



GDPR: Sales
Enablement &
Marketing in the New
Era of Compliance



“Putting increased privacy controls in the hands of consumers is an opportunity rather than a threat. These regulations allow for new levels of trust between businesses and their customers. With Sales Enablement professionals at the center for managing this change, the future looks bright for improving sales, and more engaged salespeople and customers around the globe.”



What is GDPR?

On May 25th 2018, the European Union General Data Protection Regulation (GDPR) came into effect throughout the European Union (EU) and European Economic Area (EEA). This new regulation has created a lot of discussion, and confusion among sales and marketing professionals both inside and outside the EU.

For sales teams, there is a real concern about how GDPR will impact their performance. After all, salespeople rely on collecting and using personal contact data as part of their daily activities – how exactly will GDPR impact their sales prospecting, outreach, sales results, and ultimately their compensation?

Let's begin with whom GDPR will impact:

1. If the company you sell for is established within the European Union. GDPR will definitely affect how you sell and market in EU.
2. If you process data on individuals in the EU with the intent of offering goods or services to them, it will affect you as well.
3. If you are “monitoring” the behavior of individuals in the EU, GDPR applies to you.
4. Even if your company has employees or contractors who work in the EU, GDPR might still apply to you.

Based on these criteria, it's likely that GDPR will impact how you sell and market in the EU. Now let's get to the bottom of what the regulation is really all about.

The 7 key terms you need to understand GDPR

The easiest way to think about the General Data Protection Regulation (GDPR) is that it was designed to ensure that when personal information and data is used in an exchange, it's always done in a way that puts the person making the disclosure in control. In addition, GDPR clearly states that people or consumers should always have the right to no longer have their personal information used when they see fit.

So, what are the key terms that sales and marketing professionals need to understand involving GDPR, and how do they impact the handling of personal data? Let's start with these:

Consent

Consent refers to the informed, unambiguous and freely given permission from the data subject to have data relating to him or her processed. This is obviously the key driver for GDPR.

Personal Data vs. Sensitive Personal Data

This tells you what kind of information you need to think about when understanding how GDPR impacts you. The table below is a simple way of knowing what personal data is, what sensitive personal data is, and what is non-personal data.

Non-personal Data	Personal Data	Sensitive Personal Data
Address without a name	Name and Address	Racial or Ethnic Group
A receipt with data, time, and last 4 of a credit card	Name and last 4 of credit card	Religious Beliefs
Corporate account with summary payroll detail	Pay details with gender and age (even without a name)	Sexual Preference
Company name and website	A web cookie	Biometric Information
A generic email such as info@help.com	Personal Email Address	Political Opinions

Enterprise

Enterprise refers to a natural or legal entity, including a person, who performs an economic activity, regardless of the legal form, including associations and partnerships. This includes sales people.

Processor

This is the natural or legal entity or person, public authority, or other body that processes data on behalf of the controller. This could be a 3rd party software vendor who's tools you use when prospecting or cold calling, or it could even be your own business if you are using an internally developed sales tool.

Data Controller

This is the person who decides the purpose for which any personal data is to be processed and the way in which it is to be processed. This can be a single person or a collective team.

Right to be Forgotten

The right to delete personal data when there is no compelling reason for its continued use.

Data Protection Officer

A Data Protection Officer is someone who is given the formal responsibility for data protection and compliance within your business. Not every business must have one, but most will over time.


A Day in the Life: An Example of How GDPR can Influence Daily Selling Activities

The next step of understanding GDPR is learning how it fits within your business workflow. Let's apply the terms we defined above using a hypothetical company named Widget Corporation.



Widget Corporation is a business where GDPR now applies to their enterprise operations. Widget Company sells products in North America as well as the European Union (EU) and European Economic Area (EEA). Their field sales force uses software running on mobile devices that they use to demo their products to customers and prospects, and to share information.

For Widget Corporation, there are a number of areas where GDPR definitely applies. When they engage with prospects through their sales teams, on their website, and use software (like marketing automation) to get personal details including name and email address and then collect information about how those people engage, they are collecting Personal Data that is absolutely under the control of GDPR.



Widget is a Data Controller in that they control what happens to the Personal Data they collect, as well as their software providers (either an external licensed SaaS platform or Widget themselves if they are using internally developed software) are the Processors.

Every time a Widget sales person gets the Personal Data from a prospect or customer, or they require information to engage with content on their website, Widget must get the Consent of that person. And should that person wish to exercise their Right to be forgotten, it's up to Widget Corp to ensure that their systems and the systems of their software suppliers are able to exercise that request and remove the person's Personal Data from their systems.

