Balancing Relevance vs. Privacy

The State of Data in Email Marketing in 2018

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Why Email Marketing in 2018?

Email can send direct:

- ✓ At the time that it's most relevant to the recipient
- ✓ With the products/content that are personalized
- ✓ Can track individual recipient engagement
- ✓ … and automate your follow up

Email gets read:

- ✓ Average email read rate: 25-30%
  (compared to < 10% with organic social)

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62% of consumers expect personalized experiences and that brands will anticipate their needs.

Source: Salesforce's "State of the Connected Customer" 2016

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The State of Data in Email Marketing in 2018?

GDPR doesn't make personalization impossible.

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Email Marketing Laws

- CAN-SPAM Act of 2003 (+ 2008 updates)
- Canadian Anti-Spam Legislation – in full effect as of 2017
- GDPR effective May 2018
  (& a few look-a-likes)

Email Marketing Laws: CAN-SPAM (U.S.)

- ✓ Accurately identify the sender
- ✓ Working opt-out mechanism
- ✓ Include a physical address (or P.O. Box)
- ✓ Message and subject line must have clear intent
- ✓ Don’t commit fraud (duh)

Or else:

- ✓ ISPs can take action

Learn more at [ftc.gov](ftc.gov)

FOX 13 SALT LAKE CITY

NEWS ON-AIR GOOD DAY UTAH THE PLACE TRAFFIC CONTESTS CONTACT

Utah Internet company files $60 million lawsuit over email spam

POSTED 5:26 PM, JUNE 18, 2015, BY BEN WINSLOW, *UPDATED AT 01:47PM, JUNE 23, 2015*

See 5 essential uses for DIY Docs

ARAG <lawexpresso@araglegal.com> Unsubscribe
to me

Jan 25

See five ways DIY Docs can help you protect what's important.

See 5 Essential Ways to Make the Most of DIY Docs®

Protecting what's important takes a lot of work. DIY Docs saves time and makes it easier by helping you create a number of various forms, personal documents and agreements to address legal matters in all facets of your life.

Take Control Now >

We're Here to Help

As a member of the plan, you can log in to ARAGLegalCenter.com or call ARAG Customer Care at **(800) 247-4184** to learn more about protecting what's important. All employees can go to ARAGLegalCenter.com and enter Access Code **17826ag** to view How-to Guidebooks, educational articles and more in the Education Center™.

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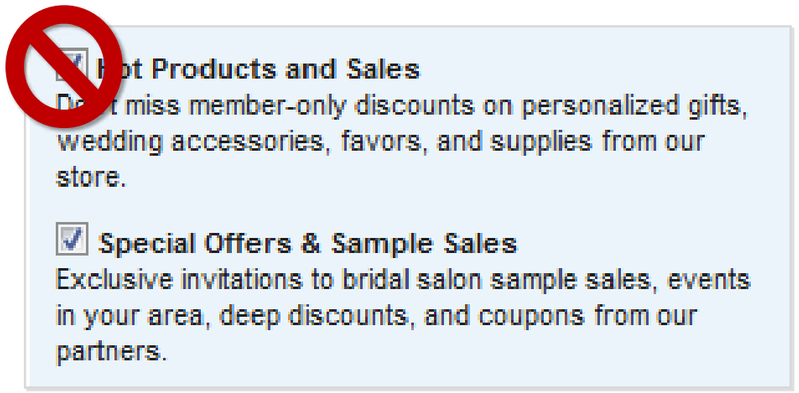
WARNING: The WRONG Way to Grow Your List

Don’t assume permission. It’s illegal in most countries and a bad quality list growth tactic globally. Ask for and EARN your subscribers’ permission.

Don’t pre-check checkboxes. Don’t auto-add prospects.



WARNING: The WRONG Way to Grow Your List

Don’t harvest addresses. Scraping emails from the web or guessing at them and auto-opting in is illegal even in the (lax) United States!

WARNING: The WRONG Way to Grow Your List

Don't buy, rent, trade, or borrow lists. Don't use sales lists for marketing campaigns.

---------- Forwarded message ----------
From: **Matt Scott** <matt@etargetmedia.com>
Date: Thu, Feb 1, 2018 at 10:56 AM
Subject: Targeted Lists for 2018 Campaign Planning!

Hi John,
I wanted to check in with you to see if there are any count requests, list recommendations, and RFP's I could assist you with for any upcoming email campaign initiatives that you might be planning for Q1 or Q2?
eTargetMedia.com is a leading provider of Targeted Online & Offline Direct Marketing Services. Our comprehensive marketing solutions include: Email List Rental, Postal List Rental, Email Append, and Creative Services.

For every $1 spent on email marketing, the average return on investment (ROI) is $44.25, according to the Direct Marketing Association (DMA).

Please see a sample of our highly targeted & responsive lists by industry enclosed:

- ***Auto Lists***
- ***B2B Lists***
- ***Beauty & Fashion Lists***
- ***Buyers Lists***
- ***Donor Lists***
- ***Dining Lists***
- ***Education Lists***
- ***Entertainment Lists***
- ***Family & Parent Lists***
- ***Grocery Lists***
- ***Health & Diet Lists***
- ***Hispanic & Ethnic Lists***
- ***Insurance Lists***
- ***Investor Lists***
- ***Pet Lists***
- ***Political Lists***
- ***Real Estate Lists***
- ***Sport Lists***

Hi Meg,

For the partnerships slide, I added this. If we can get their CRM list we could send them an email via our email platform and we could use that email list to target with display and/or social ads.

- For all partnerships, ask for 2nd party data for CRM email and/or retargeting.

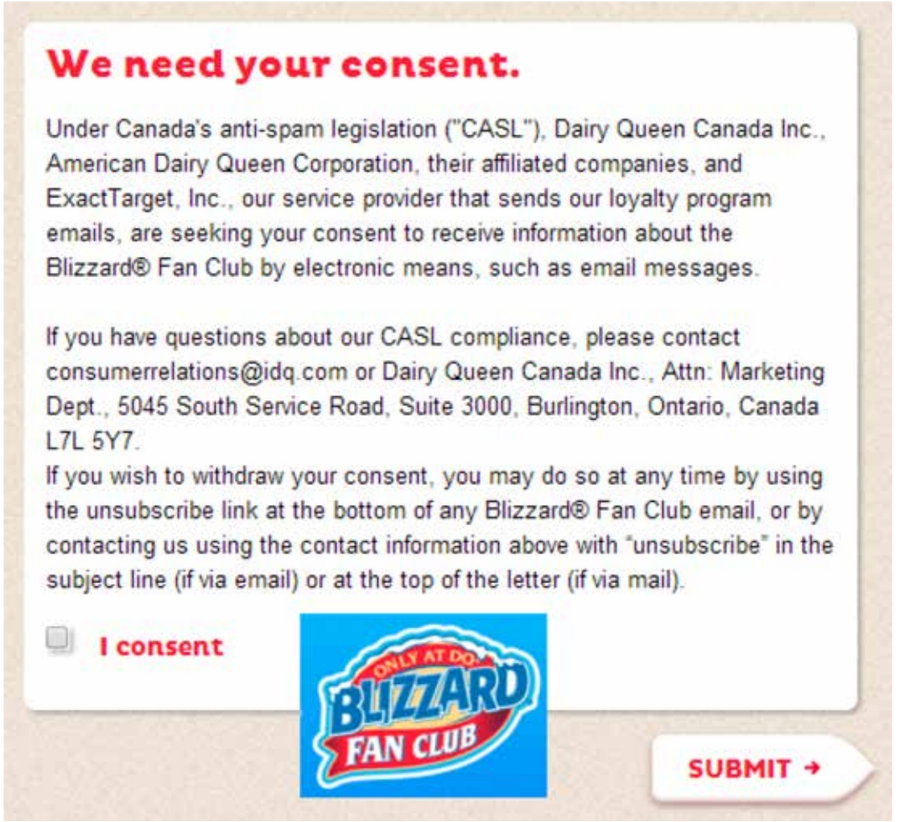
Email Marketing Laws: CASL (Canada)

- ✓ Explicit permission required
- ✓ Proof of subscriber's explicit opt-in/consent required
- ✓ Applies to anyone in Canada at the time of email open

Or else:

- ✓ Citizens can take action

Learn more here or here



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Email Marketing Laws: GDPR (E.U.)

