

# FACTsheet

## GDPR Q & A

### **Q: How does the CDS data privacy policy work with an association's privacy policy?**

The CDS GDPR privacy policy needs to be standard for all of our clients, but we can link to your privacy policy on our registration site.

### **Q: Does CDS collect data on behalf of the controller and sell to exhibitors? And, if so, how do you collect granular consent?**

CDS sells attendee data to exhibitors through our exhibitor marketing products (Attendee List and Exhibitor Emails) in partnership with show management. Lists are not sold without client involvement. In order to be included on an attendee list, registrants must opt in during the registration process. Exhibitors have the ability to upload their own lists to Exhibitor Emails, and CDS requires them to agree to follow GDPR regulations with respect to the lists they upload.

### **Q: Does the CDS PII agreement also cover communications not sent directly by CDS but generated using data from CDS? Can a separate e-blast about the show be sent and still covered under the agreement?**

If the communications are related to the event and the registrant opted in, then you can communicate directly with the registrant or have CDS send on your behalf.

### **Q: Does CDS have a backup plan if unable to be fully compliant by May 25?**

CDS is on target to be compliant by May 25.

### **Q: How does the drop down menu capture individuals who are living in the EU but not an EU citizen or EU citizens living outside the EU?**

CDS made the decision not to ask every registrant the direct question (most have U.S. addresses). A registrant's opt in is based on the data in the form. For example, if a registrant enters an address in Germany, then that registrant is considered an EU citizen and will be shown the opt in selection.

### **Q: Can show management automatically implement the opt in for all registrants rather than just those in EU countries?**

This can be done but we are recommending the question only be shown to people who are subject to the GDPR (EU residents).

### **Q: What happens if an exhibitor scans an attendee?**

CDS discloses in our privacy policy that data will be shared with exhibitors during the onsite scanning process. Registrants who allow exhibitors to scan their badge provide an explicit act of consent for further contact between the exhibitor and the registrant.

### **Q: Has CDS researched how many registrants are from EU countries?**

In 2017, CDS processed 1.6 million registrations, and approximately five percent were from EU countries.

### **Q: Can CDS add a dropdown menu offering registrants the choice of selecting EU resident when inputting their address?**

CDS decided to use the country supplied as the trigger of the opt in as this really only applies to five percent of the people registering through our system.

### **Q: If a show has registrations before and after May 25, should the third-party opt in be treated as the GDPR response for registrations received before May 25?**

The third-party marketing opt in (generally pre-checked) CDS employs for some clients does not constitute an explicit opt in for additional marketing, but there may be some defense in the [Legitimate Interest](#) clause so you can use data for the purposes of attending the event.

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**Q: All registrants, not just ones from EU countries, will be asked to provide an explicit opt in. Should show management ask CDS to remove the EU opt in automatically implemented across all sites so registrants are not confused or asked twice?**

Yes, depending on show requirements, there will be two different consent requests of EU residents. The GDPR opt in applies only to EU residents and covers ALL potential uses of their data. The marketing opt in applies to all registrants and covers only marketing communications coming from show management or exhibitors. CDS needs all EU residents to opt in to our general data privacy policy, then based on a show management's request, registrants can opt out of marketing campaigns.

**Q: How is data managed during registration when an account login is not used (phishing is possible)?**

This issue is not unique to GDPR. Registration is an open process—a registrant does not have to create an account to register for a show. Phishing, or spoofing a registration or hotel site to capture attendee information, can happen and would not be prevented by having an account login. Registrants can be sent an email with a link to a well-spoofed site and start making changes without realizing they did not have to log in. Phishing is a problem across the web, and the best defense is well-informed consumers paying attention to who is sending them emails.

**Q: What happens when data is masked? Is the data being masked in a view or actually edited to make it anonymous?**

The data is actually being modified. All personally identifiable attributes of the record are masked.

**Q: What about legitimate interest as the basis for processing from past registrants?**

Legitimate interest may apply if there is business currently underway, such as sending an email blast about the onsite process before an event to someone who registered prior to May 25th. Marketing for a new event, however, requires [explicit consent](#).

