

GDPR & THE GLOBAL HOTEL BUSINESS

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ROUND TABLE – SINGAPORE 9th MAY, 2018



INTRODUCTION

- ❑ Paul Hewett, Commercial Director at IMWT
- ❑ Web analytics and digital optimisation for travel
- ❑ Previous role as Council Chair at the Direct Marketing Association
- ❑ Involved in lobbying and shaping the GDPR since its inception 5 years ago
- ❑ Full transparency; I'm a data-marketer/analyst, not a lawyer





WHY GDPR AT THIS FORUM

- GDPR is broad in scope
- It will affect the hotel business
- It will affect business in APAC
- It will affect many (if not all) hotels in the region
- This isn't the domain of CIOs or CMOs

Specific purpose

- I'm here today to introduce GDPR
- Inform you on the potential impact on the hospitality business
- Lead a short conversation on impact to your businesses and your work

WHAT IS THE GDPR

- EU law on data protection and privacy
- All individuals within the EU
- Gives individuals within the EU **some** control of their personal data
- Replaces the 1995 data Protection Directive
- Adopted into law 27-April-2016
- Becomes enforceable 25-May-2018



GDPR IS GLOBAL

- ❑ Increased 'Territorial Scope'
- ❑ Article 3(2)
- ❑ Any organisation which collects and/or processes the data of EU data subjects is required to meet the obligations of the GDPR
- ❑ Regardless of their location



PENALTIES

The risk for your organisation is significant.

- Large non-compliance fines
- Globally enforceable
- From 25-May-2018

€20,000,000

4% GLOBAL REVENUE

The greater of
the two

GLOBAL ENFORCEMENT

- Authorities do intend to enforce globally
- While global enforcement is complex it is **not impossible**
- Enforcement will be a combination of direct action and political action
- Look at it another way:
 - just because you get away with infringe someone's rights, doesn't mean you should
- What are the PR application
- What are the customer relationship





GDPR PRINCIPLES

- ❑ **Lawfulness, fairness and transparency**
- ❑ **Purpose Limitation:** specified, explicit and legitimate purpose
- ❑ **Data Minimization:** adequate, relevant and limited to purpose
- ❑ **Accuracy:** accurate and up-to-date
- ❑ **Storage Limitation:** no longer than is necessary for the purpose
- ❑ **Integrity and confidentiality:** appropriate security
- ❑ **Accountability:** be responsible and demonstrate compliance

DATA SUBJECT RIGHTS

1. The right of access
2. The right to rectification
3. The right to right to erasure
4. The right to restrict processing
5. The right to be informed
6. The right to data portability
7. The right to objective
8. Automated decision making

8

DATA SUBJECT RIGHTS



Let's frame the conversation with a couple of questions?

As a hotel...

1. Do you ever collect personal data of customers?

The EU classifies personal data as a name, email, behavioural information such as number or age of children, gender,

loyalty scheme

1. Does your hotel every have guests from the EU?



As Chief Revenue Officers

1. Do you ever use this data to forecast, or calculate ARR, ADR or ALOS?
2. Do you have specific permission to use the data for revenue?
3. If some or all data for EU customers disappeared tomorrow would it impact your work

EXAMPLE

- Jane is in the UK and will be attending the **HSMAI ROC**. She books a room at Marina Resorts which uses a third-party booking engine, EZbook.
- Jane provides her address, email and payment details.
- On arrival, Jane provides additional information including passport number and information about her family unit.
- While Jane is staying, she uses the spa, dines at the restaurant and orders room service.
- Marina Resorts is capture this data.
- This data is covered under the GDPR
- A lawful basis for collection and processing is required

Jane is the data subject. Her contact details, and transactional information are personal data.

Marina Resort is the data controller. They decide how the data is collected and how it is used.

Marina Resort is a data processor. They collect and process the data for sales, marketing and commercial purposes.

EZ is a data processor. They process the data through managing the payment for



SCENARIO IMPLICATIONS

- ❑ Under this scenario your hotel will not be legally permitted to process Jane's data without a lawful basis
- ❑ What is a lawful basis:
 - ❑ Consent (“specific”)
 - ❑ Contractual obligation
 - ❑ Legal obligation
 - ❑ Vital interest to the individual
 - ❑ Public interest
 - ❑ Legitimate interest (reason for processing, out weights right to privacy)



SCENARIO IMPLICATIONS

- ❑ As a controller Marina Resorts is unlikely to require a full time Data Protection Officer, but requires trained staff to understand the risk.
- ❑ As a controller outside the EU, it is likely Marina Resorts will be required to appoint in writing an EU Representative (*article 27*).
- ❑ Marina Resort is required to log Jane's consents for data processing
- ❑ Marina Resort is required to provide Jane with her subject access rights
- ❑ Marina Resort must have a process to handle a data breach



THE ANALYST STATEMENT

“We work with anonymised data sets - this won’t affect us.”

- ❑ Great news if the data is anonymous at the point of collection e.g. web analytics
- ❑ Bad news if your company has to process the data to anonymise it.
- ❑ Anonymising a data set is a process which requires a lawful basis for processing.



WHAT TO DO

GDPR compliance is straight forward

- ❑ **Identify exposure:** how much & what data from EU
- ❑ **Identify commercial reliance:** what data is crucial for commercial functions

If you need to comply (recommended):

- ❑ **Map your data:** identify flows and transfers
- ❑ **Appoint data compliance resource:** DPO, EUR, Data Champions, training
- ❑ **Meet GDPR obligations;** access rights, lawful basis, privacy policies
- ❑ **Server your customers with honesty and integrity**



Question:

A CROs what are your thoughts and concerns about GDPR?



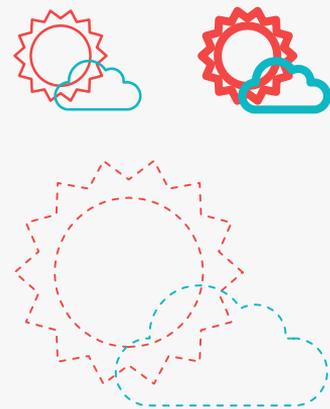
Any questions?

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