The 6 lawful grounds for processing personal data under the GDPR:

1. **Consent**
2. Contractual necessity
   For example, when data processing is required for a contract
3. Legal obligation
   i.e. financial records
4. The protection of the data subject's vital interests
5. The protection of the public interest
   For example, the police may process data in the pursuance of criminal investigations
6. Legitimate interest

A Note about “Legitimate Interest”

Legitimate interest is not the “loophole” back door for us marketers to sneak in through.

> “The fact that someone wears shoes does not constitute legitimate interest in receiving [email/direct mail/mobile] communications from your shoe brand.”

Some good logic around GDPR’s exception for “legitimate interest” here: https://www.dataservicesinc.com/newsletter/applying-legitimate-interest-under-gdpr/

Email Marketing Laws: GDPR (E.U.)

- ✓ Explicit permission + proof of positive opt-in required
- ✓ Clearly state how all data will be used
- ✓ Host and transfer customer data responsibly
- ✓ Must be able to completely remove a subscriber and all traces of their data from your database if they request it*

Or else:

- ✓ Fines up to €20 million

Learn more at eugdpr.org

*Pending clarification/litigation

Clarity Trumps Cleverness

We marketers love clever, but not at the expense of being perfectly clear:
(1) what data we're collecting and
(2) how we plan to store & use it

(Re)build consumers' trust via the 4 core requirements of GDPR:

C - Concise

I - Intelligible

T - Transparent

E - Easily Accessible

Relevance < - - - - - - - - - - > Creepiness

- ✓ Useful/helpful
- ✓ Voluntarily given
- ✓ Aggregated

  (or seems aggregated)
- ✓ Commonplace

EXPECTED

TRUST

- ○ Big brother
- ○ Appended
- ○ Assumed (“implicit”)
- ○ Specific to an individual
- ○ Healthcare-related
- ○ Children-related

SURPRISE

INVASION

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COLE HAAN
NEW YORK CITY
COLE HAAN

The Data “Acceptability” Spectrum

1. Brand & marketing data
i.e. product inventory, pricing, packaging, deadlines, sale timing, etc.

Examples:
“There are only 4 pairs left of these Cole Haans!”

“Countdown ‘til this sale is over and you have to pay full price.”

2. Aggregated customer insight data

Example:
Women who work in marketing jobs are three times as likely to buy Cole Haan dress shoes as women who work in pet stores.

3. Aggregated reporting data

Examples:
10% of those who got Cole Haan’s Fall Sale email bought shoes online.

Subject line A converted more 5% online purchases than subject line B.

The Data “Acceptability” Spectrum

4. Customer experience data
i.e. satisfaction surveys, product-specific suggestions, etc.

Examples:
“How are you liking your red Cole Haans?”

“Tips for cleaning your new red Cole Haans.”

5. User-volunteered data
i.e. reviews, information submitted via sign-up form or check-out form, etc.

Example:
“Jessica B. rated these red Cole Haans 5 stars and said they’re ‘the most comfortable conference shoes ever!’”

6. Customized marketing
i.e. suggested products, location to buy, etc.

Examples:
“Buy your Cole Haans at Halls department store, 2 blocks away from you.”

“If you like these red oxfords, you might also like…”

The Data “Acceptability” Spectrum

1 2 3 4 5 6 7 8 9 10

7. Remarketing
i.e. cross-sell, upsell, refill reminders, abandoned cart triggers, re-marketing, etc. based on past purchases, browsing history, location, etc.

Example:
“Don’t let these get away! You left these red Cole Haans in your cart. Buy now.”

8. Sensitive subjects (x2)
i.e. individual product recommendations on sensitive products or for children

Example:
“Buy a matching pair of these red Cole Haan baby shoes for your 1-year old son, Nicolas.”

9. Footfall Attribution
i.e. tracking someone from marketing to walking into a store to purchase.

Examples:
3% of those who saw advertising for the Fall Sale walked into a Cole Haan.

Jessica walked into Cole Haan in Kansas City...

The Data “Acceptability” Spectrum

1 2 3 4 5 6 7 8 9 10

10. Purchased Lists

i.e. buying email addresses

or buying user IDs for people based on vulnerability to a message

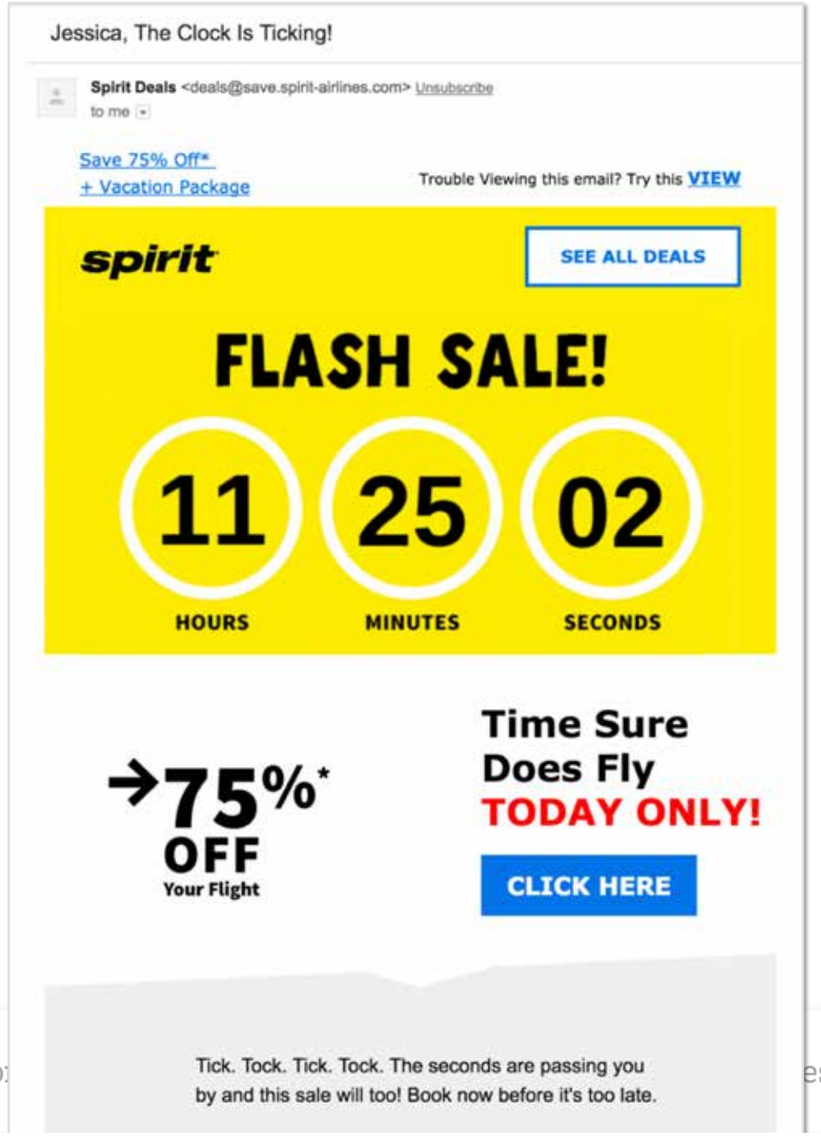
Examples:

Purchasing a list of email addresses of women who subscribe to Vogue magazine and then sending an unsolicited email campaign promoting Cole Haans

“Take this quiz to find your perfect dream shoe!” (and then retarget with Cole Haan ads or Louis Vuitton ads based on their answers)*

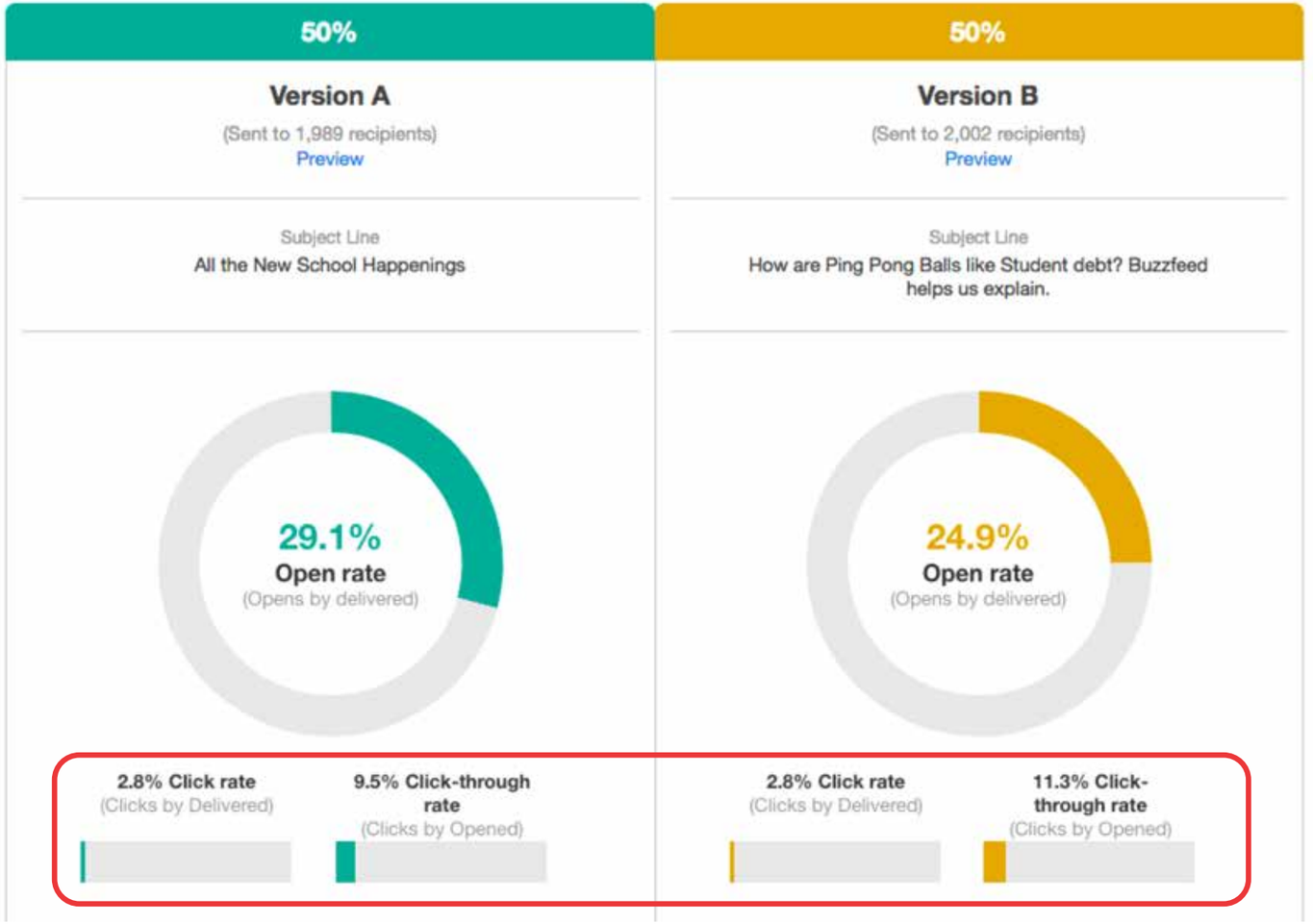
Research shows that women are 2x more likely to buy shoes after a breakup to make themselves feel better. Target those whose relationship status changes...

