

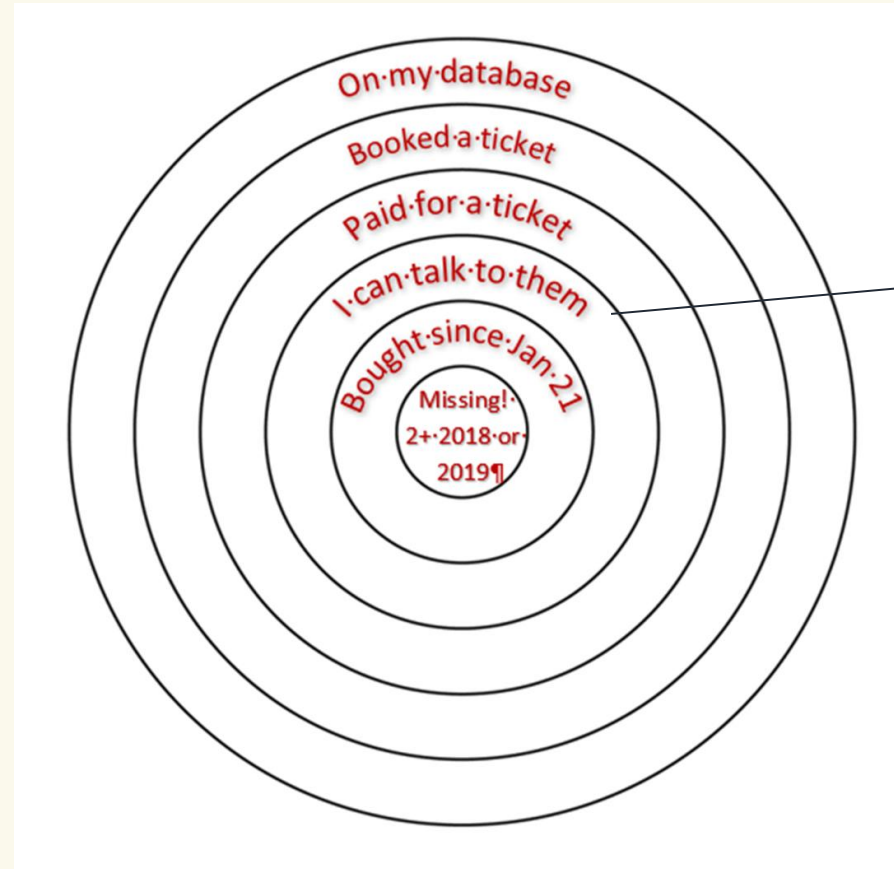
The logo for the Performing Arts Forum, featuring the text "PERFORMING ARTS FORUM" in white, bold, sans-serif capital letters inside a black speech bubble shape, set against a bright yellow background.

PERFORMING  
ARTS FORUM

*indigo*

## Increasing data for marketing

**Katy Raines**  
CEO - Indigo Ltd



Typically less than  
4/10

Marketing  
permissions +19% in  
2024

How?

## What we'll cover

- > The legal bases for collecting and processing data for marketing
- > Which legal bases to use for what
- > How to ask the right questions online, by phone and in person
- > What you can do with the data you've collected
- > Who you can share data with
- > What happens if you don't operate your own box office?

## How can we gather more permissions – legally?

- > Most of you are asking people to ‘opt in’
- > Ticket buyers are busy trying to get to the end, so skip over consent boxes
- > How could we make agreeing to hear from you easier, and the ‘path of least resistance’ for ticket buyers?

## 3 simple steps

### 1: Be clear

with people what you're going to do with their data

### 2: Do

What you've said you'll do, and nothing else

### 3: Stop

Using their data when they stop engaging with you,  
or when they ask you to

You can only 'process' personal data with a LEGAL basis. There are 6 of them:

<b>a</b>	<b>Consent</b> of the data subject
<b>b</b>	Processing is necessary for the <b>performance of a contract</b> with the data subject or to take steps to enter into a contract
<b>c</b>	Processing is necessary for compliance with a <b>legal obligation</b>
<b>d</b>	Processing is necessary to <b>protect the vital interests</b> of a data subject or another person
<b>e</b>	Processing is necessary for the performance of a task carried out in the <b>public interest</b> or in the exercise of official authority vested in the controller
<b>f</b>	Necessary for the purposes of <b>legitimate interests</b> pursued by the controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject

<b>a</b>	<b>Consent</b> of the data subject
<b>b</b>	Processing is necessary for the <b>performance of a contract</b> with the data subject or to take steps to enter into a contract
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<b>*</b>	PECR/ePrivacy