What Does GDPR Mean for Sales Enablement Professionals, their Processes and Tech Systems?

Now that we understand a bit about Widget Corp's sales process and how the sales reps interact with personal data, let's discuss their Sales Enablement team. This group is critical to sales' success at Widget and responsible for driving key success factors:

- Success rates and specifically, higher win rates by providing the most relevant content, training, and other information available to the sellers when they need it
- Productivity for the sales team, helping them to get more time back for selling activities by automating many underlying manual processes
- Compliance is a new one, and now the team is responsible for making sure sale reps (and sales operations) remain in compliance GDPR.

Equally critical to success is TRAINING. Widget's Sales Enablement team needs to develop training to educate sales reps about how to work with customers post GDPR. Implementing new processes can often negatively impact revenue, but with some sensible planning, GDPR can actually improve trust and allow for better engagement with customers. GDPR can also reduce work and distractions by minimizing engagements with prospects that don't want to become customers.

How GDPR Affects the Sales Process

Let's have a look at the company's sales process. Widget's sales people engage with customers through calling (both scheduled and cold calling), emailing customers with whom they have existing relationships with, and new prospects that are not leads or customers, but merely website visitors. All of these contact points could create potential GDPR issues for Widget. Let's dive into those scenarios.



1. Cold Calling

The GDPR does not stop Widget's sales people from making calls to potential customers, but sales people should record when they made the call and how long the call lasted. It's also important to track whether the prospect was open to being contacted again.

FACT: This level of reporting is something new to Widget and if the sales team isn't consistent, Widget could find themselves in compliance risk.

2. Emailing Prospects and Customers

This is one area where GDPR rules can be confusing. Sending emails could be regarded as direct marketing – which is a legitimate approach to selling under GDPR – but direct marketing does fall under the separate ePrivacy Regulation, which is very strict on how the recipients give their consent to be contacted.

The line here is drawn directly in regards to how these emails treat the recipient's right to privacy, consent, and right to be forgotten.

For Widget and most other companies looking to comply with GDPR, this spells the end of purchased email lists. However, using legitimate opt-in lists that Widget has curated and maintained have higher quality leads, providing a more engaged database.

FACT: It's worth noting that there is a particular exception to this rule. You are allowed to reach out to people whose email addresses you have obtained in the course of a sale, unless they have opted out (a fact you'll need to record). However, even in this circumstance, you'll need to prove the email you send is about products or features related to the initial sale.


3. Website Tracking

Information obtained through website tracking and cookies can provide salespeople with critical details. But of course, the data you collect about the recipient's interactions with the website will now qualify as personal data – which means it will be subject to the GDPR.

FACT: The Article 29 Working Party (the EU body that issues guidelines on data protection) has specifically called out tracking as a concern, particularly due to the prospect's lack of awareness of the tracking in most cases.

Getting Smart about GDPR: How Compliant Sales Tech can Help

It's true that GDPR presents a variety of challenges for Widget's sales team, creating distractions, administrative work, additional reporting, and sharp focus on compliance. However, for Widget, their



Sales Enablement team is ahead of the curve. They have found Sales Enablement software that is able to help them achieve GDPR compliance with minimal impact on the sales team.

Sales Enablement software can do a lot to help. A quality sales enablement system helps the sales team be better prepared for customer engagements. And if it provides a beautiful, mobile first experience, sales people can impress the customer without having to rely on emails and follow ups that may cross the line with GDPR (and other privacy laws including ePrivacy, and CanSPAM in the USA).

But smart sales enablement software goes further – directly helping to ensure that the Widget sales team is able to keep their sales in motion.

Tactic	GDPR Concerns	How Sales Enablement Helps
Cold Calling	<ul style="list-style-type: none">• Consent• Right to be forgotten	<ul style="list-style-type: none">• Recording details• Alert before breach
Emailing	<ul style="list-style-type: none">• Opt-in• Consent	<ul style="list-style-type: none">• Control what is sent and who it's sent to (with consent)
Tracking	<ul style="list-style-type: none">• Consent• Right to be forgotten	<ul style="list-style-type: none">• Learn from peers, not customers about how to close the deal

Selling in a GDPR-Compliant World

Now, let's have a look at how Sales Enablement software can effectively address the GDPR while it integrates with, and even improves Widget Corp's sales process.

1. Cold Calling

While sales enablement software is not the 'dialer' making sales calls, it can allow your sales people to quickly, easily and automatically record how long the call was, what content was used in the call, and when sharing call follow-ups, can even automate the process to allow the recipient to 'opt-out' of any future calling campaign.

FACT: Sales Enablement software can help automate GDPR-compliant call logging, recording, and enable recipients to opt-out of future calls.



