

PMMI BRIEFING ON DATA PROTECTION AND ANTI-SPAM REGULATIONS



The Association for Packaging
and Processing Technologies

As today's data-driven marketplace expands, PMMI continues to work hard to make sure the data you provide to us and the data we provide to you - our exhibitors, advertisers and members - is handled properly and in the best interest of all stakeholders.

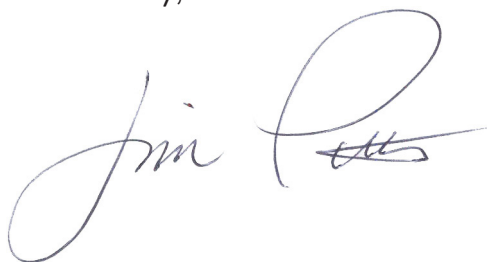
We take this responsibility very seriously and have established policies and procedures in accordance with the latest data protection, privacy and anti-spam laws to keep all the data exchanged as safe and secure as possible.

We have put this booklet together as a resource to help you understand how we handle the data provided, but also as a guide to help you comply with the latest data protection and privacy regulations.

Know that you can trust us with the data you provide to us. We promise to use the data as intended, to provide you the best level of service possible. In return, we hope this guide will help you navigate the waters of GDPR and other privacy laws enabling you to safely and effectively use the data collected and provided to connect with customers.

We all have a joint responsibility in this world of data protection and privacy. We hope you find this information informative and helpful. As always, if you have questions or concerns feel free to submit your comments to dataprivacy@pmmi.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Pittas". The signature is fluid and cursive, with a large loop for the letter "P".

Jim Pittas
President and CEO, PMMI

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Section 1

DATA PROTECTION AND ANTI-SPAM

What are Data Protection Regulations?

Over the past several years, nations around the globe have enhanced their focus on the protection of its citizens' personally identifiable information (PII). These changes are driven by several factors, including the increasing number of companies storing or processing PII, the increasingly complex relationship between companies and vendors or suppliers that process personal data, and the evolving cybersecurity threat landscape that endangers the security and integrity of personal data. These factors, coupled with an increasing number of high-profile data breaches and cybersecurity incidents, have necessitated the establishment of more stringent data protection laws.

Compliance standards have also been elevated significantly. One of the most significant components of recent data protection laws is the concept of consent and how companies must be able to either prove implied consent through business relationships or how companies must acquire unambiguous consent to hold and use an individual's personal data.

Several pieces of legislation around the world, including the European Union General Data Protection Regulation (GDPR) and Mexico Data Protection Regulations, have already passed or are in the process of passing to require companies to put certain processes and protections into place around the full lifecycle of personal information from collection through processing and retention to removal. Some experts believe these laws are expanding across the globe, though there seems to be no appetite for enacting such laws within the U.S. any time soon.

“Data protection laws establish frameworks for companies to safeguard PII as well as tangible penalties for companies that do not comply.”

What is the Difference between Data Protection and Anti-SPAM laws?

The objectives and focus of these laws are quite different. Data Protection laws are focused on ensuring that companies who process the personal data of individuals do not infringe on the rights of that individual and have done their part to adequately protect personal information under their control. Anti-SPAM laws are focused on ensuring that individuals are only marketed to by e-mail with their explicit consent and that consent is easily revoked at any time.

These two laws will impact advertisers and exhibitors differently:

- In cases where an advertiser or exhibitor may be marketing to or wish to contact an individual protected only by Data Protection laws, you may contact or advertise to that individual through any communication means as frequently as you wish without explicit consent to contact them. However, you are required to adequately protect the personal information of those citizens and to establish consent through one of the legal bases to use and store that individual's personal information.
- In cases where an advertiser or exhibitor may be marketing to an individual protected only by Anti-SPAM laws, you may only contact that individual through approved channels if you have that individual's explicit consent to contact them, or if you are able to prove implied consent through an existing business relationship. However, you are not required to adhere to the frameworks of data protection laws, although it is considered good practice to protect systems and databases at a minimum to avoid any form of data breach. Nobody wants to end up on the front page of the news!



What are Anti-SPAM Regulations?

These laws state that for any organization or company globally that is sending commercial electronic messages to citizens in a country, that organization must receive consent from recipients before sending these messages. Commercial electronic messages include several mediums such as text messages, e-mail, and social media messaging.

These laws primarily target promotional or marketing messages and establish frameworks for companies to adhere to regarding the collection of consent to contact citizens, establishing simple processes for citizens to follow to revoke consent, and establishing penalties for companies that do not adequately adhere to revocations of consent. These laws also define specifically what does and does not constitute consent on behalf of the recipient.