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## Consent

- > Must be **granular** for each specific processing operation
- > Indication of consent must be **unambiguous** and involve clear **affirmative action**
- > Clear records must be kept to **demonstrate** consent
- > People must be able to easily withdraw consent

## Examples of consent

If you would like to join our **e-mail** list to hear about our shows please tick this box. ☐

If you would like to hear from us by **post** to hear about our shows please tick this box ☐

If you would like to hear **by email** about opportunities to support our work please tick this box ☐

If you would like to hear **by post** about opportunities to support our work please tick this box ☐

## Performance of a contract

- > Ticket buyer enters into a contract with you when they purchase a ticket
- > This gives you a right to process their data for the purpose of fulfilling this contract
- > Includes contacting them (by any means given) in relation to their booking, payment, change of performer, cancelled performance, etc
- > BUT **not** upselling, fundraising or marketing – so be careful about your pre-show messaging
- > Also (legally) includes asking their opinion about the show and customer research

## Examples of 'performance of contract'

- > Email confirming ticket transaction
- > Pre-show email (as long as it's just information)
- > Email / phone call informing people of a cancelled performance
- > 'Tell us what you thought' email / survey (Indigo Share)
- > Priority information for members (if that was part of the membership benefits listed)

# Options for email marketing

## MAILING LIST SIGN-UPS

(if no purchase  
being made)

- **Consent** (opt-in) – requires customers to actively tick a box indicating that they are happy to receive communications by email

## TICKET BUYERS

(at point of sale)

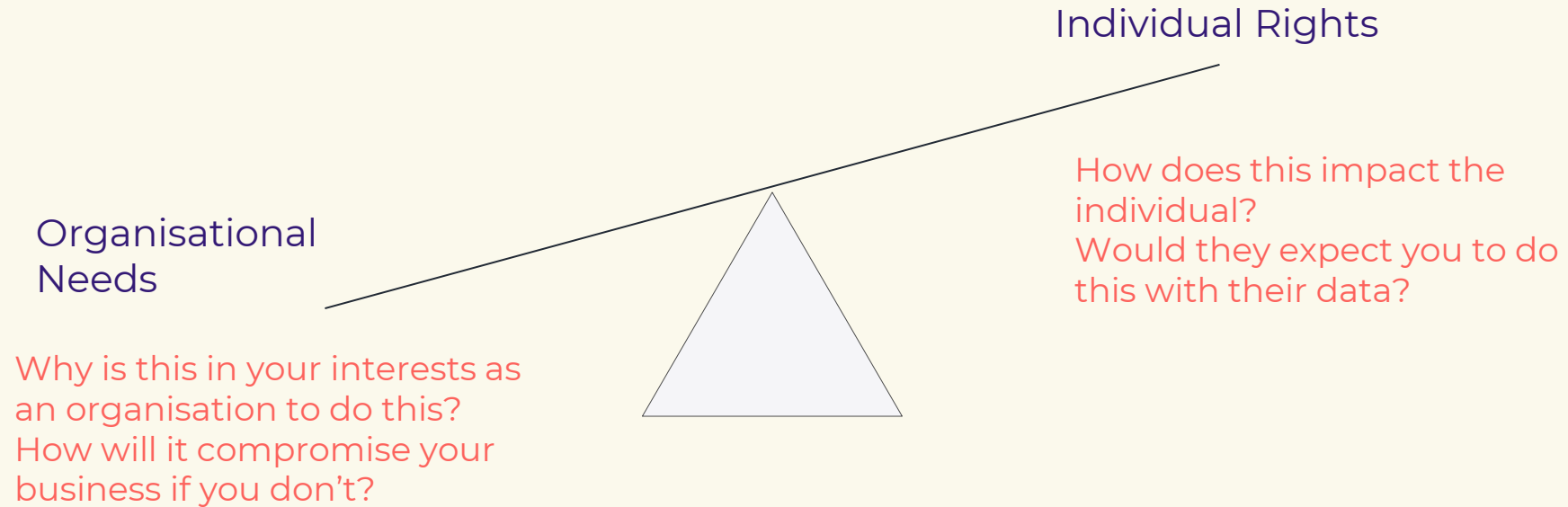
- **Soft-opt-in / Legitimate interest** (opt-out) – this allows you to send emails:
  - To their **customers** who have **bought something** and given their email as part of the transaction
  - About '**similar goods and services**'
  - As long as they are given the **option to opt-out** at the point of sale
  - AND in **all subsequent email** communications
  - Can't share data with third parties

*NB. Some organisations have found that soft-opt in achieves **double** amount of usable email data than opt-in/consent (depending on how it's implemented)*

## Legitimate Interest Actions

- a) A **'balancing test'** - Document how you've reached your decision – to show your business needs are 'in balance' with the rights of the individual.
- b) **Point of sale** notification and opt-out
- c) **Privacy Policy**
- d) **Unsubscribes** in all future emails

# Balancing Test



## Trip Contact

We need these contact details to keep you updated about your trip.




