

# The GDPR and data protection requirements:

What does it mean for your company when using Trustpilot?



## 1. What is the GDPR?

The General Data Protection Regulation (“GDPR”) came into force on 25 May 2018. It focuses on strengthening and unifying data protection for all individuals within the EU. The GDPR has a broad reach; it applies to organizations located within the EU, as well as organizations outside the EU if they offer goods or services to people residing in the EU.

In the United Kingdom, the Information Commissioner’s Office (“ICO”) issued a [guide to the GDPR](#) that explains the provisions of the GDPR to help organizations comply with its requirements. It’s a good resource for additional information about the GDPR that will give you more insight into how to handle the rights of individuals, consent, data breaches, and other obligations under the GDPR.<sup>1</sup>

In this white paper, we outline some of the GDPR-relevant options and recommendations that you can consider implementing when you use Trustpilot.

However, **this white paper is not intended as legal advice** and shouldn’t be considered as such. We strongly recommend that you seek legal advice if you’re unsure as to how the GDPR affects your company and your use of Trustpilot.

## 2. How does the GDPR affect your company?

Trustpilot offers a range of different review invitation methods that let you choose whether your company shares information with Trustpilot, and if so, what types of information Trustpilot receives. When your company (the data controller) shares personal data with Trustpilot (the data processor), both your company and Trustpilot may be required to comply with the GDPR. The terms “data controller” and “data processor” are defined in the GDPR and you can read more about it [here](#).

Some of our solutions enable your company to send review invitation emails using your own systems and you thereby avoid sharing personal data about your customers with Trustpilot.

On our [Support Center](#), we describe the different review invitation methods that we offer and the data processing activities associated with each

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<sup>1</sup>For the Netherlands, please see the [guide issued by the Autoriteit Persoonsgegevens](#).

For Germany, please download the attachment “BfDI Info 1 - Datenschutz-Grundverordnung - Bundesdatenschutzgesetz” available [here](#).

invitation service. If you're unsure what review invitation method you're currently using, please contact your account manager.

## 2.1 Keeping your data processing agreement on file

If your company has engaged Trustpilot to assist with sending out review invitation emails and collecting feedback from your customers, it's likely that your company will share personal data about customers with Trustpilot.

Article 28 of the GDPR requires that the data controller and data processor put in place a data processing agreement that describes the data processing activities being carried out.

Therefore, we've included a [data processing agreement](#) that meets the requirements outlined in the GDPR in all of Trustpilot's customer agreements. This also applies to companies on our Free plan.

We recommend that you keep a copy of the data processing agreement on file in case you need to demonstrate that you comply with Article 28 of the GDPR.

## 2.2 Updating your privacy policy

It follows from Article 13 of the GDPR that a data controller must provide its data subjects with specific information about how it processes their personal data. If you share personal data about your customers with Trustpilot, we recommend that you update your privacy policy to state that Trustpilot acts as your data processor and explain why you share information with us.

If you need to add information to your privacy policy about Trustpilot acting as a data processor when sending review invitation emails on your behalf, you may use the following example at your discretion:

[INSERT YOUR COMPANY NAME] may contact you via email to invite you to review any services and/or products you received from us [in order to collect your feedback and improve our services [and products]] (the "Purpose"). We use an external company, Trustpilot A/S ("Trustpilot"), to collect your feedback which means that we will share your name, email address and reference number with Trustpilot for the Purpose. If you want to read more about how Trustpilot process your data, you can find their Privacy Policy [here](#).

**Note:** Please be aware that [XXXX] means that you have to rewrite and adapt in order to fit your privacy policy.

If you plan to display reviews from Trustpilot in your marketing material, consider adding the following:

[INSERT YOUR COMPANY NAME] may also use such reviews in other promotional material and media for our advertising and promotional purposes.

### **2.3 Explaining how you use Trustpilot to customers**

If you receive a request from a customer who asks you to specify what personal data you have about them, this is called a “data subject access request” under the GDPR.

