



THE GDPR AND THE Marketer

A Practical Guide for the Marketo Customer

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Disclaimer

The European Union (EU) legislation discussed in this document, the General Data Protection Regulation (GDPR), is broad in scope and compliance will vary greatly between organizations. Your own legal team will need to offer counsel as it relates to your business. This document is provided for informational purposes. It should not be relied upon as legal advice. Throughout this report you will see customers referenced broadly, referring to B2B and B2C prospects, customers, or website visitors.

Introduction

Background

The General Data Protection Regulation (GDPR) is European Union legislation that will begin to be enforced on May 25, 2018, however its purpose can be summarized very simply:

Its aim is to strengthen the rights of data subjects within the European Union (EU) and European Economic Area (EEA) with regard to how their personal data is used and how it's protected. ('Personal data' means any information that relates to an identified or identifiable natural person).

To that end, the GDPR is structured around six key principles (detailed in Article 5 of the legislation):

- 1** Transparency on how data will be used and what it will be used for.
- 2** Ensuring that the data collected is used only for the purposes explicitly specified at the time of collection.
- 3** Limiting the data collection to what is necessary to serve the purpose for which it is collected.
- 4** Ensuring the data is accurate.
- 5** Storing the data for only as long as necessary within its intended purpose.
- 6** Prevention against unauthorized use or accidental loss of the data through the deployment of appropriate security measures.

In addition, there is a new accountability requirement to be able to demonstrate how compliance with the principles is being managed and tracked. This will mean maintaining records of how and why personal data was collected as well as the documentation of the processes put in place to protect it.

To whom does it apply?

The GDPR applies to any organization inside or outside the EU who is marketing goods or services to, and/or tracking the behaviors of, data subjects within the EU and EEA. **If you do business with Europeans that involves the processing of their personal data, this legislation applies to you.**

Penalties for non-compliance are significant, with large fines for those in breach of the regulation: the maximum fine for a single breach is €20 million or 4% of annual worldwide turnover, whichever is greater.



Implications for Marketing

As marketers, if we create customer experiences that feel personal and human, that are founded on trust and delivered with care, we will win their hearts and minds.

Though the GDPR doesn't use these terms our goals are the same, namely to respect the rights of our customers and go on to earn their trust. To build and maintain that trust we, as marketers, need to be attuned to the how, when, and why our customers want to be engaged and respect their preferences.

How we address these higher expectations around the collection, use, and security of the personal data that we routinely use in the course of our work is key and Marketo can help you meet those expectations.

There are two key aspects of the GDPR where Marketing needs to review past, current, and future practices. The first is **consent** by the individual to process their personal data and the second is **accountability**, namely being able to demonstrate how they comply with the principles of the GDPR.

"At Marketo, we believe there is a significant opportunity for marketing to further 'raise the bar' on customer engagement. Ensuring the protection of customer privacy is the foundation of this endeavor."

SARAH KENNEDY

CHIEF MARKETING OFFICER



Consent

The definition of consent under the GDPR is: “any freely given, specific, informed and unambiguous indication of the data subject’s wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her”.

This dual need for an ‘affirmative action’ that captures consent which also must be ‘specific’ in how the personal data will be used before any processing of the data represents a significant change for most marketers in how they record and respect customer preferences.

Of course, customer preferences change over time and rarely exist in perpetuity and GDPR has something to say about this too—namely that organizations, specifically marketing, must make it easy for data subjects to make any changes in preference or withdraw consent altogether.

All marketers need to audit, identify, and review the current points at which they are collecting personal data for processing.



“Affirmative consent put individuals in control, builds customer trust and engagement, and upholds the principles of GDPR.”

MATTHEW FISCHER

ASSOCIATE GENERAL COUNSEL, CHIEF PRIVACY OFFICER

CONSENT

This section of the document outlines the specific functionality and attributes within Marketo's services that help customers meet the consent requirements of the GDPR.

As a rule, your Marketo instance should contain the following necessary elements for consent compliance from [Article 13](#) that will be explained in more detail in this document:

Link to online Privacy Policy/Notice/Statement on every form to disclose:

- the identity and contact details of the Controller and their representative to the EU and DPO (if applicable),
- the purposes of the processing for which the personal data are intended,
- the legal basis for processing,
- recipients or categories of recipients with whom the data is shared,
- information on any international transfers,
- the period for which the personal data will be stored or the criteria used to determine the period,
- an explanation of an individual's right to access to, to rectification of, to erasure of, to objection to the processing of and to restriction of the processing of their Personal Data,
- if processing is based on consent, the right to withdraw consent at any time,
- the right to lodge a complaint with a supervisory authority,
- whether the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether the data subject is obliged to provide the personal data and of

the possible consequences of failure to provide such data, and,

- the existence of automated decision-making, including profiling, and meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

If personal data is obtained from sources other than the data subject, such as third party data providers, you must provide some additional information about the data and source. Refer to [Article 14](#) if applicable.

Consent Field Added to Every Form

Lead Fields for Documenting Consent:

- Consent to Processing
- Consent Last Updated
- Consent Notes (purpose of processing and history of consent provided should be documented here)

GDPR Consent Operational Program

Correspondence Opt-Out (subscription center)

Link that enables Web Tracking/Cookie Opt-Out

CONSENT

Further we have identified the following six scenarios below based on our understanding of the GDPR:

- 1 Collecting customer Personal Data to maintain and use
 - 2 Collecting customer Personal Data to use for a time limited period in order to provide access to a resource
 - 3 Collecting customer Personal Data to maintain and use for limited purposes
 - 4 An individual has provided consent in the past, but wishes to withdraw consent
 - 5 An individual wishes to opt-out of Marketo tracking
 - 6 Documenting consent provided through alternative means
-

Before we get into specific scenarios, Marketo advises the creation of at least 3 lead fields to facilitate consent compliance.



Consent to Processing: this value will contain 'yes' or 'no' based on consent given

Consent Last Updated: this value will contain the date and time the GDPR Consent field was updated.

Consent Notes: this value will contain any notes and should capture:

- The purpose of processing for which consent was obtained,
- The way in which consent was obtained (e.g. ticked box online, in person at event),
- Previous consent purposes

Note: This field can be split according to user preference.

Consent Last Updated:	08/25/2017  11:30 AM 
Consent Notes:	Consent given at 2017 Marketing Nation Summit in the exhibit hall iPad give away.
Consent to Processing:	YES

CONSENT

Whenever the data subject's consent changes (including via any of the six methods described in the following pages), these fields will be updated and we will log a change data value activity on the lead record's activity log:

ID ▾	Date/Time (PDT)	Activity Type	Detail
Date: Aug 25, 2017 (3 Items)			
759967	Aug 25, 2017 2:00 ...	Change Data Value	Changed Consent Notes from [null] to "Consent given at 2017 Marketing Nation Summit in the exhibit hall iPad give away."
759966	Aug 25, 2017 2:00 ...	Change Data Value	Changed Consent Last Updated from [null] to "Aug 25, 2017 11:30 AM"
759965	Aug 25, 2017 2:00 ...	Change Data Value	Changed Consent to Processing from [null] to "YES"

Activity Details – ID 759965

Attribute ID:

1001

DB Object ID:

2

Attribute Name:

Consent to Processing

Old Value:

New Value:

YES

Reason:

Manual person edit

Source:

Person update

Person ID:

1010438

CLOSE

These "change data value" activities are what we use to document changes to the Consent Last Updated field or removal of the data subject from the database.

Compliance Scenario 1

COLLECTING CUSTOMER PERSONAL DATA TO MAINTAIN AND USE

Collecting personal data to maintain and use is the broadest of the use cases. This commonly takes place in the form of inserting a link to an applicable privacy policy on or next to a form that the customer can set up and visitors can access prior to sharing their details on the form.

HOW TO:

Add Privacy Policy Access to Each Landing Page that has a Form

Situation

Below is an example Marketo Registration landing page for a webinar:

REGISTER NOW!

Live Webinar on Thursday, July 27, 2017
at 9:00AM PT / 12:00PM ET

First Name: *

Last Name: *

Email Address: *

Job Function: * Other

Company: * Marketo Demo17

REGISTER NOW!

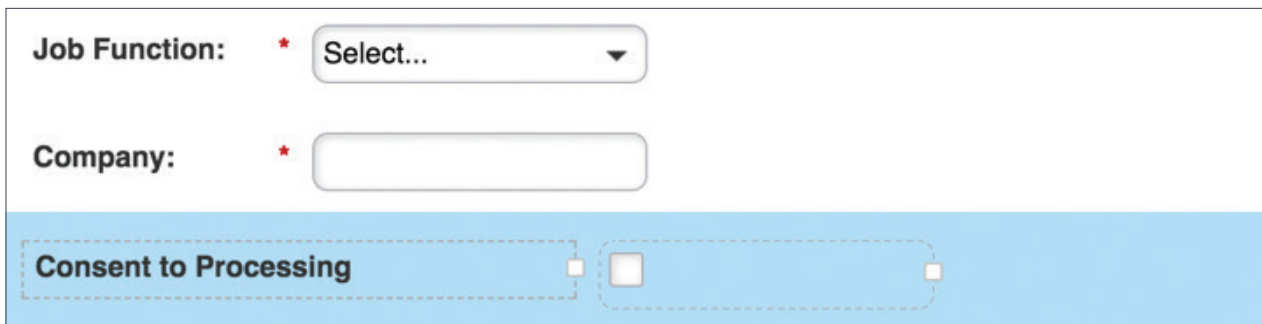
*Required: Webinar access will be emailed to you.
The information you provide will be used in accordance with the terms of our privacy **policy**

COMPLIANCE SCENARIO 1: COLLECTING CUSTOMER PERSONAL DATA TO MAINTAIN AND USE

Set-up Steps

In this specific example, a link to your privacy policy needs to be inserted in a rich text element on the landing page that hosts the form.

- 1 Right click on the landing page within Marketo and “Edit Draft” to create a draft version of the page
- 2 You must add a field to your form to track this option:



The image shows a form with two fields: "Job Function:" with a dropdown menu showing "Select..." and "Company:" with a text input field. Below these fields is a blue highlighted section containing a "Consent to Processing" checkbox, which is currently unchecked. The checkbox is enclosed in a dashed border.

Note: There are options in Marketo to add instructions/information about fields in a hover state. This gives you the option to provide further explanation should you feel it is necessary.

- 3 Add a rich text element at the bottom of the form, clearly associated with that form.



The image shows a "Rich Text Editor" interface. It has a toolbar with various formatting options like font face (Helvetica), size (12px), paragraph, bold, italic, underline, list, link, image, and more. Below the toolbar is a text field containing the message: "* Required. Webinar access will be emailed to you. We value your [privacy](#)."

- 4 Add the privacy policy to the rich text element
- 5 Approve draft version of the landing page

Outcome

This scenario enables you to capture your customer’s information having made your privacy policy available to them, thereby informing their decision to share their personal data based upon how their data will be used.

Compliance Scenario 2

COLLECTING CUSTOMER PERSONAL DATA TO USE FOR A TIME-LIMITED PERIOD TO PROVIDE ACCESS TO A RESOURCE

Collecting personal data to use for a specific purpose (i.e. registering for an event or access to a brochure) may become more commonplace given the direction within GDPR to be more “specific and granular”.

This can be done by inserting a field on all your forms so your customers can select their preference prior to sharing their details on the form. This form should also still have your privacy policy accessible from it so that your customer can still be aware of how their data will be used—even in a limited capacity.

HOW TO:

Add a value on all forms that explicitly states that the visitor's information will not be stored after the form submission.

Note: The form should outline that the customer's information will be entered into the database, but will be removed immediately after delivery of the desired content/event/etc.

Situation

Below is a standard Registration Marketo landing page for a webinar:

SPRING Q2 '17 RELEASE WEBINAR
See the latest innovations

Ready to learn about all the new features and enhancements included in the Spring Q2 '17 Release? Join us on Thursday, July 27th at 9:00am PT/12:00PM ET for a live demonstration of the key innovations released in the past quarter!

The Spring Q2 '17 Release is packed with new and enhanced features that bring innovation to your Marketo Engagement platform. In this webinar, our product managers will cover:

- LinkedIn Lead Gen Integration
- Explore MSI Templates
- Bulk Extract APIs
- ABM Enhancements
- Web Personalization Enhancements

REGISTER TODAY!!!
Can't make it to the webinar? Register anyway and we'll send you a link to the recorded session once it's available.