☐

Tick this box if you **do not** want to receive marketing emails with our latest offers. You will need to repeat this step each time you make a booking to remain opted out, but you can unsubscribe at any time.

This will not affect service emails we send you related to your booking. See our [Privacy Statement](#) for more details.

LANCÔME  
PARIS

1. My shopping bag ——— 2. My order

### Identification

Enter your e-mail

If you already have an account, [click here to modify your e-mail](#).

Your first name\*

Your surname\*

Please confirm your e-mail\*

☒ I would like to subscribe to the Lancôme newsletter to receive the latest news. Lancôme does not share or sell your personal information

CONFIRM



## Example point of sale for both post AND email

*Point of sale – website and Box Office script*

*From time to time we will send you information by email or post about similar **events and ticket offers**, or to ask your opinion via occasional customer **surveys**. You will need to repeat this step each time you book to remain opted out, but you can unsubscribe at any time.*

*We may also send you information about our charitable activities by post.*

*If you would prefer NOT to receive these please **untick** the boxes below. See [here](#) for our privacy policy*

☒

*I would like to receive information about events and ticket offers, and occasional surveys by **email***

☒

*I would like to receive information about events and ticket offers, and about your charitable activities, by **post***

## Our Data Promise

### We promise:

- To provide **clear, honest and open** information about how we use personal data
- To give people the **choice** about how we use their data
- To use personal data **appropriately** and in a way that would be reasonably expected
- To only share personal data with other organisations where the person has given their **consent** for us to do so, or where we need to do so in order to fulfil our contract with them
- To be **accountable and responsible**: to take active steps to **protect** personal data from harm, and to have separate and **enhanced procedures** for the use of sensitive data (such as data relating to children or disability)
- To ensure our **staff** and **partners** (suppliers and artists) understand these principles and their responsibilities in delivering them

## It's up to you

- We will send you information by email about our events and ticket offers and occasional customer surveys
- We will also send you information about our activities as an Arts Charity by post

**Simply tell us when you book your tickets if you'd rather we didn't do that.**

## Format

- Data promise in holder on counter?
- Can use same wording in a pre-recorded telephone message before they get through



## Draft Telephone script for recorded message

Here at (Festival A) we're committed to treating your personal data respectfully and securely. We'll never sell or give your data to anyone else, and you can read our full privacy policy at [xxxx.ie/privacy](http://xxxx.ie/privacy)

We'll use your email and postal details to keep you informed about future events and ticket offers, and to occasionally let you know what we're doing as an Arts Charity, or to ask you for your opinions on how we can improve.

If you're happy with that, then that's fine, but if you'd rather we didn't keep you posted in that way, simply tell the booking assistant after you've booked your tickets, and they'll make sure we don't.

It's up to you. Thank you.

## **Draft script for operator (assuming recorded message has been played)**

(after booking)

“Thanks so much for booking with us today. Did you hear the message about how we use your data, and are you happy with that?”

- If yes – keep boxes ticked
- If no – remove the ones they ask not to receive.

## Sharing data with third parties

- HAS to use 'consent' ie. Opt IN
- Who is a third party?
- Any organisation who is NOT the data controller
- Data controller = the organisation the customer is 'contracting' with
- Eg. venue and touring company

## **Ticket agent model**

- A venue 'can' act as a ticket agent for a festival
- In this case (with a contract in place) the festival could be the data controller, and not the venue
- BUT
  - The venue would have to make it clear to the customer at point of sale that the festival is the data controller
  - And be able to operate / record those LI opt in separately from its own data
  - And NOT use that data for their own marketing



## Contractual arrangements between Festival and Box office

Scenario	Who is the data controller?	Festival use of data?	Venue use of data?
Festival sells own tickets	Festival	✓	* ✗
Venue sells as a ticket agent	Festival	✓	* ✗
Venue sells Festival tickets	Venue	* ✗	✓

\*Unless 3<sup>rd</sup> party consent question added

## Adding in a third party....

*Point of sale – website and Box Office script*

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*If you would prefer NOT to receive these please **untick** the boxes below. See [here](#) for our privacy policy*

☒

*I would like to receive information about events and ticket offers, and occasional surveys by **email***

☒

*I would like to receive information about events and ticket offers, and about your charitable activities, by **post***

☐

*The event you have booked for is part of the xxx Arts Festival. If you would like to receive information from the Festival about their events and activities by email, please tick this box*