As a data controller, you’re obligated to respond to these data subject access requests. Article 15 of the GDPR describes what information you should provide to a customer who sends you a data subject access request and the deadlines you need to comply with. We recommend that you include information about how your company uses Trustpilot as a data processor to assist with collecting feedback from people who have had a service experience with your company.

### **2.4 Handling requests from customers asking to have their data deleted**

Article 17 of the GDPR gives consumers the right to erasure (“right to be forgotten”). If your company uses a review invitation method where you share personal data with Trustpilot, and you receive a request from a customer to have his/her personal data deleted, you can use our delete invitation data functionality. This functionality allows your company to delete your review invitations data up to a certain date or about a specific customer using your business account. For more details on how this works, please see [this article](#).

## **3. Review invitation emails and consent**

In some countries, review invitation emails are viewed as unsolicited marketing communication that require prior consent from your customers. This means that you may be required to obtain consent from your customers depending on national legislation. Here is information for Danish, German, Dutch and British companies about whether review invitation emails are considered unsolicited marketing that require consent.

### 3.1 Information about sending review invitation emails

In the following, we provide an overview of the national rules for review invitation emails in Denmark, the Netherlands, the United Kingdom and Germany. Please note that this information **is not intended as legal advice and shouldn't be considered as such.**

**Note:** When you send review invitation emails to your customers, make sure to include your company name, address and company registration number and an unsubscribe link in the review invitation email.

#### Denmark

In Denmark, review invitation emails generally aren't considered unsolicited marketing communication that require consent from your customers, provided that the review invitation email is neutral and doesn't contain any marketing elements.

The Danish Consumer Ombudsman writes in its [guidelines on spam](#) that if the review invitation email contains any marketing elements, for example if your company tries to advertise a certain product, the review invitation email may be regarded as unsolicited marketing communication that requires your customers' consent.

When you send review invitation emails to your customers, make sure to include your company name and an unsubscribe link in the review invitation email.

#### The Netherlands

In the Netherlands, review invitation emails are generally not considered unsolicited marketing communication that require consent from your customers unless the review invitation email contains direct marketing or is promoting sales. If this is the case, you may be required to obtain consent from your customers.

When you send review invitation emails to your customers, make sure to include your company name and an unsubscribe link in the review invitation email.

#### United Kingdom

In the United Kingdom, review invitation emails are not considered to be [direct marketing](#) if they are used for genuine market research. You can only contact a customer about a specific sale or service without consent as long as it is directly linked to that transaction.

If a review invitation email includes promotional material or collects details to use in future marketing campaigns, the email is for direct marketing

purposes and the rules for direct marketing apply. This means that the emails are considered unsolicited marketing communication that require consent from your customers.

In many cases, companies can then rely on the soft opt-in exception which permits email marketing to consumers on an opt-out basis, but only in cases where:

1. the company has collected the consumers' details in the course of a sale (or negotiations for a sale) of a product or service from that consumer;
2. the company is only marketing their own similar products and services and
3. the consumer has been given the opportunity to opt out of receiving the marketing both at the time their details were first collected and in each subsequent communication.

When you send the review invitation emails, it should be clear on which company's behalf the review invitation email has been sent. Furthermore, if your company relies on the soft opt-in, the unsubscribe option must be included in the review invitation email where it's clear which entity your customer is unsubscribing from. customer is unsubscribing from.

Germany

In Germany, review invitation emails are considered unsolicited marketing communication. In order to lawfully send out review invitation emails, companies need to obtain prior written consent from their customers in accordance with Article 6(1)(a) of the GDPR.

#### **4. Our Data Protection Officer**

Trustpilot has appointed a Data Protection Officer ("DPO") pursuant to the GDPR. If you have any questions about the data processing activities performed by Trustpilot on your company's behalf, please contact our DPO by email at: [privacy@trustpilot.com](mailto:privacy@trustpilot.com).

#### **5. Further information**

For more information on how we handle and protect data, see [our online Support Center](#). We update our materials on an ongoing basis and provide more information about data protection and security.