Several of these laws have been put into place around the world, including Canada's Anti-SPAM Legislation (CASL) and the Federal Consumer Protection Law (FCPL) in Mexico.

“Anti-SPAM laws are regulations that govern electronic messages that may be sent to citizens within a specific country or jurisdiction with a commercial purpose.”

Section 2

DATA PROTECTION REGULATIONS

Data Processor vs. Controller – Which are you?

PMMI, The Association for Packaging and Processing Technologies, moves the industry forward through the PACK EXPO Portfolio of Trade Shows, PMMI Media Group and PMMI Business Drivers. PMMI is considered a “joint controller” with all exhibitors, advertisers and sponsors.

Under GDPR, companies need to identify themselves as either a Data Processor or Data Controller under the following definitions:

- **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
- **PROCESSOR** – a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller

ADVERTISERS – Advertisers and sponsors that are marketing through PMMI Media Group are considered “joint controllers” as the purpose and means of using the personal data of protected citizens is determined by both the Advertiser and PMMI Media Group. As in PMMI Media Group’s relationship with its advertisers, the purpose will predominantly be determined by our advertisers, whereas the means will principally be determined by PMMI Media Group. As such, we consider that in the ordinary course of our business, PMMI Media Group acts as a data controller jointly with the respective advertiser.

EXHIBITORS – Given the nature of data that is shared between PMMI and Exhibitors, Exhibitors at the PACK EXPO Portfolio of Trade Shows are considered “joint controllers” as the purpose and means of using the personal data of protected citizens is determined by both the Exhibitor and PMMI. As in PACK EXPO Portfolio of Trade Shows relationship with its exhibitors, the purpose will predominantly be determined by our exhibitors, whereas the means of collection and usage will principally be determined by PACK EXPO Portfolio of Trade Shows. As such, we consider that in the ordinary course of our business, PACK EXPO Portfolio of Trade Shows acts as a data controller jointly with the respective exhibitor.

Impacts of these Laws – What is Your Responsibility?

As joint controllers, PMMI assumes the same obligations under the GDPR as our advertisers and exhibitors. This means we will have shared responsibility in safeguarding the data we use for our tracking purposes and will be subject to the same obligations and level of accountability before data protection authorities. This means that the traditional controller-processor model as defined under the GDPR will not apply within the advertiser/exhibitor-PMMI relationship. Instead, PMMI and its advertisers and exhibitors will regulate their relationship as joint-controllers.

At a high-level, the responsibilities of both Advertisers and Exhibitors and PMMI as Data Controllers are:

- **Demonstrate compliance** with the seven principles relating to the processing of personal data.

Lawfulness, fairness and transparency	Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject
Purpose limitation	Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
Data minimization	Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
Accuracy	Personal data shall be accurate and, where necessary, kept up to date
Storage limitation	Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed
Integrity and confidentiality	Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorized or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organizational measures

- **Identify the type of data** in possession that is personally identifiable and is considered protected under law.
- **Document policies over how personal data** is collected, used, processed, stored, secured, retained, and disposed of.
- **Conduct a data impact assessment** to understand where we may have personal data stored on protected citizens, such that it can be sufficiently export or disposed of upon request from the data holder.
- **Provide mechanisms for data portability**, including the ability to provide all data that we hold on an individual back to them in an easy to understand format.
- **Develop an incident management process** in place such that breach notifications can be made to the appropriate supervisory authority within a specified time window (for the EU, notifications are required within 72 hours of a breach).
- **Examine agreements with service providers** to ensure contracts address the handling of personal data of protected citizens and meet the same standards to which PMMI, Advertisers, Exhibitors and Sponsors are held.
- **Rigorously follow established definitions** of what does and does not constitute **consent** on behalf of the data holder or e-mail recipient, including legal bases for companies to substitute unambiguous, explicit consent in specific situations.
 - Consent from data holders must be tracked systematically such that it can be produced upon request from regulators or data holders. Consent must also be easily revoked through transparent channels and adhered to across all systems and databases under the company's control.

ADVERTISERS

- PMMI Media Group will be responsible for establishing the legal basis for the personal data of contacts under its control.
 - Advertisers will be responsible for establishing the legal basis for the personal data of contacts under its control as well as leads received from PMMI Media Group.