2. Emailing

Sales Enablement software ensures that reps can only send appropriate content to specific people, and can even create automated emails that have compulsory content automatically added to them, ensure that all recipients are in control of their details, can transparently update CRM and marketing automation systems (for opt-out lists and more), and can eliminate the risk of the sales person getting in trouble by sending the wrong emails to the wrong person.

FACT: Sales Enablement software can automate opt-out lists and automate enforcement of compliant content and follow-up.

3. Tracking

While Sales Enablement is not designed to help with website and mass emailing programs, it is used to help sales people to understand how their colleagues (based on history, consent, etc.) have been successful with similar customer engagements. Leveraging group communication and tribal knowledge is an incredibly powerful feature of sales enablement systems.

The Sales Enablement team at Widget started planning for GDPR by working with external solutions vendors who met their sales enablement goals but who were knowledgeable of GDPR and various other privacy and control issues.

With Sales Enablement in place, Widget can be more confident that the new GDPR regulations can improve how their sales teams work, reduce their everyday administrative tasks, and improve their success rate.

The Future of GDPR: Are We Destined for Similar Regulations in the US?


GDPR is an EU Standard, but what might a similar standard in the US Look Like?

In May 2018, the new GDPR standard was put into action in the European Community. At roughly the same time, we had the CEO of Facebook presenting to the US Congress on privacy issues of their over 2 billion users. With all of the concern about privacy on the Internet, the need for additional regulation in the US is being discussed both at the state and federal level.

The question for businesses and their Sales Enablement practitioners is “Will regulation similar to the GDPR come to the US? And if yes, how do companies adapt, and what is the role of sales enablement professionals during this transition?”

Within the United States, a number of privacy laws already exist to govern companies and protect the privacy of customers and consumers alike, including:

- The CAN-SPAM act

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- The Electronic Communications Privacy Act
 - Various incremental laws, controls, and rulings put in place by the Federal Communications Commission (FCC)

Given our history, it's unlikely that a law exactly the same as the GDPR will be created in the United States. However, it is quite possible that there will be additional regulations to ensure that people will have additional control over how their personal data is collected and stored in the future.

GDPR Concepts that Could Come to the US

It's possible that several potential GDPR concepts could be introduced into the United States. Core to that might be the controls that would be put in place to govern personal data, and how that data is stored and processed. This scenario would definitely increase compliance requirements that a business must meet to control how sales people work with prospects and customers. These added compliance requirements would have direct impact on how sales enablement practitioners both train and monitor sales team compliance. Sales Enablement professionals are ideally positioned to successfully embrace these new responsibilities. After all, Sales Enablement professionals are already engaged in daily efforts to onboard and train sales people, and empower them with the right information and content – which is exactly where the rubber will meet the road for future legislation. These areas include:

Learning and Onboarding

Salespeople will need to develop new skills and techniques to function in a regulated world. They will need to be educated on how they engage with customers, how internal systems work, and what access to personal data will be needed to be available to customers and prospects.

This will require a new approach to on-boarding and learning – no longer will it be acceptable to run these initiatives as separate tasks that occur infrequently, and in disparate systems. Sales Enablement will need to create systems that make the process of ongoing knowledge development available right inside the core sales enablement platforms that sales people use every day to engage with their customers. This may require new investments in next-generation platforms that are built for the mobile-first way that sales people like to work today, and new approaches to how learning is consumed (e.g. in-the-moment micro-learning).

Opt In – Opt Out

Should a similar set of regulations to the GDPR be applied in the US, it will directly impact how salespeople work with their prospects and customers. A key principle would be expanding on the concept of opt-in and opt-out. It may occur that for the future, all sales enablement engagements would be based on an assumed 'out-out' status.



Data Processing

Sales Enablement professionals in the US will also have to make sure that the systems and tools they are implementing are treated as a ‘data processor’ as defined by the GDPR. Organizations would no longer be able to use random SaaS or Cloud providers – they will need to ensure that the provider has the data controls in place to ‘remove’ all entries for a specific customer or prospect that chooses to be forgotten.

One Unified, Global Platform

For companies with global operations, getting ahead of the curve and thinking about systems that can support the ongoing development and implementation of new laws like the GDPR is top-of-mind. For sales enablement professionals, this is a unique time to take advantage of platforms for sales empowerment, and to ensure that their company is well-positioned to operate successfully in a regulated world.

Putting increased privacy controls in the hands of consumers should be viewed as an opportunity, rather than a hindrance or concern. These regulations allow for new levels of trust and connection between customers and businesses. With Sales Enablement at the core of managing this change, the future looks bright for increased sales and better, more engaged salespeople all around the world.