Useful & Non-personal Data



Movable Ink

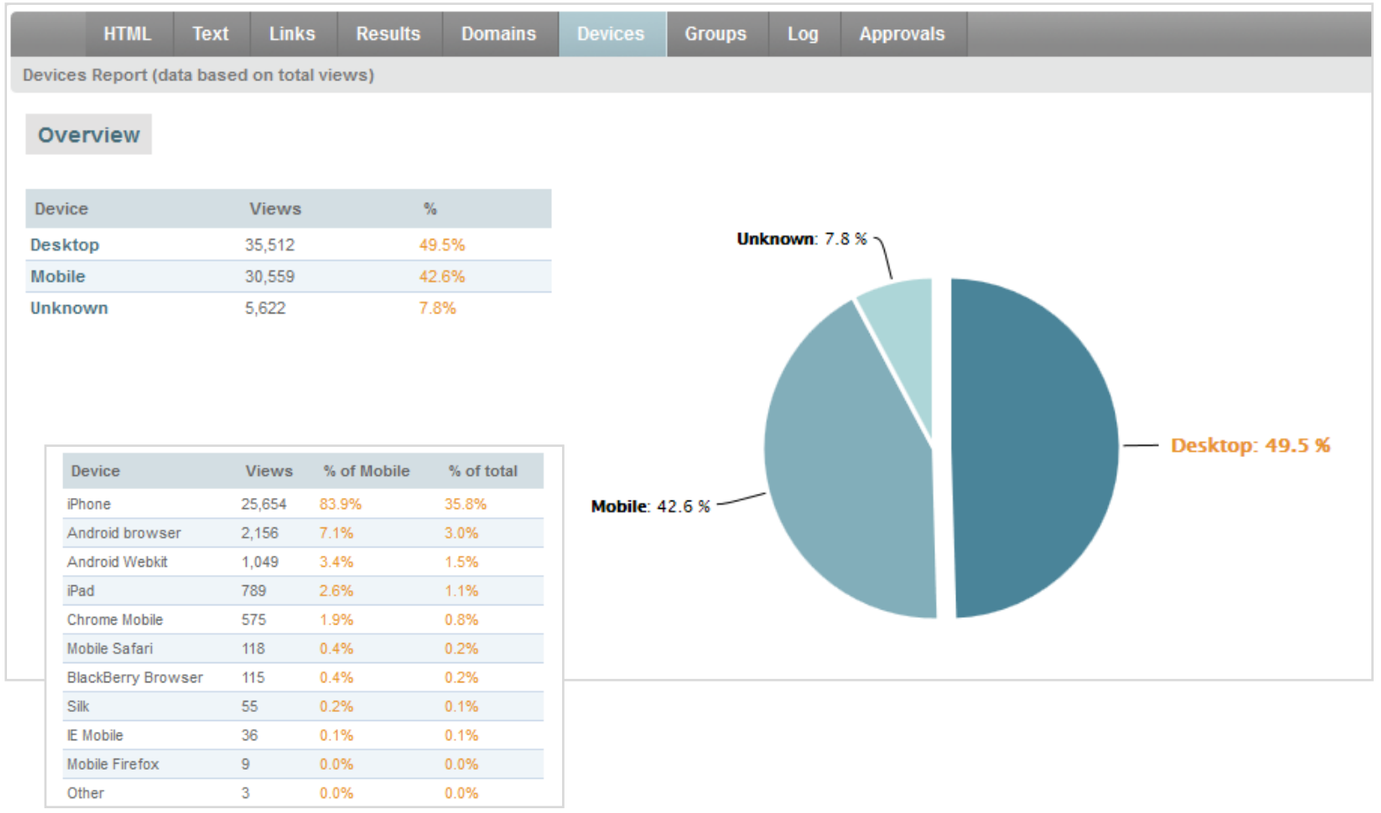
Aggregate Data



Aggregate Data

Set Goals Up Front to Optimize

- ❑ Opens
- ❑ Clicks
- ❑ Conversions
- ❑ List Engagement Over Time



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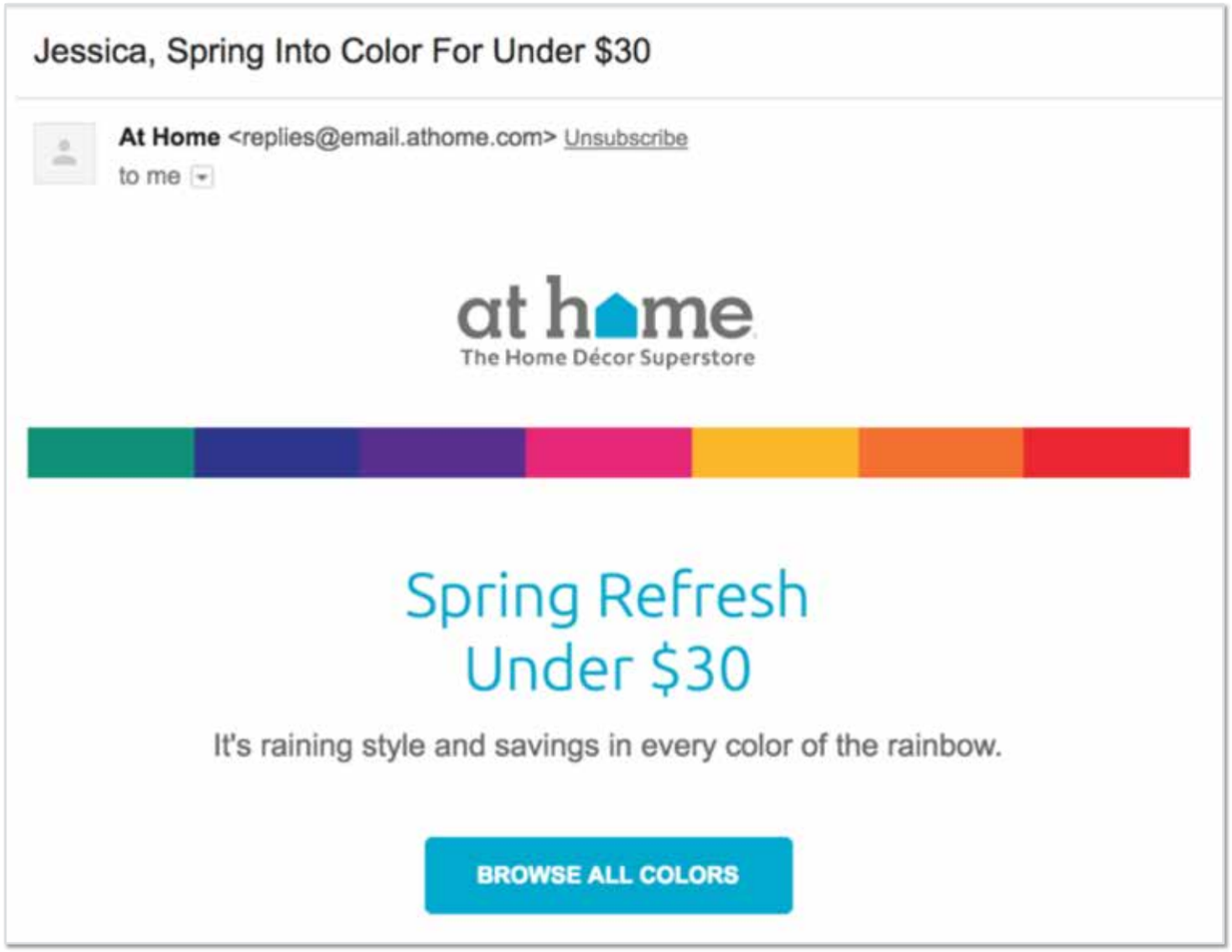
Volunteered Data



