I do not consent to being contacted.*

Where the Students' Union wishes to provide an option for participants in the survey to receive further updates or is seeking member participation in a project or campaign in connection with the survey, the following opt in statement must be displayed prior to obtaining consent:

You email address will be processed by the University of Essex Students' Union in line with our Privacy Notice and to contact you only with regard to receiving further updates and opportunities surrounding [PROJECT NAME] in the future.

Please indicate your preference using the boxes below.

- I consent to being contacted for the reason outlined above.
- I do not consent to being contacted.

5.6.1 Panel Surveys

Surveys are delivered to YouShape Panel members by email through the Qualtrics platform. When signing up for YouShape via the SU website respondents are provided with a statement outlining the legitimate interest uses of their email address, as well as the contact uses. The following statement will be displayed in order to obtain consent:

By continuing with this sign-up form, and clicking 'Next', you are providing us with consent to send you email communications regarding YouShape.

Where respondents sign up to the online research panel, YouShape, legitimate interest applies to certain personal data (refer Data Map Ref: MED2). However, where special category data is concerned, explicit consent must be obtained in order to process. The following statement must be displayed prior to obtaining consent:

We are committed to the protection and ethical use of your personal data. We rely on your trust to carry out our research to shape the Students' Union, and continue our mission to be the world's most student-centred organisation.

Under the GDPR, we need your specific permission to use your opinion on certain topics, such as your political opinions. You'll have noticed whilst taking this survey that our research often involves these topics so we very much hope you will agree!

Could you please confirm that you consent to our use of each of the following special categories of personal data? (Leave blank any which you do not consent to)

- Data concerning political opinions
- Data concerning racial or ethnic origin
- Data concerning religious or philosophical beliefs
- Data concerning trade union membership
- Data concerning health
- Data concerning a person's sex life or sexual orientation

Data can only be processed in respect to the specific special category the respondent ("data subject") has consented to.

Any Email Marketing Lists created as a result of a survey must then be administered in accordance with the above procedures 5.2 to 5.4.

APPENDICES

Appendix A: Legal Identification Email Footers

1) University of Essex Students' Union

The University of Essex Students' Union is a Charity registered in England & Wales (no. 1140278). Registered Office: Wivenhoe Park, Colchester, Essex, CO4 3SQ

SU Homes is the trading name of Essex Student Lets Limited, a company registered in England & Wales (no. 7413547). Registered Office: Wivenhoe Park, Colchester, Essex, CO4 3SQ. Essex Student Lets Limited is a wholly owned subsidiary of The University of Essex Students Union.

UESU Limited is a company registered in England & Wales (no. 7321517). Registered Office: Wivenhoe Park, Colchester, Essex, CO4 3SQ. UESU Limited is a wholly owned subsidiary of The University of Essex Students Union.

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2) SU Homes

SU Homes is the trading name of Essex Student Lets Limited, a company registered in England & Wales (no. 7413547). Essex Student Lets Limited is a wholly owned subsidiary of The University of Essex Students Union, registered Charity no. 1140278. Registered Office: Wivenhoe Park, Colchester, Essex, CO4 3SQ

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