EXHIBITORS

- PACK EXPO Portfolio of Trade Shows will be responsible for establishing the legal basis for the personal data of contacts under its control.
 - For purposes of the trade shows:
 - Exhibitors - PACK EXPO Portfolio of Trade Shows utilizes the legal basis of contractual execution in order to successfully execute its agreements with exhibitors.
 - Attendees – PACK EXPO Portfolio of Trade Shows utilizes the legal basis of legitimate interest for attendees of the trade show who expressly provide their consent by registering to attend.
- Exhibitors will be responsible for establishing the legal basis for the personal data of contacts under its control as well as leads received from PACK EXPO Portfolio of Trade Shows.

Section 3

GDPR AND CASL

What is PMMI doing to be compliant with GDPR and CASL?

PMMI takes these regulations very seriously and has established a Data Protection program to ensure that the appropriate processes are established and compliance with these laws is maintained. PMMI has updated and will continue to review and update our data protection policies and procedures and will, of course, keep you updated as changes occur.



PMMI is taking the following steps to be compliant with both Data Protection and Anti-SPAM laws:

- 1** PMMI has designated its IT Director to serve as the Data Privacy Officer for both Data Protection and Anti-SPAM Regulations.
- 2** The IT Director has completed the following activities with respect to Data Privacy:
 - a. Documented the Data Protection policy across PMMI and related entities
 - b. Updated published website Data Privacy policies, privacy language for exhibitor contracts, and privacy footer statements in marketing communications
 - c. Reviewed practices for capturing and recording consent
 - d. Completed a Legitimate Interest assessment to determine lawful basis for data processing
 - e. Conducted a Data Impact Assessment to fully understand the data flows between each of its systems and databases as well as the volume of protected records in each of our systems
 - f. Designed processes and tracking mechanisms to ensure that PMMI remains compliant with requests to remove personal data, revocations of consent, or unsubscribe requests
 - g. Training PMMI staff to follow GDPR and CASL-compliant procedures
- 3** PMMI has established a central e-mail address to handle all data privacy inquiries and consent/unsubscribe requests, dataprivacy@pmmi.org

ADVERTISERS

- 4** PMMI Media Group has modified the PMMI Marketing Cloud to:
 - a. Suppress leads from Mexico and Europe in LeadWorks unless consent is expressly captured at opt-in
 - b. Modify LeadWorks to provide leads from Canada but with no e-mail address
 - c. Remove readers from Canada, Mexico, and Europe from the audience for supplied HTML e-mail blasts

EXHIBITORS

- 5 PACK EXPO Portfolio of Trade Shows has worked with its registration vendors (Convention Data Services and Map Your Show) to modify its web registration forms for both exhibitor applications and attendee registrations to ensure that consent is captured for registrants based in any country subject to data protection laws.
- 6 PMMI is making its updated privacy policies available through a number of channels including:
 - a. PMMI, PMMI Media Group, and PACK EXPO websites
 - b. E-mail blast to current members, exhibitors and prospective exhibitors, and past and present show attendees
 - c. Linked from exhibitor and attendee online registration forms and contracts
- 7 PMMI is updating all of its websites, including PACK EXPO show websites, to capture consent to store cookies and information about them for any visitor from outside of the United States.

ATTENDEES

How is my information shared with third-parties?

PMMI works with several official third-party service providers to provide registration, exhibitor services, directory, shipping and logistics, lead retrieval, venue services, and other services related to delivering the PACK EXPO trade shows. These service providers may provide, in some cases, application and database services, website development and hosting, maintenance, payment processing, analysis and other services for PMMI, which may require them to access or use information about you. If a service provider needs to utilize information about you to perform services on our behalf, they do so under close instruction from PMMI, including policies and procedures designed to protect your information.

Section 4

RESOURCES

PMMI's Commitment to Data Protection and Compliance

PMMI is committed to protecting all data that it holds from its constituents and to ensuring that any data in its possession is processed fairly and lawfully in accordance with applicable laws and regulations. PMMI affirms that it has made its best efforts in good faith to be compliant with Data Protection and Anti-SPAM regulations and will continue to monitor the evolving legal landscape for changes to remain compliant.

ADDITIONAL RESOURCES

PMMI (Association) Privacy Policy	www.pmmi.org/privacy-policy
PMMI Media Group Privacy Policy	www.packworld.com/privacy
PACK EXPO Trade Show Privacy Policy	www.packexpointernational.com/privacy-policy

ADDITIONAL RESOURCES

European Union GDPR Website	https://www.eugdpr.org/
Canadian Anti-SPAM Legislation Website	https://crtc.gc.ca/eng/internet/anti.htm
Mexico Data Protection Regulations	http://inicio.ifai.org.mx/SitePages/ifai.aspx



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