Speakers

REGISTER NOW!

Live Webinar on Thursday, July 27, 2017 at 9:00AM PT / 12:00PM ET

First Name: *

Last Name: *

Email Address: *

Job Function: * Other

Company: * Marketo Demo17

Do not keep my details ☐

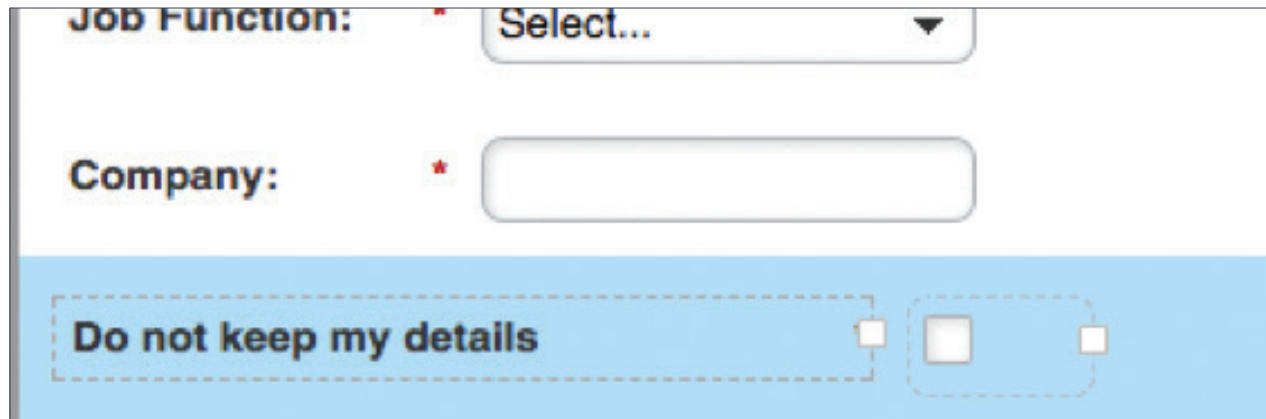
REGISTER NOW!

We will not store your information after you submit your details.

COMPLIANCE SCENARIO 2:
COLLECTING CUSTOMER PERSONAL DATA TO USE FOR A TIME-LIMITED PERIOD
TO PROVIDE ACCESS TO A RESOURCE

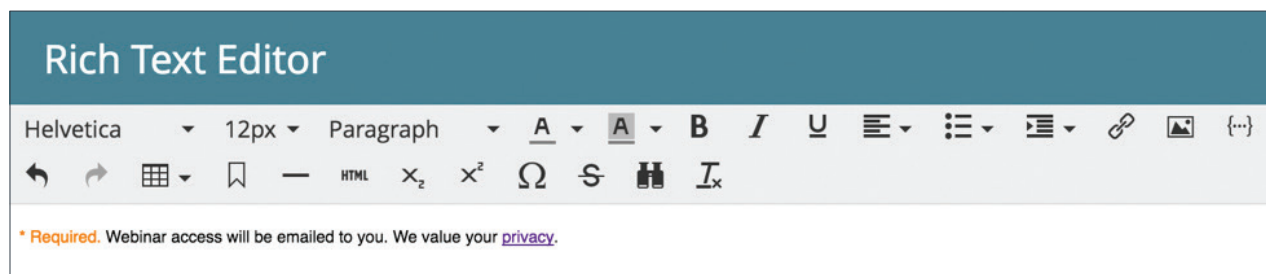
Set-up Steps

1 You must add a field to your form to track this option:



The screenshot shows a form with two main fields: "Job Function:" with a dropdown menu showing "Select..." and "Company:" with a text input field. Below these fields is a blue horizontal bar containing a checkbox labeled "Do not keep my details". The checkbox is currently unchecked.

Note: There are options in Marketo to add instructions to fields in a hover state. This makes it clear to the visitor what the options mean.



The screenshot shows a "Rich Text Editor" interface. It has a teal header with the title "Rich Text Editor". Below the header is a toolbar with various formatting options: font face (Helvetica), font size (12px), paragraph style (Paragraph), text color (A), background color (A), bold (B), italic (I), underline (U), bulleted list, numbered list, link, image, and a more options menu (three dots). Below the toolbar is a text area containing the text: "* Required. Webinar access will be emailed to you. We value your [privacy](#)."

COMPLIANCE SCENARIO 2: COLLECTING CUSTOMER PERSONAL DATA TO USE FOR A TIME-LIMITED PERIOD TO PROVIDE ACCESS TO A RESOURCE

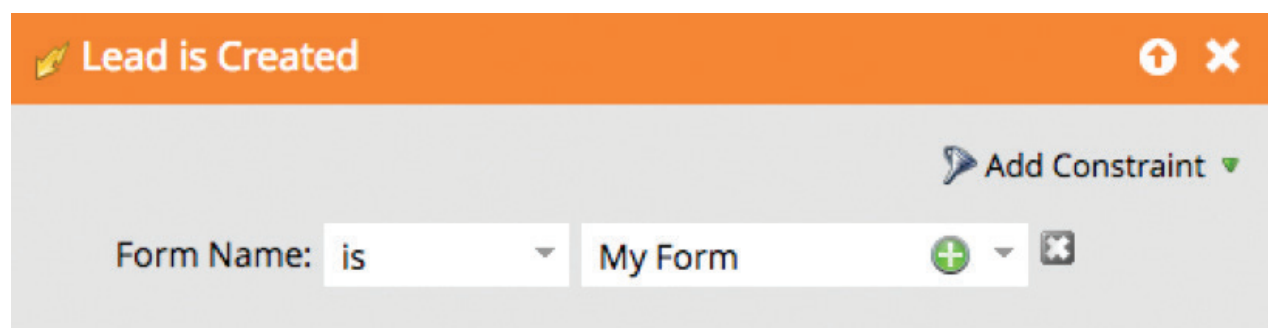
2 You then approve the landing page

Once the form is built and on the landing page, there is some additional work that needs to be done to remove the lead. There are two ways we can remove someone, both options are explained below. Neither is better or worse, it simply depends on your preference.

a) Automated Approach

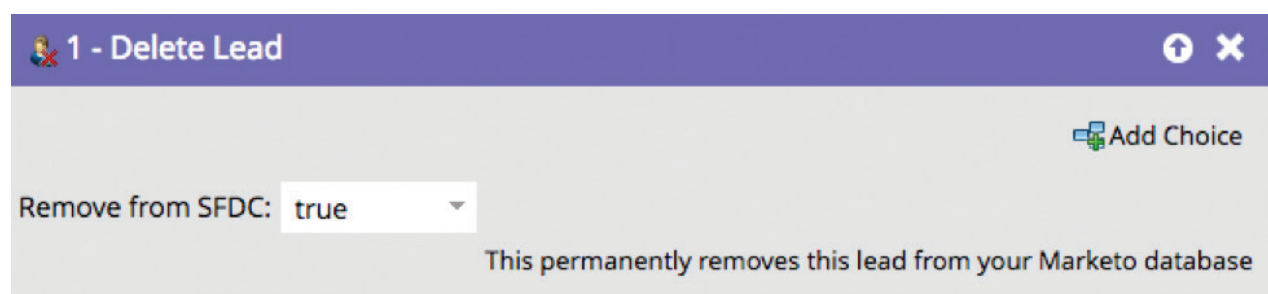
Create a smart campaign with the following filters and flow steps:

SMART LIST



The screenshot shows the 'Lead is Created' smart list configuration. The title bar is orange with a yellow flag icon and the text 'Lead is Created'. On the right are up and close icons. Below the title bar is a grey area with an 'Add Constraint' button. The main configuration area shows 'Form Name: is' in a dropdown menu, followed by 'My Form' in a text field. To the right of the text field are a green plus icon in a circle and a grey X icon in a circle.

FLOW STEP



The screenshot shows the '1 - Delete Lead' flow step configuration. The title bar is purple with a red X icon and the text '1 - Delete Lead'. On the right are up and close icons. Below the title bar is a grey area with an 'Add Choice' button. The main configuration area shows 'Remove from SFDC: true' in a dropdown menu. Below this is a note: 'This permanently removes this lead from your Marketo database'.

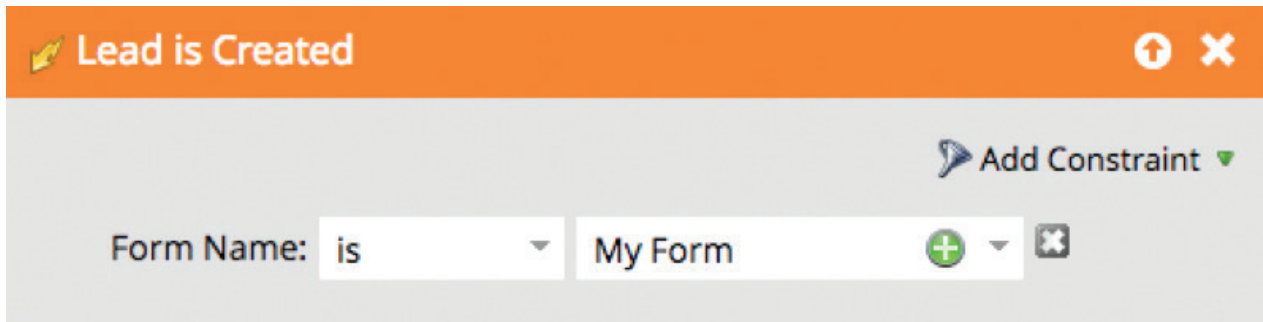
Outcome

In this approach, it is completely automated. Often, this will require a wait step before the delete lead flow so that the customer submitting the form is in the database long enough to receive the asset that is being sent to them based on the form submission.

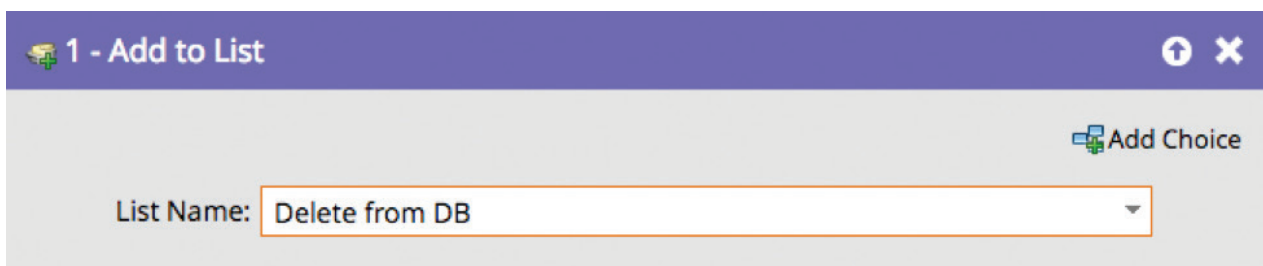
b) Manual Approach

Create a smart campaign with the following Filters and flow steps:

SMART LIST



FLOW STEP



Outcome

In this approach the process is less automated. Often times, things are unable to be completely automated—for instance in the case of a webinar, you may well need to send reminders, confirmations, etc. where a fully automated approach would have a negative impact on these communications because the customer would be removed before they received their confirmations and reminders.

This approach allows you to add the customer to a remove list, enabling you to remove them from the database at a later date so that the customer's lead record is preserved long enough for them to get the relevant content. In either approach, the desired outcome is the same, however, in both cases—the lead MUST enter the database.

One very important thing to note on this front is that you need to be aware that the customer will also no longer receive operational emails. Operational emails are important for things like order confirmations. For example, if an Amazon customer purchases something from Amazon and specifies that they want Amazon to remove them and all activity, then they will not receive order updates, shipping confirmations, etc.—so it is somewhat undesirable for both parties.

Note: This functionality relies on the same fields created in Scenario 1 and the Consent Last Updated trigger campaign.

Compliance Scenario 3

COLLECTING CUSTOMER PERSONAL DATA TO MAINTAIN AND USE FOR LIMITED PURPOSES

Collecting personal data to maintain and use in a limited capacity takes place in the form of a subscription center with a link to a privacy policy on a form that you set up, and your customer can access prior to sharing their details on the form.