Volunteered Data

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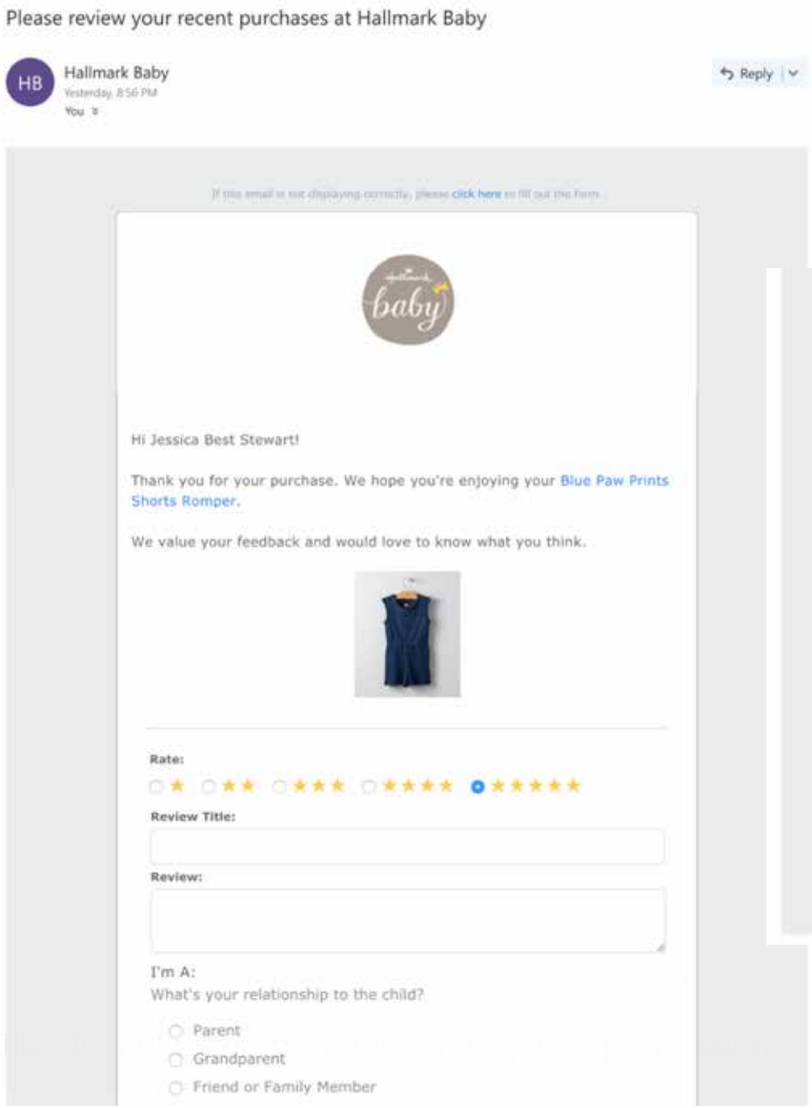
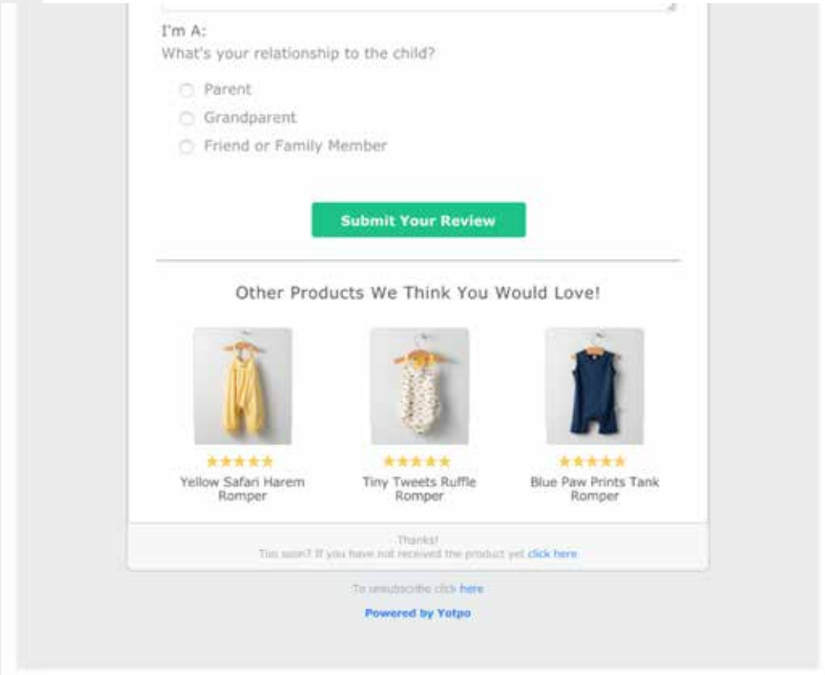
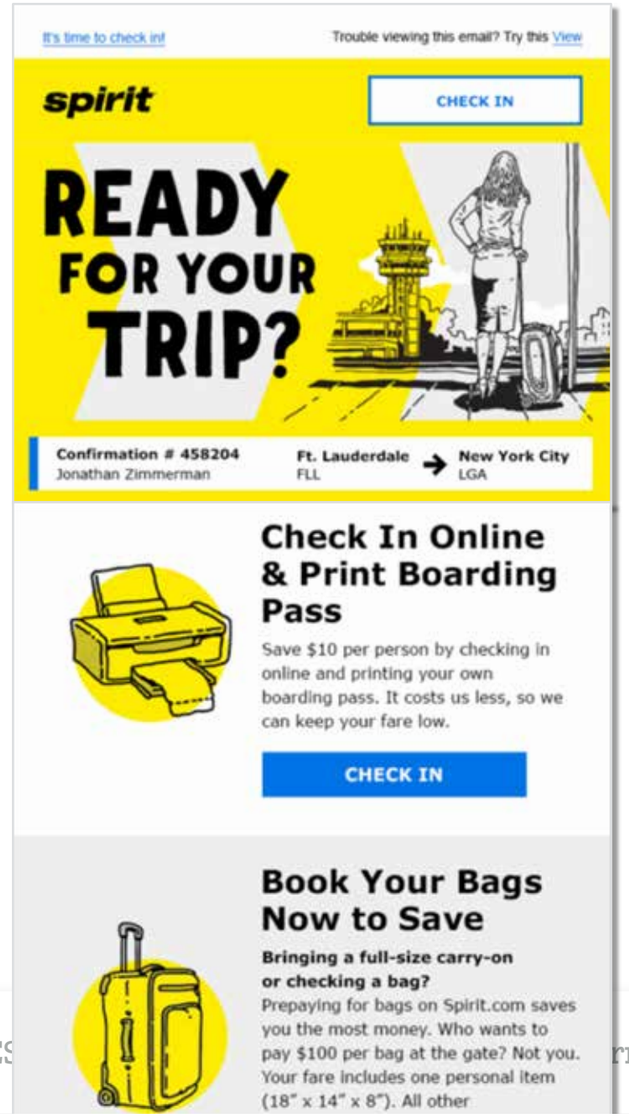
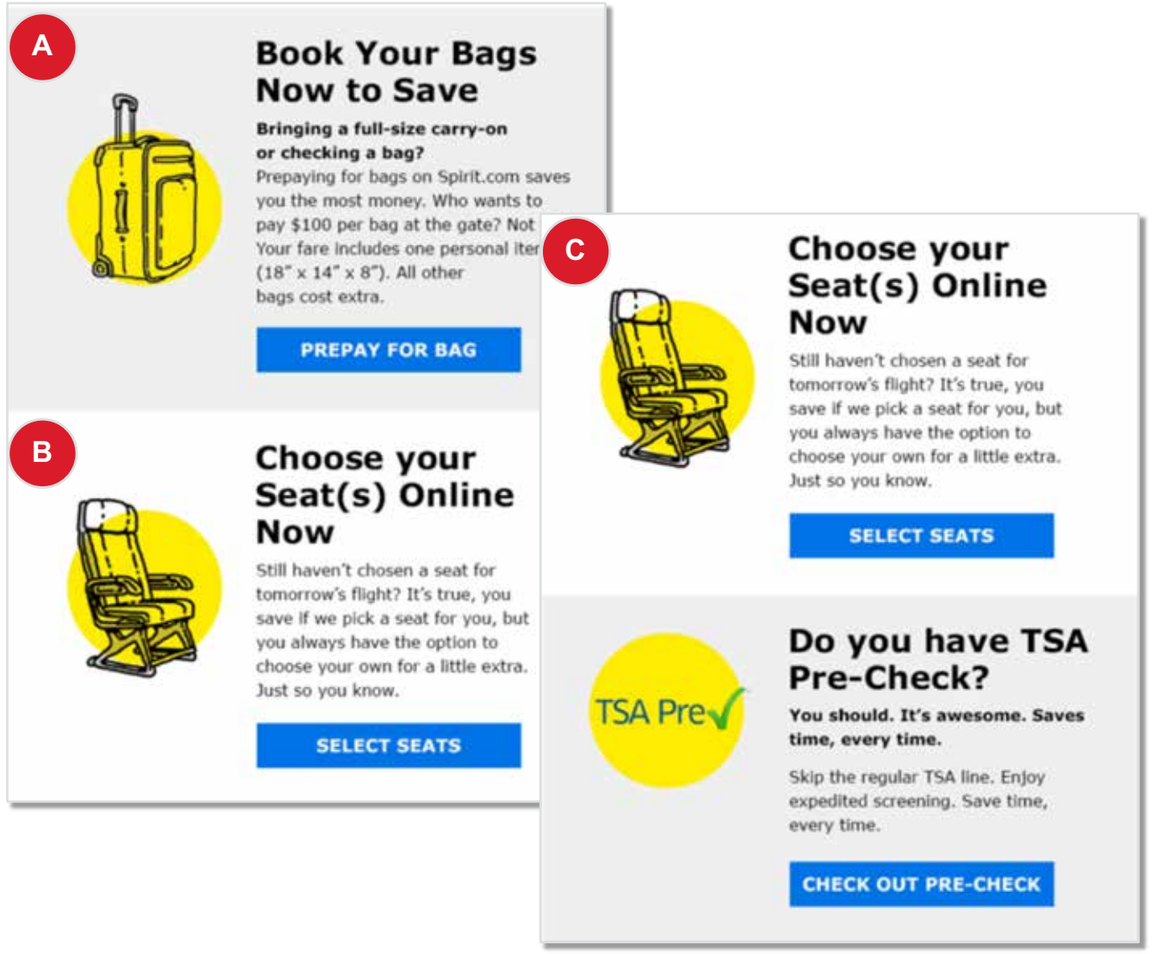
Timely Transactional/Purchase Data