**Q: What happens if badges are scanned by other means that an attendee allowing an exhibitor to scan their badge? For example, a badge could be found on the floor or in the trash. Is show management liable in these instances?**

Consult your attorney about the potential liability.

**Q: Who does show management contact at CDS with a forgotten request?**

CDS handles any forgotten requests and informs show management before anonymizing data. Any requests to be forgotten that are received by show management should be forwarded to the CDS registration manager. CDS also has an email address specifically for privacy requests or questions: [dataprivacy@cdsreg.com](mailto:dataprivacy@cdsreg.com).

**Q: How is compliance handled when someone registers over the phone with the contact center?**

The CDS Contact Center is undergoing GDPR specific training. When taking a registration from an EU resident, callers will be asked for GDPR consent and directed to the privacy policy. During registration, the field for consent will be flagged as pending and registrants will enter into the process used for group registrations. Along with the standard email confirmation, an opt in email is sent: "You have been registered for XYZ Event. As an EU resident, you must agree to the use of your data for the event." The email contains a link to the privacy policy and a button: "I have read and agree. Please confirm my registration."

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**Q: How is CDS handling cross border data security? Have you registered for U.S. Privacy Shield?**

CDS has not registered yet but are aware and researching this issue.

**Q: What if registration opens before to May 25 and someone from the EU registers before the new data privacy information is in place?**

Legitimate interest may apply if there is business currently underway, such as sending an email blast about the onsite process before an event to someone who has registered for that event prior to May 25th. Marketing for a new event, however, requires [explicit consent](#).

**Q: Will data from past shows automatically be masked or do the compliance requirements only apply to shows after May 25, 2018?**

No. Past data will not be masked in the CDS database. Compliance begins with any data collected or used after May 25th.

**Q: Do fees need to be refunded if registrants choose to opt out?**

Opting out will prevent a registrant from registering at all, so no payment is collected. If a registrant asks to be forgotten and decides not to attend the event, refunds will be up to show management.

**Q: Is there implied consent for a registrant who wants to register but does not opt in without having to put a hard stop on the registration?**

GDPR does not recognize implied consent. Clear, explicit consent is a requirement of the GDPR.

**Q: When and how will CDS communicate when registration feeds have the GDPR response or pending status?**

CDS is actively developing modifications to our data bridges (REST and SOAP). Show management will be alerted when the change goes live and the opt in data is available.

**Q: How is registrant information honored such as if a registrant requests a list of the registration data elements being stored by CDS?**

Instructions for the registrant to contact CDS are provided in the Data Privacy Policy. On request, CDS provides registrants with an email containing everything that has been stored in their current and prior records based on identifying factors such as name and email address.

**Q: Does show management need to specifically ask registrants to opt in for association membership information or emails on additional products and services?**

When registrants opt in during registration for an event, they are opting in for CDS to use their personal data for event purposes. Any email concerning the event or additional products and services specific to the event fall under the consent. Association member data usage and communication would likely also be subject to GDPR compliance and should be discussed with your attorney.

**Q: In the past, the default in communications preferences has been yes. Is this now illegal in Europe?**

Defaulting an answer to yes is not permissible under GDPR. The opt in requires explicit action on the registrant's part.

**Q: How is data portability honored under GDPR? Will registrant information be exported into a machine readable format?**

CDS will provide the data in an email, both machine and human readable.

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**Q: If CDS is asked to remove data, is the individual data removed after the information is imported to show management first with a note that the data is to be removed?**

CDS will alert show management to the registrant request for removal from our system.

**Q: But the registrant has not agreed for you to give their information to a particular Exhibitor... granular consent**

The opt in CDS requires for GDPR gives CDS the permission to store and use the data collected for the purposes of the event. The CDS data privacy policy discloses that we share that data with exhibitors. If show management wants to give registrants additional opt out options for exhibitor marketing, then you can ask CDS to do that through additional questions on the registration form.

**Q: If a registrant opts in, is this considered content for an exhibitor to use beacons?**

Beacon use is explained onsite during the registration process. Registrants will be able to remove the beacon transponder from their badge if they do not want to be tracked at an event. Contact the show's beacon vendor for specific information on consent and usage.