HOW TO:

Use a subscription center to limit the use of customer data and respect their stated preferences

Situation

Subscription centers are extremely complex, so we will not go into all technical details about the make up required for each smart campaign, form field, etc. Instead, we have outlined the three necessary components:

You must create:

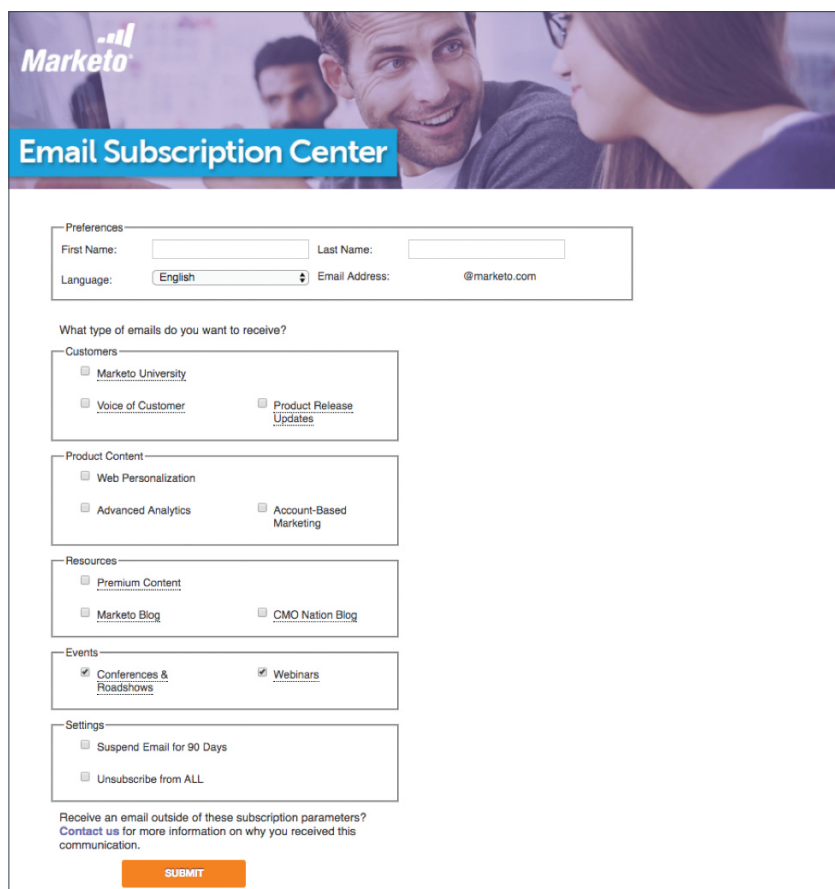
- 1 Landing Page**
- 2 Form**
- 3 Subscription Center Program**



COMPLIANCE SCENARIO 3: COLLECTING CUSTOMER PERSONAL DATA TO MAINTAIN AND USE FOR LIMITED PURPOSES

The landing page will contain a section for each area/brand/product line about which a customer could receive content. Below you will find Marketo's subscription center. This is how we manage customers' subscription preferences. The screen shot below shows what the customers see and the location where they can choose what content they would like to receive and the content from which they would like to opt-out.

This is also where customers would go to completely opt-out of all communications from you (see [Compliance Scenario 4](#)).



The screenshot shows the Marketo Email Subscription Center interface. At the top, there is a header with the Marketo logo and a blue banner that reads "Email Subscription Center". Below the banner, the form is organized into several sections:

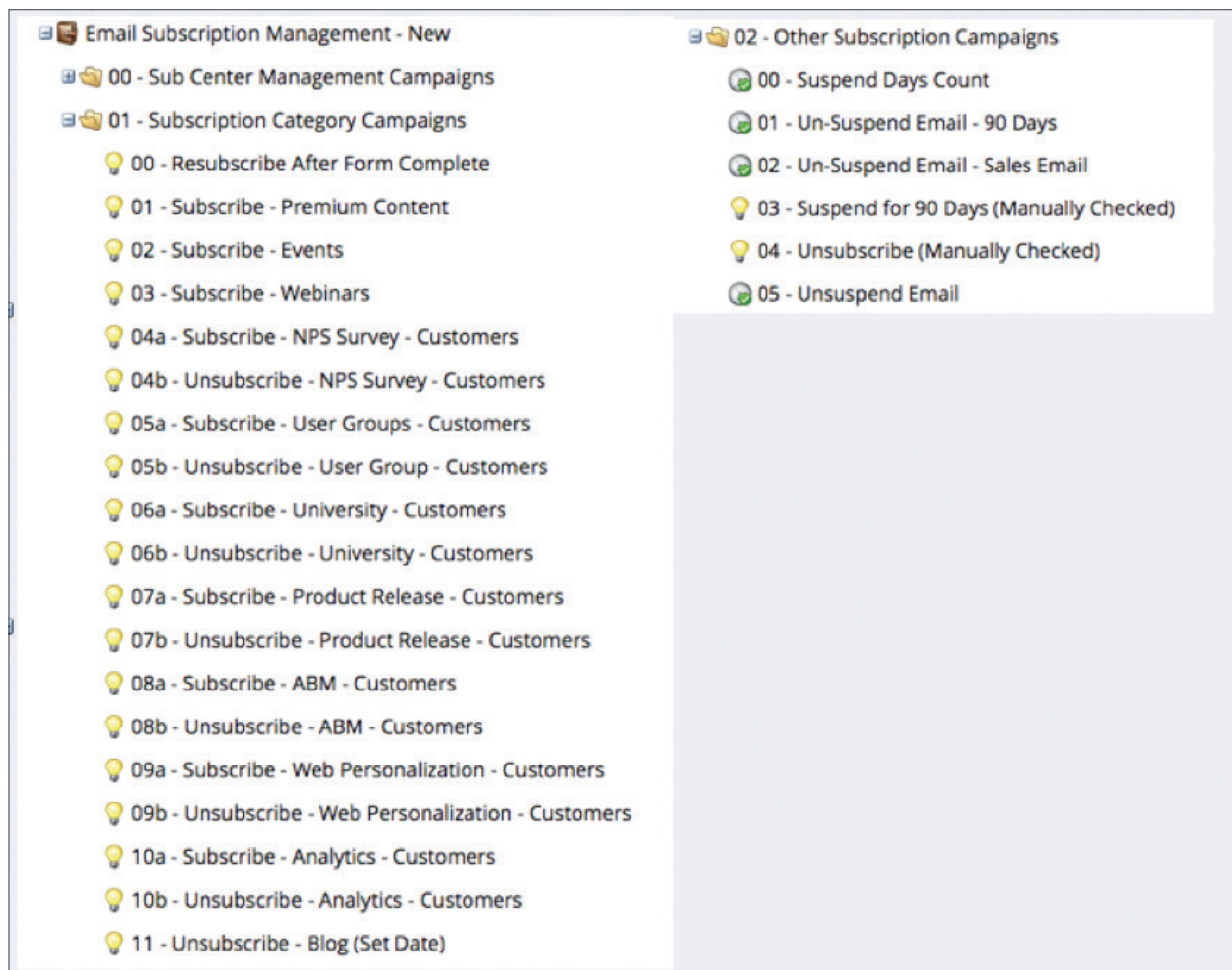
- Preferences:** This section contains input fields for "First Name", "Last Name", "Language" (a dropdown menu currently showing "English"), and "Email Address" (pre-filled with "@marketo.com").
- What type of emails do you want to receive?:** This section is divided into three sub-sections:
 - Customers:** Includes checkboxes for "Marketo University", "Voice of Customer", and "Product Release Updates".
 - Product Content:** Includes checkboxes for "Web Personalization", "Advanced Analytics", and "Account-Based Marketing".
 - Resources:** Includes checkboxes for "Premium Content", "Marketo Blog", and "CMO Nation Blog".
- Events:** Includes checkboxes for "Conferences & Roadshows" and "Webinars".
- Settings:** Includes checkboxes for "Suspend Email for 90 Days" and "Unsubscribe from ALL".

At the bottom of the form, there is a small text block that reads: "Receive an email outside of these subscription parameters? [Contact us](#) for more information on why you received this communication." Below this text is an orange "SUBMIT" button.

COMPLIANCE SCENARIO 3: COLLECTING CUSTOMER PERSONAL DATA TO MAINTAIN AND USE FOR LIMITED PURPOSES

Set-up Steps

With a Marketo subscription center like the one shown on the previous page, there is often a default program with dozens of smart campaigns in the background maintaining all of these options for you that can then be leveraged as qualification criteria for different categorizations of marketing programs and campaigns. Below is a screen shot of Marketo's subscriptions center management program.



Note: This functionality relies on the same fields and Consent Last Updated trigger campaign created in Scenario 1.

Compliance Scenario 4

YOUR CUSTOMER HAS PROVIDED CONSENT IN THE PAST, BUT NOW WISHES TO WITHDRAW CONSENT

Honoring a request to stop sending correspondence to your customer typically begins within a subscription center or on a form that you can set up using a standard Marketo template. Here we'll follow the subscription center method, following on from Compliance Scenario 3.

HOW TO:

Use a Subscription Center to make revoking consent as easy as giving consent

Situation

Below you will find an example of a subscription center, Marketo's. This is how we manage our customers subscriptions based on their interests in content. This is also where our customers can come to completely opt-out of all content that could be sent to a customer by Marketo:

Marketo

Email Subscription Center

Preferences

First Name: Last Name:

Language: Email Address:

What type of emails do you want to receive?

Customers

☐ Marketo University ☐ Product Release Updates

☐ Voice of Customer

Product Content

☐ Web Personalization ☐ Account-Based Marketing

☐ Advanced Analytics

Resources

☐ Premium Content ☐ CMO Nation Blog

☐ Marketo Blog

Events

☒ Conferences & Roadshows ☒ Webinars

Settings

☐ Suspend Email for 90 Days ☐ Completely remove me and all my activity from your database

☐ Unsubscribe from ALL

Receive an email outside of these subscription parameters?
Contact us for more information on why you received this communication.

SUBMIT

COMPLIANCE SCENARIO 4: YOUR CUSTOMER HAS PROVIDED CONSENT IN THE PAST, BUT NOW WISHES TO WITHDRAW CONSENT

Set-up Steps

With a Marketo subscription center, like the one shown above, there is often a default program in the background maintaining all the options that the customer can leverage as qualification criteria for different categorizations of marketing programs and campaigns. In this case, since we are solving for your customer's desire to completely remove themselves from the database, we are adding an additional campaign to remove your customer from the company's database based on this selection. There are two ways we can remove your customer; neither is better or worse, it simply depends on your use case.

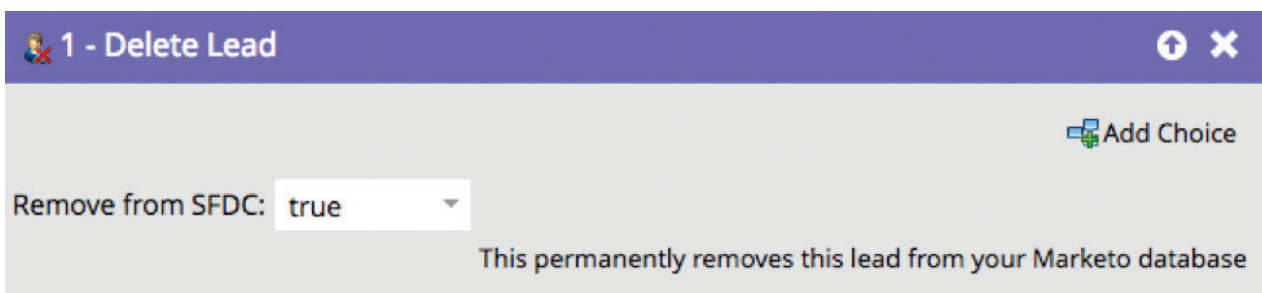
a) Automated Approach

1 Create a smart campaign with the following filters and flow steps:

SMART LIST



FLOW STEP



Outcome

In this approach, it is completely automated and will remove your customer's personal data and activity immediately.