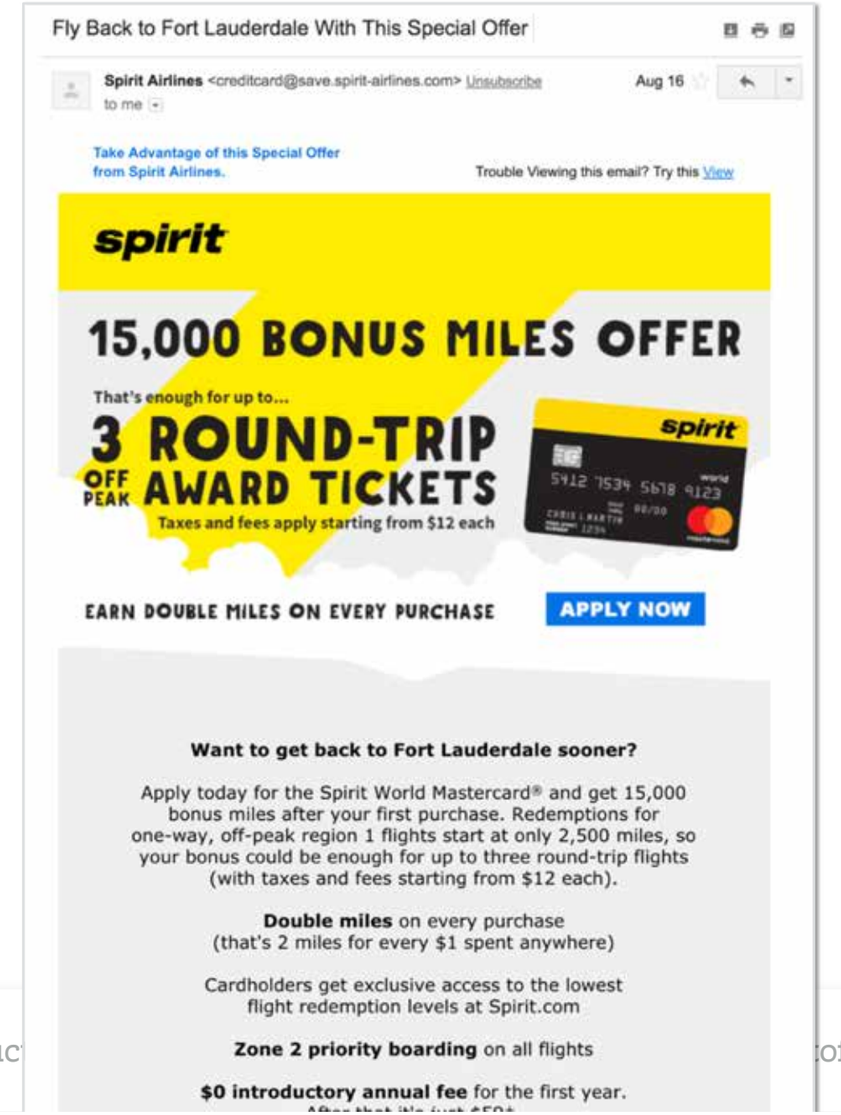


Timely & Useful Purchase-Related Data





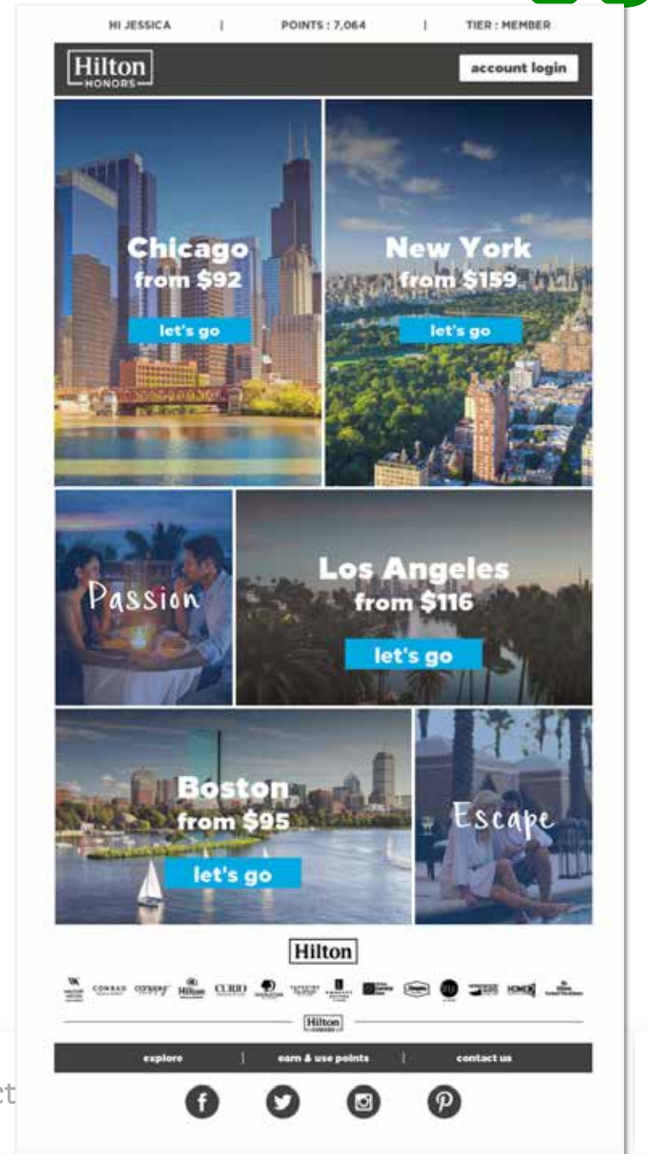
Transactional/Past Purchase Data

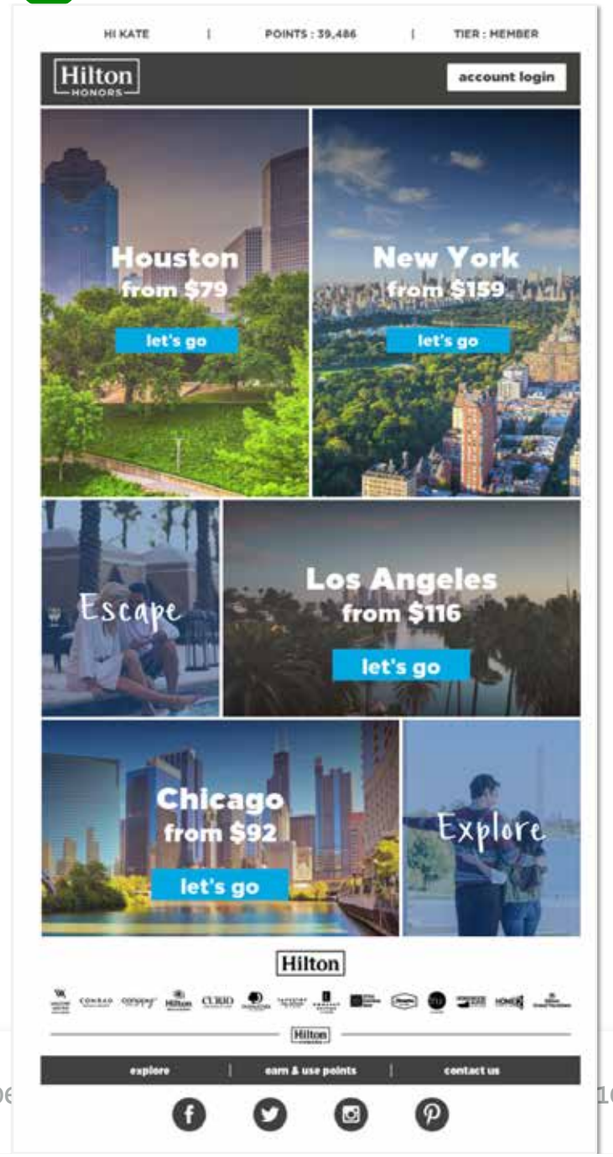


Relevant & Could-Be Aggregate Data

Recommended for Jessica: Cities with great prices

