



Warwick Road
Fairfield Industrial Estate
LOUTH
Lincolnshire LN11 0YB

Telephone: (01507) 608100
Fax: (01507) 608090
email: enquiries@pozzani.co.uk
www.pozzani.co.uk
Registered in England No. 2215909

Legitimate Interest Statement : Reminder Emails
Last Reviewed: 18th May 2018

Scope

Pozzani Pure Water Ltd (hereafter, 'we') send reminder emails to existing customers when their water filter(s) are due for renewal. This is typically one series of up to three emails every six months. Whilst in most cases we only expect to send one email, in the event our mailing technology detects the email has not been opened by the user we will send a second email, and in the event this is not opened we may send a third. In any event at the end of three emails (which occur within a seven day period beginning to end) the customer will receive no further reminders for a period of six months.

Explicit Consent

Historically we have not asked customers for explicit consent to market to them. Instead we have relied on existing legislation and the accepted concept of soft opt-ins, whereby existing retail customers i.e. those who have successfully purchased and provided their email during the course of said purchase, are mailed on the basis of implied consent for **relevant** activities. On all mailings we provide the ability for the customer to withdraw from further marketing.

GDPR Position

The new GDPR regulations, effective May 25th 2018, permit companies to continue on the basis of previous legislation without consent subject to completing a Legitimate Interest Assessment (Recitals 47, 48, 49). This document complies with our auditing and accounting obligations under Articles 5(2) and 24.

Minors

We do not sell products to minors, nor are the products we market 'on the balance of probability' like to take the interest of minors who may seek to purchase the product otherwise than in accordance with our terms and conditions of trade. Therefore for the scope of this assessment, the core assumption will be all Data Subjects are over Eighteen (18) years of age.

LEGITIMATE INTEREST TEST

Why do we want to process the data – what are we trying to achieve?

As outlined in the scope, sending a reminder email to a previous customer with a view to informing them their existing product is due replacement

Who benefits from the processing? In what way?

Whilst it is fair to assume We benefit if the customer chooses to make a purchase, the nature of the products is such that over time and used beyond their quoted lifespan there is a risk (increasing with time) of the product becoming unsafe, unsanitary or structurally impaired. These are opinions that are shared industry wide including by professional bodies, scientific study and medical best practices. Given a risk exists it has been assessed that the customer is also likely to benefit as a result of Us extending a duty of care.

Additionally We may benefit from extending such duty of care. In the event a product did develop a problem, evidence of a read electronic communication which proves receipt could potentially be deemed sufficient to cover our obligations to the Customer.

Whilst customers should always read the manual and fully understand the risks of not maintaining a product, we are unable to ascertain if the products are being installed by professionals, friends or third parties, or if the customer has understood the risks to themselves, their family or property through neglect or poor maintenance of their product(s).

Are there any wider public benefits to the processing?

Poorly maintained products used in apartments, blocks of flats, HMOs and other similar configurations carry a risk of potential damage (in the event of long term structural failure).

How important are those benefits?

Experience of the industry and working with customers for 30 years has demonstrated many people are unaware their filters require changing. This is partly due to the period of time (typically 6 to 12 months) and people simply forgetting that the product is due for renewal.

What would the impact be if we couldn't go ahead?

We would expect the levels of customers not replacing their cartridge to increase, thereby opening up the aforementioned risks to the Data Subject and/or their immediate neighbours and/or visitors.

Would our use of the data be unethical or unlawful in any way?

We have not identified any issues which may be deemed unlawful or unethical.

NECESSITY TEST

Does this processing actually help to further that interest?

The use of the data in sending an email to the Data Subject allows us to inform the customer that the cartridge is due for replacement and to provide them an expedient option to order a replacement.

Is it a reasonable way to go about it?

The method informs the customer without putting them under the pressure to make a purchase on the spot. The tone and content of such emails is intended to be 'informative' first and foremost.

Is there another less intrusive way to achieve the same result?

Of the three viable options - Telephone, Email or Written Letter, we consider Email to be the least intrusive option. Calling customers on the phone puts them under unnecessary pressure that may be considered exploitative to certain demographic groups. Written letters carry a significant carbon footprint both in their production and their delivery. Emails are quick, efficient, arms-length (if the customers wishes to ignore them, they can) and essentially represent the 'most environmentally friendly' method of communicating with a Customer.

BALANCING TEST

What is the nature of our relationship with the individual?

All Data Subjects receiving a Reminder Email will be existing customers who have previously made a purchase and during said purchase, provided an email address for order confirmations, receipts and order updates.

Is any of the data particularly sensitive or private?

To process a Reminder we use the customers name, email address, postal address and the filter(s) previously purchased. No private/personal notes associated with, sent by or sent to the customers form part of the system nor is any financial information (credit card details etc) required.

Would people expect you to use their data in this way?

We have been sending reminders to customers by email since our systems supported online ordering (for a period of at least 14 years as of the date of this document). Given the technical nature of the product and the fact it is limited in life, it is our view that Customers would expect a communication to let them know the product life has effectively 'expired'.

Are you happy to explain it to them?

Any customers with concerns on our use of their data, or who would like to ask specific questions as to this Legitimate Interest Assessment, may email gdpr@pozzani.co.uk. We aim to respond to all customers within 48 hours.

Are some people likely to object or find it intrusive?

People who are technically minded and have made provisions to replace their filter themselves may consider it unnecessary, but we don't believe it would be considered intrusive.

What is the possible impact on the individual?

The very worst case scenario is the customer will receive an additional email which they need to delete and/or click the link to request no further emails are sent.

How big an impact might it have on them?

We believe the actions required in the unlikely event of a negative impact on the customer (i.e. unsubscribing) are outweighed by the benefits bought to the majority of customers in terms of keeping them updated on their product.

Are any of the individuals vulnerable in any other way?

We are unable to ascertain if individuals may be vulnerable due to the nature of the business (mail order). However, as we only market to customers who have made a previous purchase the assumption in general is that being able to make an informed decision on the initial order would, in the vast majority of cases, allow them to make the same level of judgement on subsequent orders.

Can you adopt any safeguards to minimise the impact?

Emails are kept factual, and our information is checked and systems are in place to ensure we do not present mistruths to the customer. We appreciate it may be possible to confuse someone by sending a reminder when the product is not due for renewal, however, we do not believe this is a possibility. Our email systems log all outbound emails and in the event of a technical query (i.e. if a customer queried why an email was sent at a specific time) we maintain adequate information in order to diagnose any technical errors.

Can you offer an opt-out?

All reminder emails have a clear opt-out which is logged and respected - Any customer who wishes to receive no further reminders will be removed from future mailings.

Non-Engagement Expiration

Customers will be deemed to be 'expired' and effectively removed from the reminder system, if they ignore Ten (10) successive reminders (five years). We have chosen five years as this is the timeframe for which some of our range has to be supported under UK Consumer Goods Legislation.

This statement has been prepared by Ian Walmsley in the capacity of Commercial Sales Director for Pozzani Pure Water Ltd.

Contact: ian.walmsley@pozzani.co.uk

Questions may be raised in writing to:

Pozzani Pure Water Ltd, Warwick Road, Louth, Lincolnshire, LN11 0YB