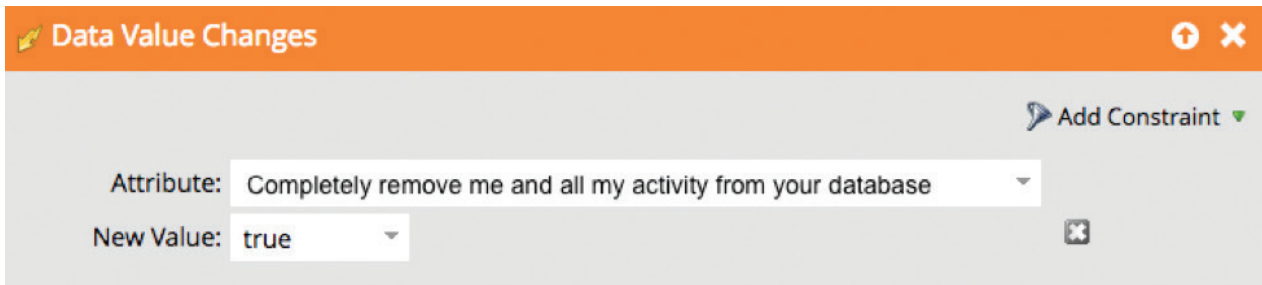
COMPLIANCE SCENARIO 4:

YOUR CUSTOMER HAS PROVIDED CONSENT IN THE PAST, BUT NOW WISHES TO WITHDRAW CONSENT

b) Manual Approach

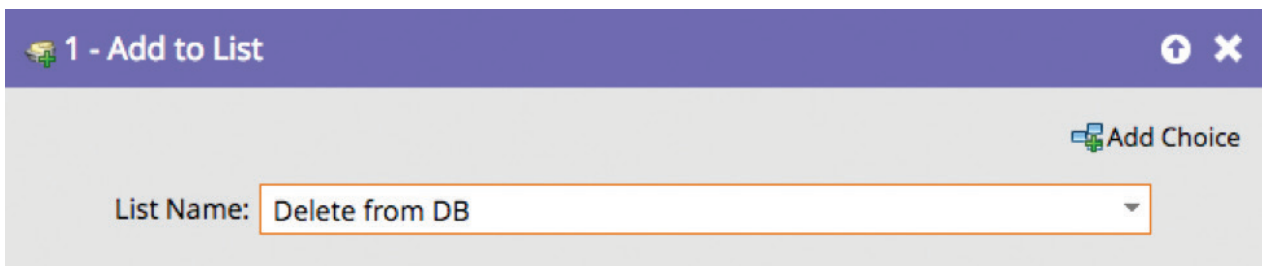
Create a smart campaign with the following filters and flow steps:

SMART LIST



The screenshot shows the 'Data Value Changes' filter configuration. The header is orange with a yellow icon and the text 'Data Value Changes'. On the right are icons for help (i) and close (X). Below the header, there is a grey area with a blue play icon and the text 'Add Constraint'. The main configuration area has two fields: 'Attribute:' with a dropdown menu showing 'Completely remove me and all my activity from your database', and 'New Value:' with a dropdown menu showing 'true'. There is also a small 'X' icon next to the 'New Value:' field.

FLOW STEP



The screenshot shows the '1 - Add to List' flow step configuration. The header is purple with a green plus icon and the text '1 - Add to List'. On the right are icons for help (i) and close (X). Below the header, there is a grey area with a blue plus icon and the text 'Add Choice'. The main configuration area has a 'List Name:' field with a dropdown menu showing 'Delete from DB'.

Outcome

In this approach, it is not fully automated. This approach allows you to add your customer to a list so you can then remove them from your database at a later date. The benefit to this approach is that you can inspect your customers flagged for deletion before they are deleted.

In either approach, the desired outcome is the same; however, in this specific case, since the customer is asking to be removed on the spot, it makes more sense to go the completely automated route.

Compliance Scenario 5

YOUR CUSTOMER WISHES TO OPT-OUT OF MARKETO TRACKING

HOW TO:

Manage cookie consent preferences within Marketo

Note: The ePrivacy Regulation governing cookies and other tracking technologies is still in draft form and should be monitored closely for further guidance.

Situation

Marketo primarily tracks two things on your website using Munchkin javascript. When your customer lands on a webpage with Munchkin tracking code or a Marketo landing page then the following is tracked:

- 1 The Web Pages Visit
- 2 Clicked Links

This happens automatically unless you explicitly choose to acknowledge Do Not Track requests that the user has set within their browser settings or you can offer them the ability to opt out of tracking from their website.

Set-up Steps

Do Not Track (DNT)

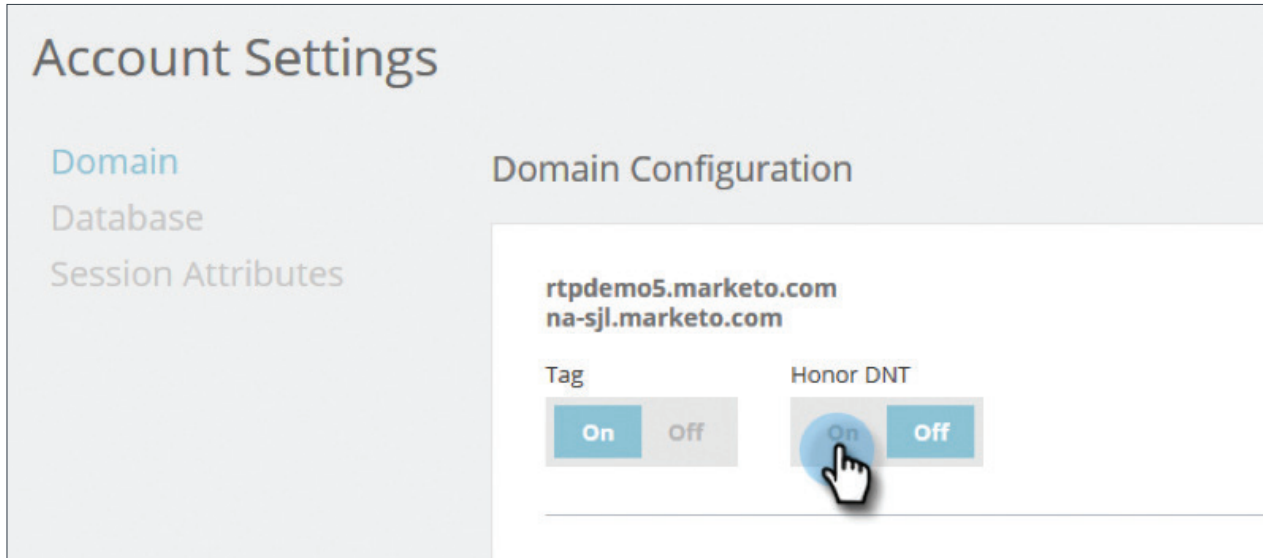
Customers select the Do Not Track (DNT) feature in their browser (and the marketer honors the web visitor's request for Do Not Track).

You can do this in Marketo by going to Admin>Munchkin>Person Tracking and choose to support "Do Not Track" Browser Requests:

Person Tracking	EDIT
"Do Not Track" Browser Request: Support	

COMPLIANCE SCENARIO 5: YOUR CUSTOMER WISHES TO OPT-OUT OF MARKETO TRACKING

If you are using Web Personalization you also need to make a change by going to Account Settings>Domain>Honor DNT and choosing "On":



The screenshot shows the 'Account Settings' interface with a sidebar on the left containing 'Domain' (highlighted in blue), 'Database', and 'Session Attributes'. The main area is titled 'Domain Configuration' and lists two domains: 'rtpdemo5.marketo.com' and 'na-sjl.marketo.com'. Below the domains are two toggle switches. The first, labeled 'Tag', has 'On' (blue) and 'Off' (grey) buttons. The second, labeled 'Honor DNT', also has 'On' (blue) and 'Off' (grey) buttons, with a mouse cursor clicking the 'On' button.

Domain	Tag	Honor DNT
rtpdemo5.marketo.com	On	On
na-sjl.marketo.com	On	On


Outcome

Even if a customer doesn't choose Do Not Track for all websites, you can offer them the ability to opt out from a specific website.

To do this you add a link on the website to enable customers to opt out from Marketo tracking (normally placed under Privacy Settings)



COMPLIANCE SCENARIO 5:
YOUR CUSTOMER WISHES TO OPT-OUT OF MARKETO TRACKING



The screenshot shows a website layout with a purple header. Below the header, the main content area has a white background. On the left, the text 'Privacy Policy' is in a large, bold, black font. Below it, 'Effective Date: September 16, 2016' and 'Amended: May 24, 2017' are listed. Further down, there is a paragraph of placeholder text starting with 'A copy of your privacy policy could be placed here...'. To the right of the 'Privacy Policy' text, a red arrow points from the text to an orange button labeled 'Opt Out of Website Tracking'. Below the button, there are more paragraphs of placeholder text.

Privacy Policy

Effective Date: September 16, 2016

Amended: May 24, 2017

A copy of your privacy policy could be placed here...

Lorem ipsum dolor sit amet, consectetur adipisicing elit, sed do eiusmod tempor incididunt ut labore et dolore magna aliqua. Ut enim ad minim veniam, quis nostrud exercitation ullamco laboris nisi ut aliquip ex ea commodo consequat. Duis aute irure dolor in reprehenderit in voluptate velit esse cillum dolore eu fugiat nulla pariatur. Excepteur sint occaecat cupidatat non proident, sunt in culpa qui officia deserunt mollit anim id est laborum.

Sed ut perspiciatis unde omnis iste natus error sit voluptatem accusantium doloremque laudantium, totam rem aperiam, eaque ipsa quae ab illo inventore veritatis et quasi architecto beatae vitae dicta sunt explicabo.

Nemo enim ipsam voluptatem quia voluptas sit aspernatur aut odit aut fugit, sed quia consequuntur magni dolores eos qui ratione voluptatem sequi nesciunt. Neque porro quisquam est, qui dolorem ipsum quia dolor sit amet, consectetur, adipisci velit, sed qu

ia non numquam eius modi tempora incidunt ut labore et dolore magnam aliquam quaerat voluptatem.

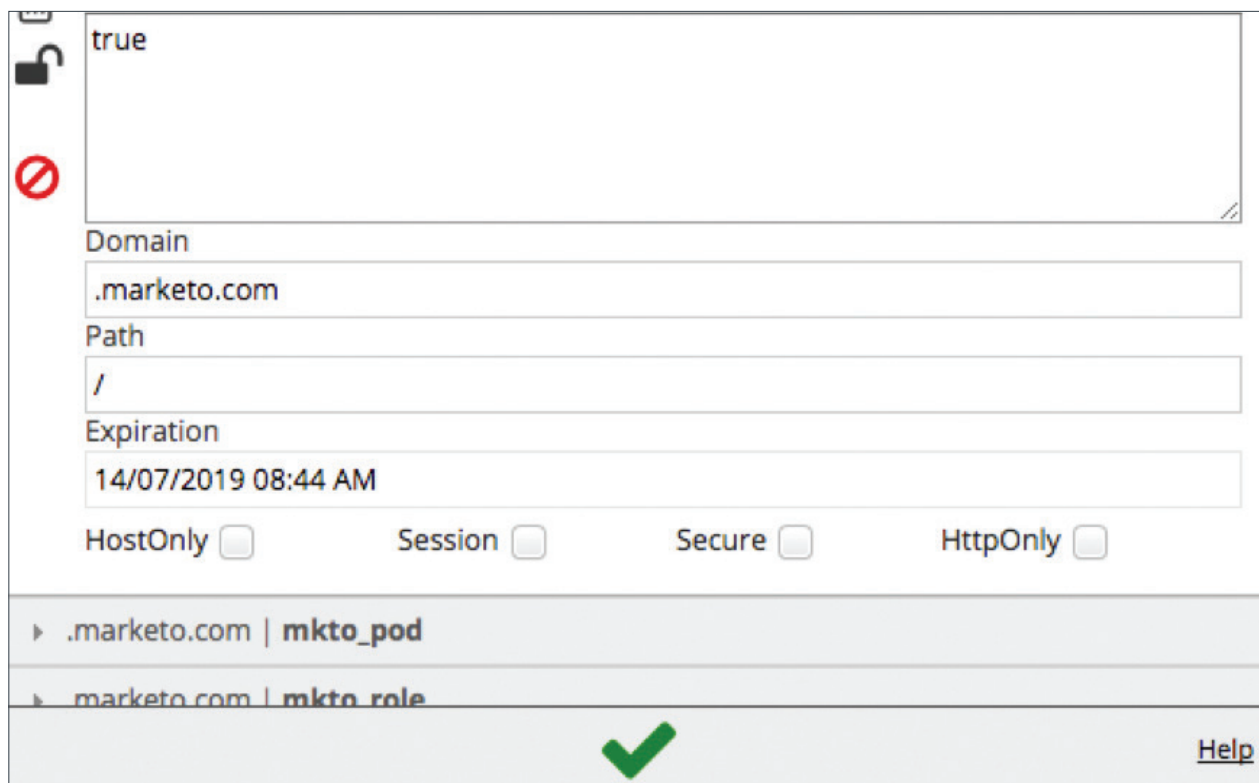
The customer clicks on the link on the privacy page that redirects them to a landing page containing the opt out parameter (can be added to a Marketo landing page or a page with Munchkin tracking on):

- [https://\"customerpage\"?marketo_opt_out=true](https://\)

COMPLIANCE SCENARIO 5: YOUR CUSTOMER WISHES TO OPT-OUT OF MARKETO TRACKING

Outcome

We place a `mkto_opt_out` cookie on the browser which tells Munchkin to no longer track the user for that website. (See example of the cookie below).