Hiton Honors <honors@h1.hilton.com> Unsubscribe
to me





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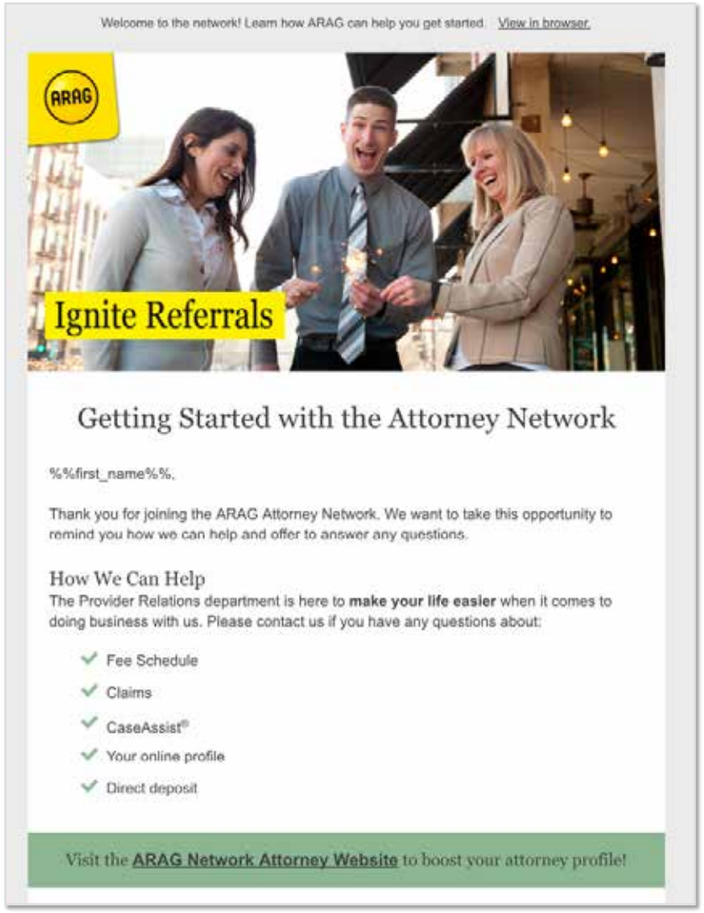
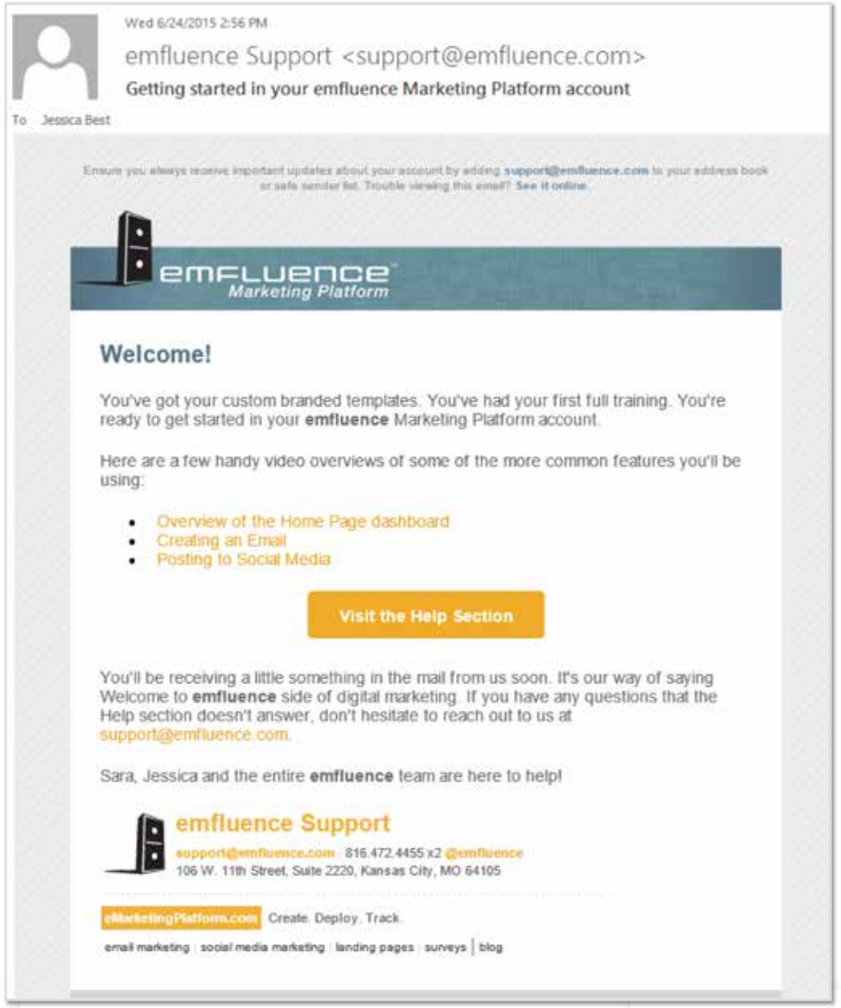
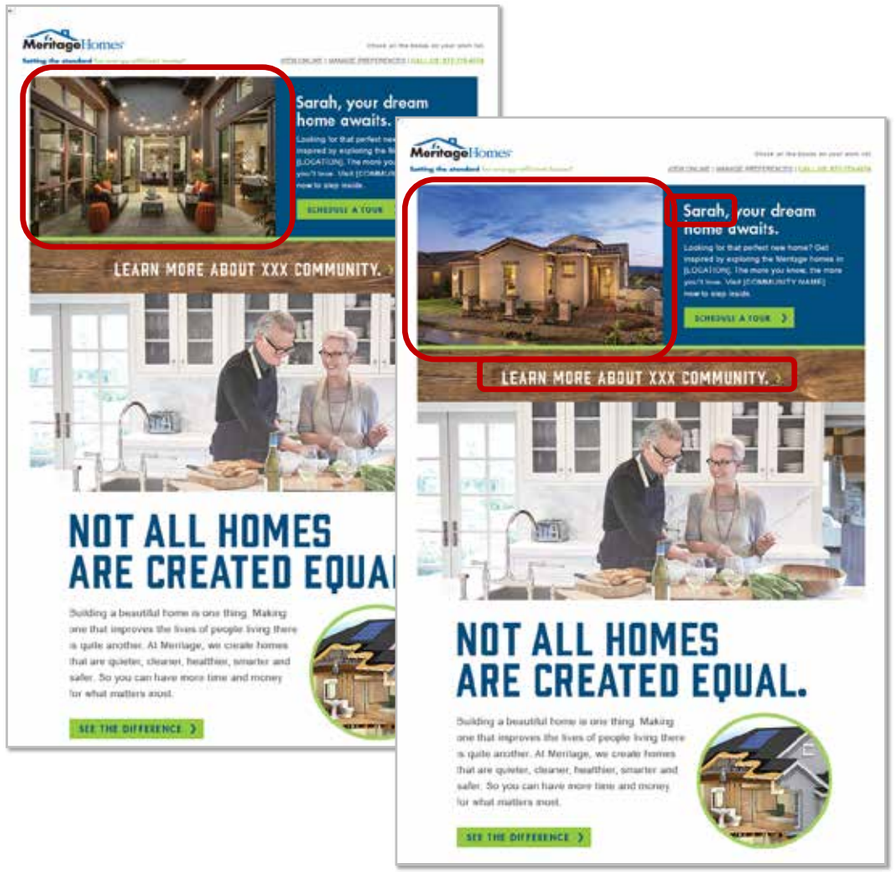
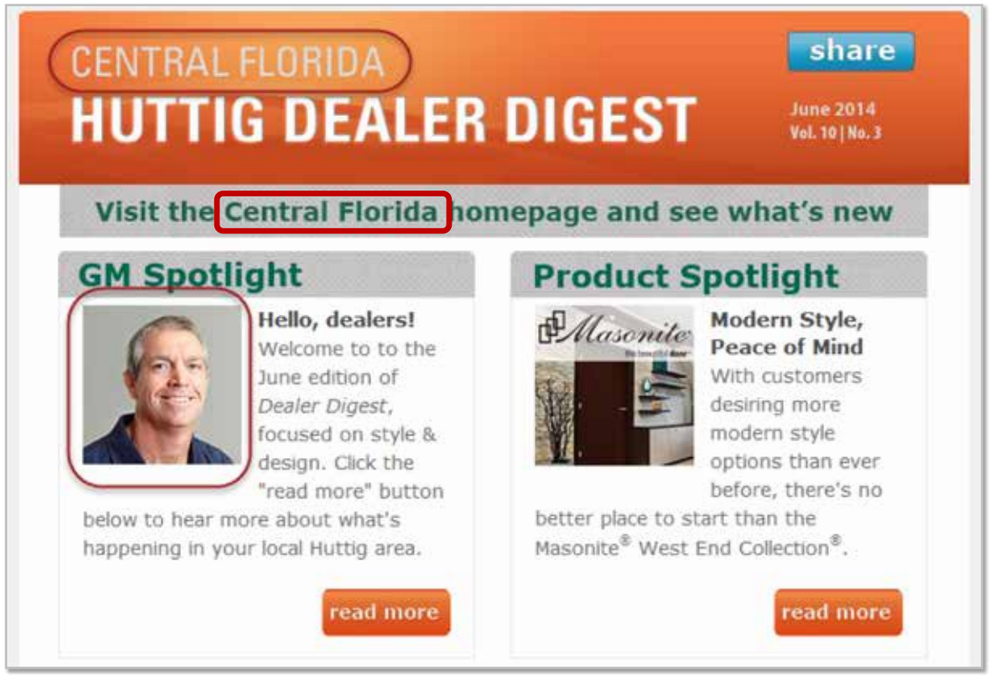
Timely/Useful Data