The screenshot shows a cookie configuration interface. At the top, there is a checkbox labeled 'true' which is checked. Below this, there are several input fields: 'Domain' with the value '.marketo.com', 'Path' with the value '/', and 'Expiration' with the value '14/07/2019 08:44 AM'. At the bottom, there are four checkboxes: 'HostOnly', 'Session', 'Secure', and 'HttpOnly', all of which are unchecked. Below the input fields, there are two rows of text: '.marketo.com | mkto_pod' and 'marketo.com | mkto_role'. At the bottom right, there is a green checkmark and a 'Help' link.

Note: This currently only works on Munchkin versions 152 and above.

You can also integrate this into a broader solution you may have for your website to manage all cookies present on your site. This has the advantage of creating a single positive experience for customers that enables them to choose to opt-out of cookie tracking in a single place. Your solution would in turn call our JavaScript Lead Tracking API and sets the `cookieAnon` property to `false`—which prevents the tracking cookie of new anonymous leads. For existing leads you can use the same solution and choose to not call `munchkin.init()` for this specific user which will also prevent web activity from being tracked. This approach is more complex but offers more flexibility and the ability to create a branded, personalized user experience.

This is achieved via a Marketo API endpoint that you can call to get this functionality or as part of a custom set-up you can call our Munchkin API to stop tracking. If you would like assistance implementing a custom solution, ask your Account Executive about Marketo's professional services offerings.

Compliance Scenario 6

DOCUMENTING CONSENT PROVIDED THROUGH ALTERNATIVE MEANS

Situation

There are several ways customers can provide or revoke consent without using the subscription center. This can be accomplished:

- By providing verbal consent to their account executive over the phone
- By sending an email containing an affirmative opt in statement to marketing or another point of contact within the organization
- Or by providing verbal consent or a physical copy of contact details (such as a business card) in person, i.e., during a live marketing event

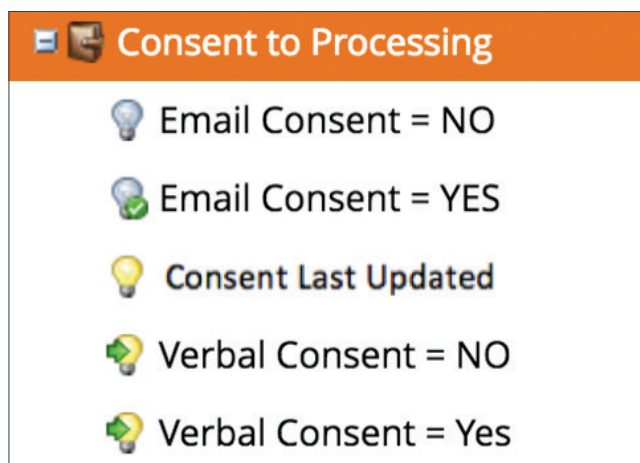
The key in these situations is documenting how consent was communicated as well as when and for what purpose. Each of these methods can be used to revoke consent as well, but it is important to remember that GDPR requires all consent to be obtained on an opt-in basis and no functionality should be by default, regardless of whether an opt-out function exists.

HOW TO:

Document consent given outside Marketo

Set-up Steps

We recommend having smart campaigns set up for each of the scenarios listed above as part of a consent operational program. The operational program should have two campaigns set up for each scenario, one campaign to set the actual consent value on the lead record and one campaign set up to time stamp when the GDPR field on the lead record was updated:



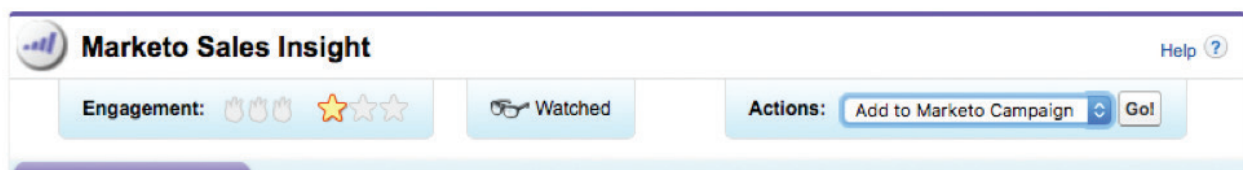
COMPLIANCE SCENARIO 6: DOCUMENTING CONSENT PROVIDED THROUGH ALTERNATIVE MEANS

The first thing to point out is the campaign called Consent Last Updated. This is a trigger campaign that will automatically update the Consent Last Updated field with the date and time of the last time the Consent field was changed.

Verbal Consent = Yes and Verbal Consent = No are the names of smart campaigns that allow customer personnel using their CRM to set the data subject's consent to "Yes" or the data subject will be removed from the database.

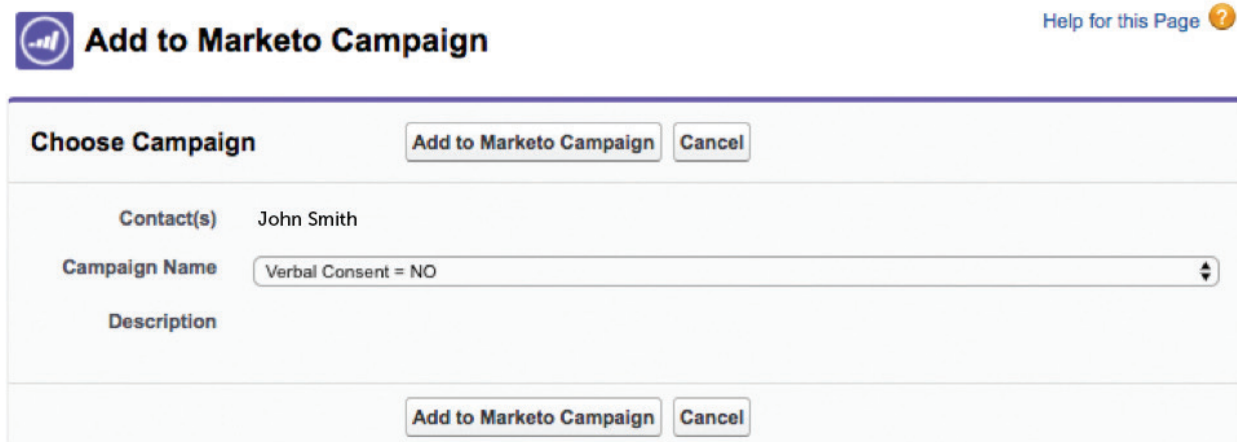
This can be accomplished by choosing:

1 Add to Marketo Campaign in the CRM



The screenshot shows the Marketo Sales Insight interface. At the top, there's a header with the Marketo logo and 'Marketto Sales Insight'. Below the header, there's a section with 'Engagement:' followed by five star icons (the third is highlighted), a 'Watched' button with a magnifying glass icon, and an 'Actions:' dropdown menu. The dropdown menu is open, showing 'Add to Marketo Campaign' as the selected option, with a 'Go!' button next to it.

2 Choosing the Verbal Consent = No



The screenshot shows the 'Add to Marketo Campaign' dialog box. At the top, there's a header with the Marketo logo and 'Add to Marketo Campaign'. Below the header, there's a 'Choose Campaign' section with two buttons: 'Add to Marketo Campaign' and 'Cancel'. Under 'Choose Campaign', there's a 'Contact(s)' field with 'John Smith' and a 'Campaign Name' dropdown menu. The dropdown menu is open, showing 'Verbal Consent = NO' as the selected option. Below the dropdown menu, there's a 'Description' field. At the bottom of the dialog box, there are two buttons: 'Add to Marketo Campaign' and 'Cancel'.

If the option chosen is Verbal Consent = Yes, that person will be updated to reflect that consent is "Yes" and the date and time will be set to the date and time of the campaign initiation. If the option chosen is Verbal Consent = No, that person will then be removed from the database.

COMPLIANCE SCENARIO 6: DOCUMENTING CONSENT PROVIDED THROUGH ALTERNATIVE MEANS

Email Consent = Yes and Email Consent = No are the names of smart campaigns that allow customer personnel using their CRM to set the data subject's consent to "Yes" or the data subject will be removed from the database.

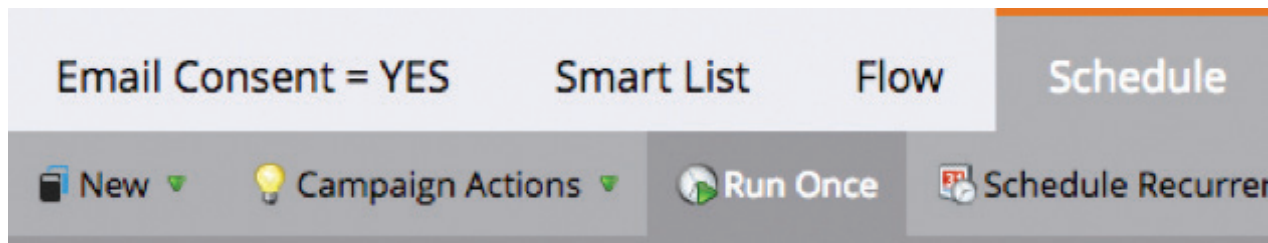
This can be accomplished by choosing:

- 1 Navigate to the smart list of the Email Consent = Yes or Email Consent = No Smart Campaign:
- 2 Add the emails of the people for whom you would like to change the consent designation:



The screenshot shows a configuration window titled "1 - Email Address" with a green header bar. Below the header, there is a form with the label "Email Address:". The form contains a dropdown menu with the text "is" and a text input field containing "jsmith@marketc". To the right of the input field is a green plus icon in a circle and a small downward arrow.

- 3 Navigate to the Schedule and run the campaign

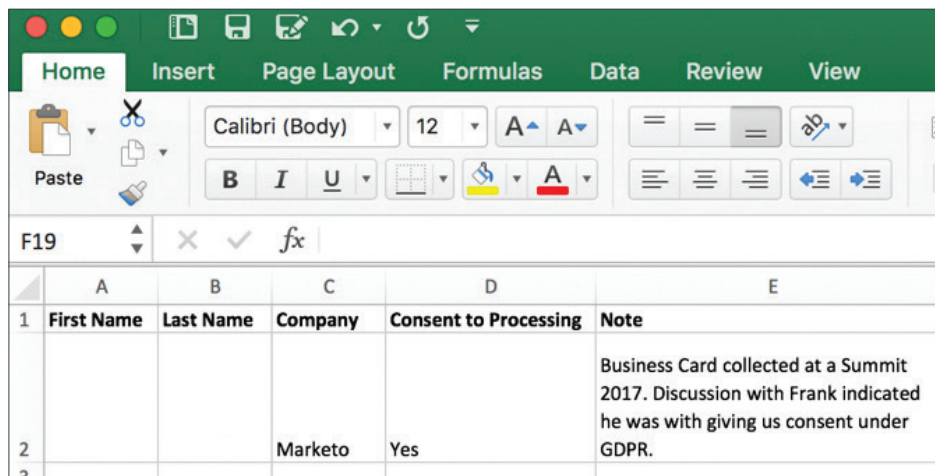


COMPLIANCE SCENARIO 6: DOCUMENTING CONSENT PROVIDED THROUGH ALTERNATIVE MEANS

If the campaign chosen is Email Consent = Yes, that person/lead record will be updated to reflect that consent is “yes” and the date and time will be set to the date and time of the campaign initiation. If the option chosen is Email Consent = No, that person will then be removed from the database. When importing a list of people (from collected business cards or some other method of obtaining contact info), the customer must include the consent field that will be updated with the import.

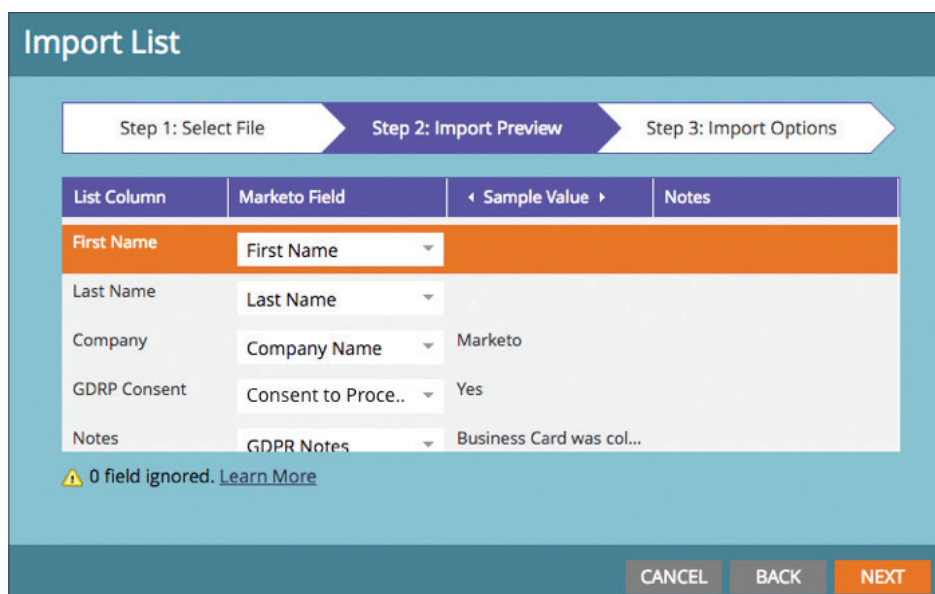
This can be accomplished by:

1 Adding necessary consent fields to .CSV before import



	A	B	C	D	E
1	First Name	Last Name	Company	Consent to Processing	Note
2			Marketo	Yes	Business Card collected at a Summit 2017. Discussion with Frank indicated he was with giving us consent under GDPR.
3					

2 Mapping fields to Marketo fields



Import List

Step 1: Select File Step 2: Import Preview Step 3: Import Options

List Column	Marketo Field	Sample Value	Notes
First Name	First Name		
Last Name	Last Name		
Company	Company Name	Marketo	
GDPR Consent	Consent to Proce..	Yes	
Notes	GDPR Notes	Business Card was col...	

⚠ 0 field ignored. [Learn More](#)

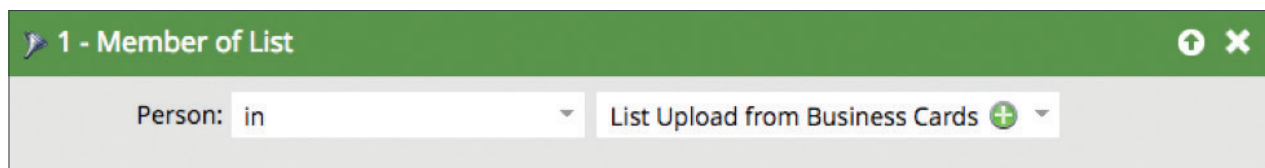
CANCEL BACK NEXT

COMPLIANCE SCENARIO 6: DOCUMENTING CONSENT PROVIDED THROUGH ALTERNATIVE MEANS

Each person on this list will be updated to reflect that consent is “yes”. This option requires one additional step. The Consent Last Updated trigger campaign will not “trigger” during list uploads for new leads. This means the user must run a batch campaign against their list.

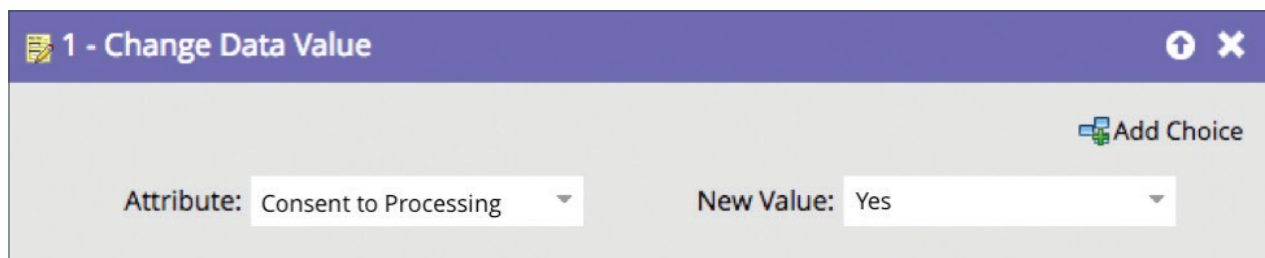
This can be done by:

- 1 Setting the smart list of the smart campaign to reference the list where the leads were imported,



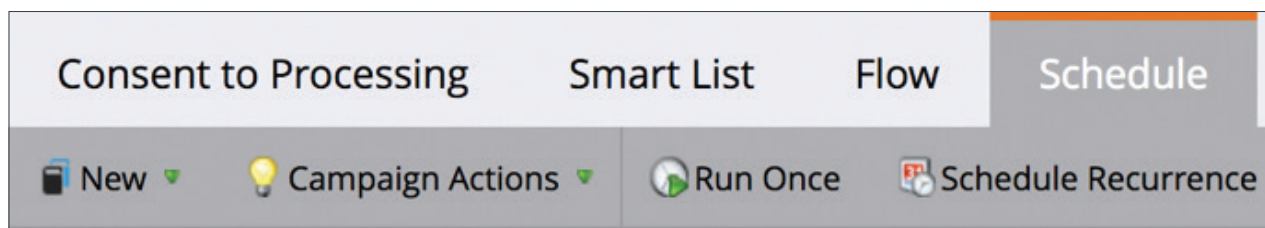
The screenshot shows a configuration window titled "1 - Member of List" with a green header bar. Inside, there are two dropdown menus. The first is labeled "Person:" and has "in" selected. The second is labeled "List Upload from Business Cards" with a green plus icon and a dropdown arrow.

- 2 Adding the change data value: consent step to the flow of the campaign,



The screenshot shows a configuration window titled "1 - Change Data Value" with a purple header bar. Inside, there are two dropdown menus. The first is labeled "Attribute:" and has "Consent to Processing" selected. The second is labeled "New Value:" and has "Yes" selected. There is also an "Add Choice" button with a plus icon.

- 3 Running the smart campaign.



The screenshot shows the Marketo Smart Campaign interface. At the top, there are four tabs: "Consent to Processing", "Smart List", "Flow", and "Schedule". Below the tabs, there are four buttons: "New" with a folder icon, "Campaign Actions" with a lightbulb icon, "Run Once" with a play icon, and "Schedule Recurrence" with a calendar icon.

Accountability

The most significant addition to current legislation under the GDPR is the accountability principle. The GDPR requires you to show how you comply with the principles—for example, by documenting the decisions you make about a processing activity.

Within Marketo there are several administrative features that enable you to take a measured approach to who has access to personal data and resources, as well as a clear audit trail of changes and who made those changes. This ability to set fine grained access forms an important part of demonstrating compliance with the data protection principles.

Below is a summary of the key features available to you within Marketo that will assist with meeting the accountability principle requirements as part of your GDPR compliance plan.

Marketo User Roles and Permissions

Marketo provides several built-in roles, each with different permissions:

Admin: All parts of the application, including the Admin section

Standard User: All parts of the application, except the Admin section

Marketing User: All parts of the application, some limited access to the Admin section (can view roles and users)

Web Designer: Only access to the Design Studio

Analytics User: Only access to the Analytics section


Beyond these standard roles, it is possible to create custom roles to reflect your own policies and role types. In general, administrative access should be limited and there should be a clear policy and defined process around the granting of roles and permissions. Regular review of who has which access rights within Marketo for consistency with policy is an important piece of a well-functioning role-based access control.



HOW TO: Create a Role and Assign a Role to a User

As Administrator, you can create roles. You do this in the Admin section by going to the User & Roles section where you select “Create New Role” and assign permissions.

Create New Role [X]

Role Name: * My Custom Role  1

Description:

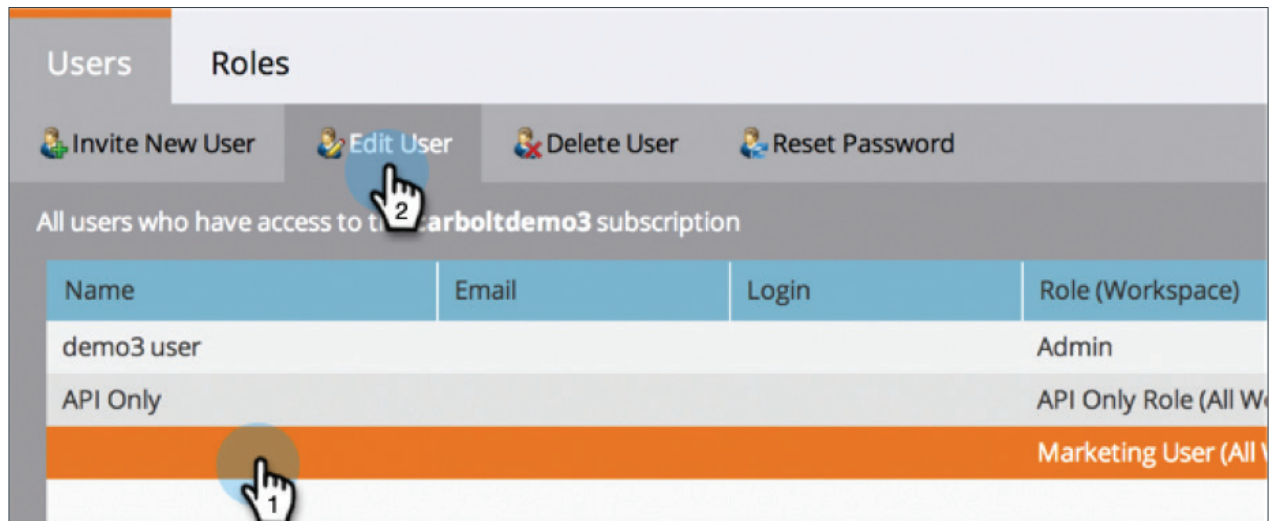
Permissions:

- ☐ Access Admin (0 of 26)
- ☐ Access API (0 of 8)
- ☐ Access Ghost Admin (0 of 3)
- ☐ Ghost (0 of 2)
- ☒ Access Analytics (2 of 4)
 - ☐ Access Revenue Explorer
 - ☐ Delete Report
 - ☒ Export Analytics Data
- ☒ Access Design Studio (0 of 31) 2

CANCEL CREATE 3

ACCOUNTABILITY

Once the role has been created, from within the Admin section go to the Users section and select "Edit User."



Under Roles, select the roles you want to assign to the user based on the permissions they need and click Save.

The screenshot shows the 'Edit User' form. It has fields for 'First Name', 'Last Name', and 'Email Address', each with a red asterisk indicating it is required. Below these is a 'Roles and Workspaces' section with a list of roles: 'Admin (0 of 5 workspaces)', 'Analytics User (1 of 5 workspaces)', 'Americas', 'APAC', 'Asia', 'default', 'North America', 'API Only Role (0 of 5 workspaces)', and 'Intern User Role (0 of 5 workspaces)'. The 'Analytics User' role is selected with a hand icon and a circled '1'. The 'Asia' workspace is selected with a hand icon and a circled '2'. At the bottom, there are 'CANCEL' and 'SAVE' buttons. A hand icon with a circled '3' points to the 'SAVE' button.

Marketo Workspaces and Partitions

Workspaces are separate areas in Marketo that can be used to limit access to marketing assets like programs, landing pages, emails and audience segments within your customer database.