Relevant/Useful Interest Data





Relevant/Useful Interest Data

Click-based (interest-based) content

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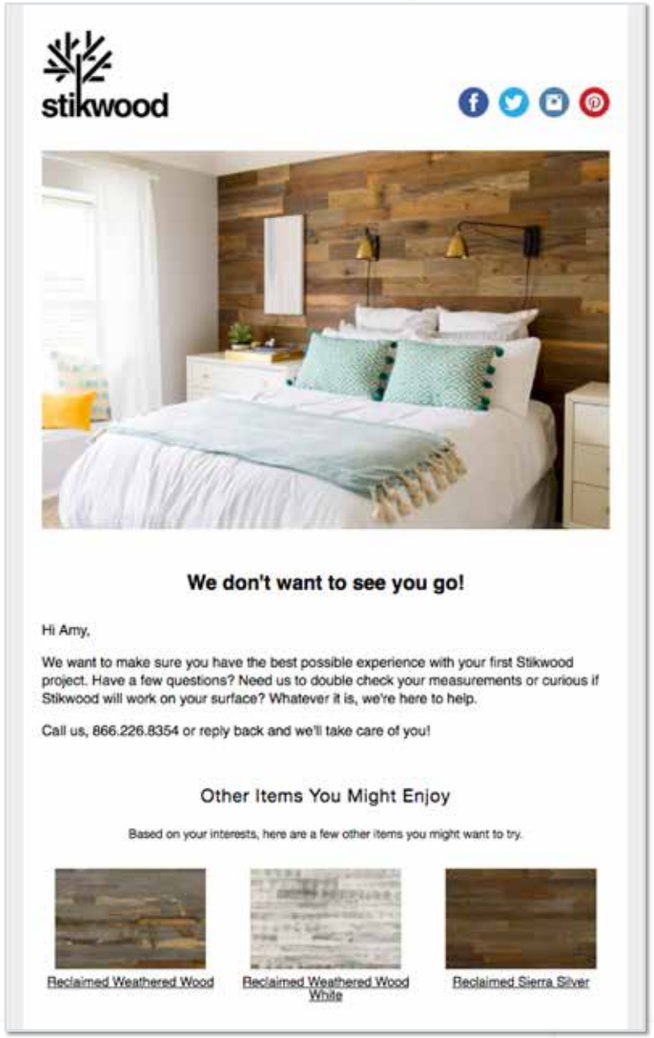
Relevant (If Marketing-Centric) Data



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Relevant & Could-Be Aggregate Data*

Birthday #2 -9.25 – 55 Boy
HTML | Text | Activity
sent 9/25/14 4:00 PM (CDT) by System Admin

Birthday #2 -9.25 - 55 - Girl
HTML | Text | Activity
sent 9/25/14 4:00 PM (CDT) by System Admin

Birthday #2 -9.25 - 35-54 Boy
HTML | Text | Activity
sent 9/25/14 4:00 PM (CDT) by System Admin

Birthday #2 -9.25 - 35-54 Girl
HTML | Text | Activity
sent 9/25/14 4:00 PM (CDT) by System Admin

Birthday #2 -9.25 - 19-34 Boy
HTML | Text | Activity
sent 9/25/14 4:00 PM (CDT) by System Admin

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Aggregate Purchase Behavior Data*

Emails

Title	Date	Sent	Unique Views	Total Views	Unique Clicks	Total Clicks
Sweaters 30% off - 12.8 - 55+	12/8/14 4:00 PM	44,961	9,308 20.7%	11,407 25.4%	1,390 3.1%	7,305 16.2%
$15 Reward - 11.18 - 55+	11/18/14 10:00 AM	36,919	12,545 34.0%	19,709 53.4%	3,806 10.3%	7,290 19.7%
50% Off Sale - 11.4 - 55+	11/4/14 10:13 AM	37,253	9,268 24.9%	12,019 32.3%	2,375 6.4%	6,983 18.7%
Winter Clearance - 12.30 - 55+	12/30/14 1:01 PM	43,810	9,463 21.6%	11,889 27.1%	2,297 5.2%	5,701 13.0%
Baby's First Xmas - 12.4 - 55+	12/4/14 4:00 PM	45,054	11,526 25.6%	15,091 33.5%	2,118 4.7%	5,461 12.1%
Baby's 1st Xmas - 11.25 - General	11/25/14 10:15 AM	21,803	5,231 24.0%	7,055 32.4%	1,366 6.3%	5,022 23.0%
40% off + Free Ship - 12/16 - 55+	12/16/14 12:30 PM	44,807	8,615 19.2%	10,919 24.4%	1,307 2.9%	4,931 11.0%

Interest-based Acquisition Targeting Data*

- ✓ Pay-per-acquisition email ad placement in relevant partner email programs
- ✓ Custom audience targeting
  (Pairing with your existing email list to find more people like your best subscribers/customers)
- ? Data vendors*

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WARNING: Things Marketing Shouldn't Announce

https://www.businessinsider.com/the-incredible-story-of-how-target-exposed-a-teen-girls-pregnancy-2012-2

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