- Assets can be shared and copied between workspaces where permission has been granted by the Admin.
- Which user has access to which workspaces (they can have access to one or more) is set by the Admin.

Partitions, or Person Partitions to give them their full title, act like separate databases. Each partition has its own customer records that do not de-dupe or mix with other partitions. You would typically use a partition where there is a business need to separate marketing assets and customer records. For example, in Financial Services it is necessary to prevent information obtained whilst acting for one client passing to another client of the same firm. Separating customer records and restricting access may be necessary as part of the general procedures to prevent that happening.

Audit Trail

The Audit Trail gives you the ability to obtain a complete history (six months' worth) of changes made within your Marketo instance by your Marketo users. If your business requires the retention of a longer history of activity, then the audit trail can be exported for archival.

Audit Trail captures, in real-time, a comprehensive list of actions and events occurring within a Marketo subscription:

- The history of an asset or setting, and who last updated it,
- To ability view a specific user's activity history,
- The ability to check who has attempted to and successfully logged into your Marketo instance.

Data Encryption

By default, Marketo implements suitable measures to prevent personal data from being read, copied, altered or deleted by unauthorized parties during transmission, applying high grade TLS encryption to all data-in-transit through the use of HTTPS connections to all Marketo instances. In addition, customers have the option to add encryption to data at-rest by storing their data on AES-256 encrypted hardware. Encryption at-rest provides a further safeguard in the case of a data breach, as any data stolen would be illegible and unusable.

Data Management with Smart Lists

Smart Lists allow you to find specific groups of people using simple filters. They are used throughout Marketo and membership adjusts dynamically based on defined rules: when a data subject meets the criteria defined by the rules, the data subject is included in that Smart List.

Marketo has a number of built-in System Smart Lists that help with data management.

Here's a summary of what the built-in smart lists do:

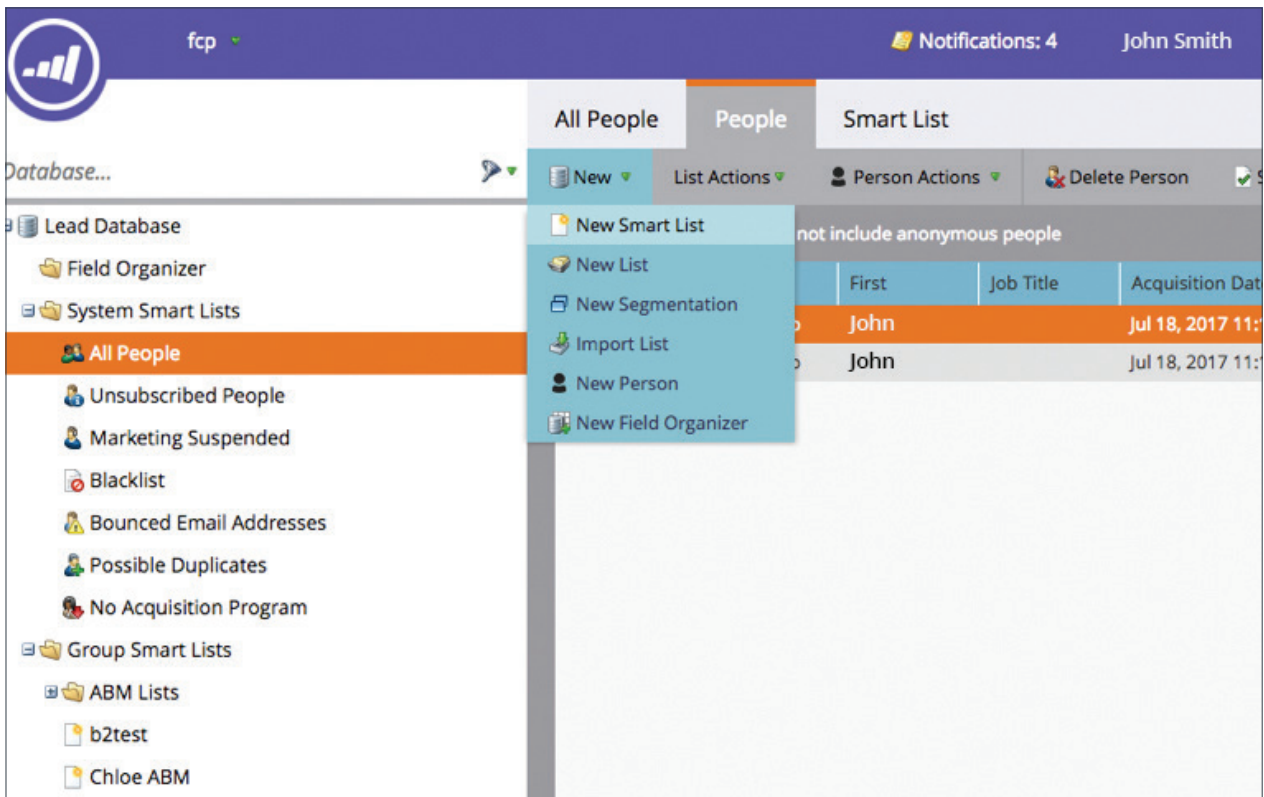
SMART LIST NAME	DESCRIPTION
All People	All people in your Marketo database
Unsubscribed People	These people have unsubscribed from marketing-related correspondence and can only be sent operational emails; this is usually controlled by the people themselves.
Marketing Suspended	These people have temporarily suspended marketing-related correspondence and can only be sent operational emails for a period of time; this is usually controlled by you, the marketer.
Blacklist	These people will not receive any email at all.
Bounced Email Address	People with an undeliverable email address or that reject your email.
Possible Duplicates	People that might be duplicated in the Marketo database.

Data Subject Access Requests

Under the GDPR, individuals have the right to obtain confirmation that their data is being processed by an organization and, where this is the case, to access their personal data and other supplementary information as listed in [GDPR Article 15](#).

As the Data Controller, you must typically respond to these requests within a month.

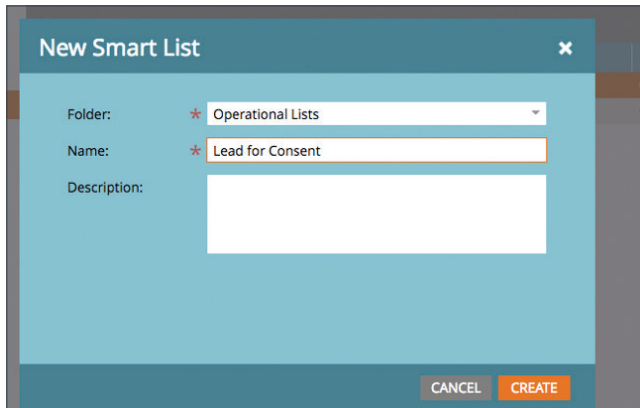
To retrieve all of the data within a lead, go to the lead database and create a new smart list:



The screenshot shows the Marketo interface. At the top, there's a navigation bar with a logo, 'fcp', 'Notifications: 4', and 'John Smith'. Below this, there's a tabbed interface with 'All People', 'People', and 'Smart List'. The 'All People' tab is selected. On the left, there's a sidebar with a 'Database...' section containing 'Lead Database', 'Field Organizer', 'System Smart Lists', 'All People' (selected), 'Unsubscribed People', 'Marketing Suspended', 'Blacklist', 'Bounced Email Addresses', 'Possible Duplicates', 'No Acquisition Program', 'Group Smart Lists', 'ABM Lists', 'b2test', and 'Chloe ABM'. A dropdown menu is open from the 'All People' tab, showing options: 'New Smart List', 'New List', 'New Segmentation', 'Import List', 'New Person', and 'New Field Organizer'. The main area shows a table with columns 'First', 'Job Title', and 'Acquisition Date'. Two rows are visible, both with the name 'John' and the date 'Jul 18, 2017 11:00'.

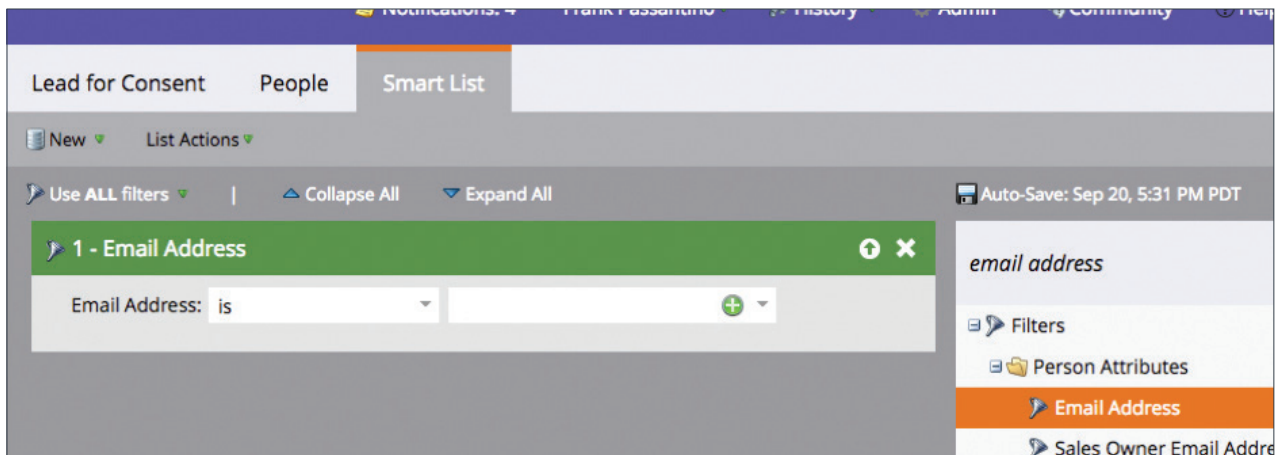
ACCOUNTABILITY

Give your smart list a name and click create:



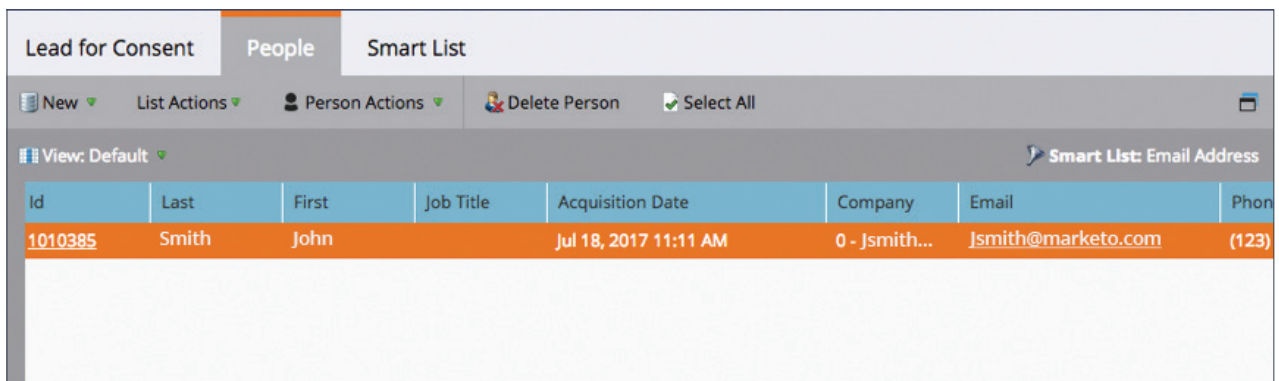
A dialog box titled "New Smart List" with a close button (X) in the top right corner. It contains three fields: "Folder:" with a dropdown menu showing "Operational Lists", "Name:" with a text input field containing "Lead for Consent", and "Description:" with a larger text area. At the bottom, there are two buttons: "CANCEL" and "CREATE".

Add the email address filter and enter the persons email address that you need to export:



A screenshot of the "Smart List" configuration interface. The top navigation bar shows "Lead for Consent", "People", and "Smart List". Below the navigation bar, there are tabs for "New" and "List Actions". A filter is added, labeled "1 - Email Address", with a dropdown menu showing "Email Address" and a text input field containing "is". To the right, there is a sidebar with a list of filters: "email address", "Filters", "Person Attributes", "Email Address", and "Sales Owner Email Address". The "Email Address" filter is highlighted in orange.

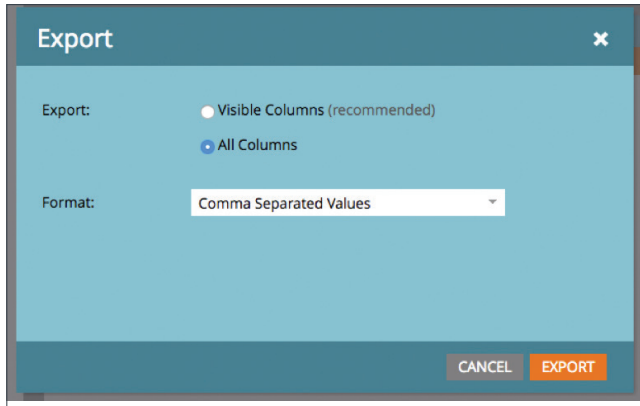
Click the people tab to view the results, then click the export icon:



A screenshot of the "People" tab results table. The table has columns: Id, Last, First, Job Title, Acquisition Date, Company, Email, and Phone. The first row is highlighted in orange and contains the following data: Id: 1010385, Last: Smith, First: John, Job Title: (blank), Acquisition Date: Jul 18, 2017 11:11 AM, Company: 0 - Jsmith..., Email: Jsmith@marketo.com, and Phone: (123).

Id	Last	First	Job Title	Acquisition Date	Company	Email	Phone
1010385	Smith	John		Jul 18, 2017 11:11 AM	0 - Jsmith...	Jsmith@marketo.com	(123)

Change the option to “All Columns” then click export:



The image shows an 'Export' dialog box with a close button (X) in the top right corner. Inside the dialog, there are two radio button options under the 'Export:' label: 'Visible Columns (recommended)' and 'All Columns'. The 'All Columns' option is selected. Below this, there is a 'Format:' label followed by a dropdown menu currently showing 'Comma Separated Values'. At the bottom right of the dialog are two buttons: 'CANCEL' and 'EXPORT'.

This will export all of the fields and values in those fields for the person. This includes things like company, email, job title, address, etc.

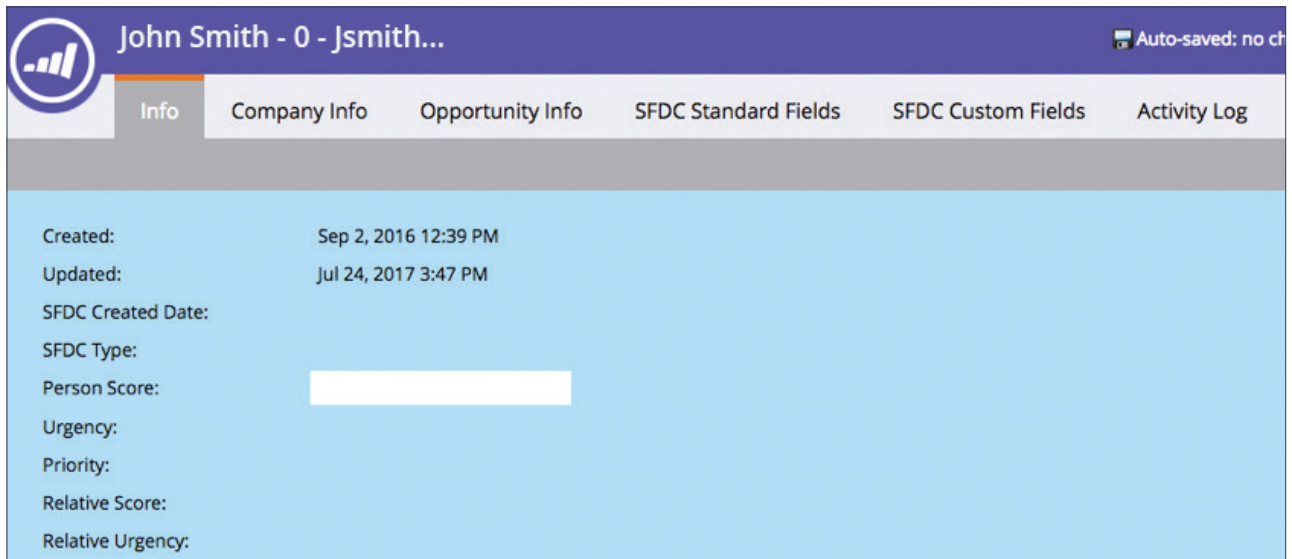
Now you need to get their activity. The Activity Log is the complete history of a person’s journey in Marketo and contains all tracking information for them over time.

Double click on this person in the people grid to open up the lead record:

Lead for Consent							
People							
Smart List							
<div> New ▾ List Actions ▾ Person Actions ▾ Delete Person Select All </div>							
<div> View: Default ▾ Smart List: Email Address </div>							
Id	Last	First	Job Title	Acquisition Date	Company	Email	Phone
1010385	Smith	John		Jul 18, 2017 11:11 AM	0 - Jsmith...	Jsmith@marketo.com	(123)
<div> Page 1 of 1 Quick Find... 1 selected 1 people </div>							

ACCOUNTABILITY

Navigate to Activity log:



John Smith - 0 - Jsmith...

Auto-saved: no ch

Info Company Info Opportunity Info SFDC Standard Fields SFDC Custom Fields Activity Log

Created: Sep 2, 2016 12:39 PM

Updated: Jul 24, 2017 3:47 PM

SFDC Created Date:

SFDC Type:

Person Score:

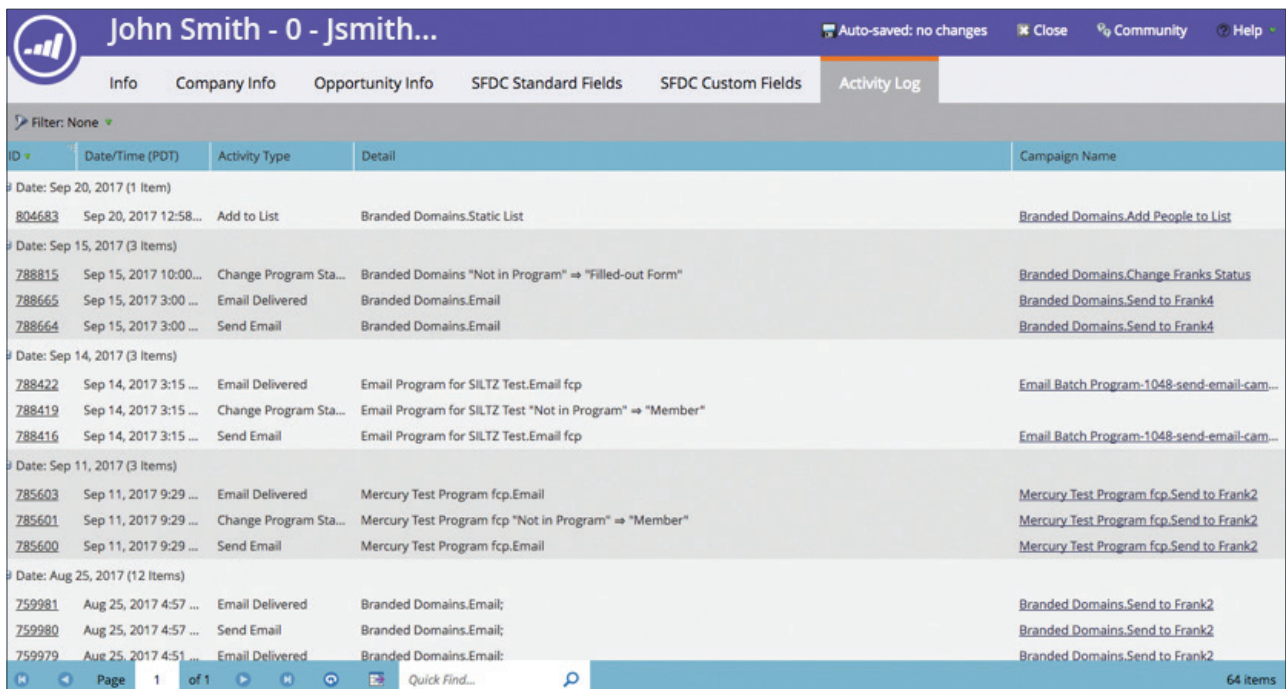
Urgency:

Priority:

Relative Score:

Relative Urgency:

Click the export icon. This will start an export of all of the activity that has occurred for this person; depending on how much data is held, this may take a short time to complete.



John Smith - 0 - Jsmith...

Auto-saved: no changes Close Community Help

Info Company Info Opportunity Info SFDC Standard Fields SFDC Custom Fields Activity Log

Filter: None

ID	Date/Time (PDT)	Activity Type	Detail	Campaign Name
Date: Sep 20, 2017 (1 Item)				
804683	Sep 20, 2017 12:58...	Add to List	Branded Domains.Static List	Branded Domains.Add People to List
Date: Sep 15, 2017 (3 Items)				
788815	Sep 15, 2017 10:00...	Change Program Sta...	Branded Domains "Not in Program" => "Filled-out Form"	Branded Domains.Change Franks Status
788665	Sep 15, 2017 3:00 ...	Email Delivered	Branded Domains.Email	Branded Domains.Send to Frank4
788664	Sep 15, 2017 3:00 ...	Send Email	Branded Domains.Email	Branded Domains.Send to Frank4
Date: Sep 14, 2017 (3 Items)				
788422	Sep 14, 2017 3:15 ...	Email Delivered	Email Program for SILTZ Test.Email fcp	Email Batch Program-1048-send-email-cam...
788419	Sep 14, 2017 3:15 ...	Change Program Sta...	Email Program for SILTZ Test "Not in Program" => "Member"	
788416	Sep 14, 2017 3:15 ...	Send Email	Email Program for SILTZ Test.Email fcp	Email Batch Program-1048-send-email-cam...
Date: Sep 11, 2017 (3 Items)				
785603	Sep 11, 2017 9:29 ...	Email Delivered	Mercury Test Program fcp.Email	Mercury Test Program fcp.Send to Frank2
785601	Sep 11, 2017 9:29 ...	Change Program Sta...	Mercury Test Program fcp "Not in Program" => "Member"	Mercury Test Program fcp.Send to Frank2
785600	Sep 11, 2017 9:29 ...	Send Email	Mercury Test Program fcp.Email	Mercury Test Program fcp.Send to Frank2
Date: Aug 25, 2017 (12 Items)				
759981	Aug 25, 2017 4:57 ...	Email Delivered	Branded Domains.Email;	Branded Domains.Send to Frank2
759980	Aug 25, 2017 4:57 ...	Send Email	Branded Domains.Email;	Branded Domains.Send to Frank2
759979	Aug 25, 2017 4:51 ...	Email Delivered	Branded Domains.Email;	Branded Domains.Send to Frank2

Page 1 of 1 Quick Find... 64 items

Having completed these two tasks, you have exported all activity and all lead attributes for this person to two CSV files. You, as the Controller, can use these files to provide a copy of the personal data undergoing processing within Marketo to the data subject.

Conclusion

As an enthusiastic advocate of the power and customer-centricity of the engagement economy, Marketo understands the importance of putting privacy and data protection in the hands of the data subject. As with other data protection laws, GDPR compliance requires commitment from both Marketo and our customers. This document is intended to help you use Marketo in an appropriate way to support your organization's GDPR compliance.

We will continue to closely track applicable GDPR guidance issued by regulatory authorities and related legislation. Updates will be posted to our Trust Center at trust.marketo.com.



Glossary

Customer

The entity that receives a subscription to the Services.

Customer Data

Any data, information or material originated by Customer that Customer submits, collects or provides while using the Services, including any Personal Data or PHI.

Data Controller

The natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data

Data Processor

Means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

Personal Data

Any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

General Data Protection Regulation (GDPR)

A legal framework that sets guidelines for the collection and processing of personal information of individuals within the European Union (EU) that goes into force on May 25, 2018. The text of the regulation can be found [here](#).



Marketo, Inc., offers the leading Engagement Platform that empowers marketers to create lasting relationships and grow revenue. Consistently recognized as the industry's innovation pioneer, Marketo is the trusted platform for thousands of CMOs thanks to its scalability, reliability, and openness. Marketo is headquartered in San Mateo, CA, with offices around the world, and serves as a strategic partner to large enterprise and fast-growing organizations across a wide variety of industries. To learn more about the Marketo Engagement Platform, LaunchPoint® partner ecosystem, and the vast community that is the Marketing Nation®, visit www.marketo.com.