



INTERNATIONAL
ASSOCIATION OF
ENTERTAINMENT
LAWYERS

Höcker
ADVOCATEN

Event Analytics and the GDPR

Marijn Kingma

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Data can help predict the future
and make money!

- Ticket sales.
- Effectivity of ads (which campaigns are working?)
- Demographic data (which visitors, which drinks).
- Music data analytics (which artist attracts visitors, which audience spends more).
- Mobile data (which bar needs more staff, which entrance needs more security)



But the
GDPR!



- GDPR is only applicable to “identified or identifiable natural persons”.
- Statistics with (properly) anonymized data: no GDPR!
 - Number of tickets sold
 - Statistical analysis of customers: age, gender, place of residence (watch out for Schiermonnikoog!)
 - Number of check-ins at a stage
 - As long as persons are not identifiable.
- If GDPR is applicable: several possibilities.

If the GDPR is applicable: should I always ask for consent?



NO!

Without consent, you may process personal data:

- If necessary for performing a contract (e.g. wristbands to pay for drinks)
- If necessary for a legitimate interest (except when the interest of the person involved prevails)

Example: using personal data of existing customers to keep track of their interests and sending them personalized information about other events.

ALWAYS inform your customers: extent of the processing, why is processing necessary, which legitimate interest.



Without consent, you may not:

- Process sensitive personal data (article 9 GDPR)
- In most cases: track location data (Dutch Data Protection Authority: in general only allowed without consent for security reasons)
- Take decisions solely based on profiling (article 22 GDPR)
- Use cookies or send spam to people who are not your customers (E-Privacy Directive)



Is visitor tracking allowed?

if you track visitors' location data or use the data to take a decision (for example: priority access to tickets): only with consent.



CONSENT



Freely Given

Reversible

Informed

Enthusiastic

Specific

Freely given?

[...] utmost account shall be taken of whether [...] the performance of a contract [...] is conditional on consent to the processing of personal data that is not necessary for the performance of that contract.

When opening an account you agree that Ticketmaster can contact you with newsletters and general marketing that might be of interest by electronic means. To receive Genre Alert newsletters about specific topics please select from the choices above. You can change your marketing preferences at any time in your account or by following the instructions in any marketing.

By creating an account, Ticketmaster and its group companies will create a user profile for you so that we can better tailor our services, see our [Privacy Policy](#) for further details. As a registered user of Ticketmaster, you are also subject to the [Terms of Use](#).

ACCEPT & CONTINUE

Buying consent?



Paying for privacy is becoming a business model *

Consumers are starting to reject the Faustian bargain of 'all my data for your cool app / platform / service' - ETA: 2017



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Tips:

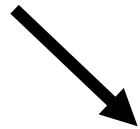
- Try to use as much anonymized data as possible → no GDPR!
- Do not ask for consent when you do not have to, use legitimate interests as the legal basis, and explain why the processing is necessary.
- Always inform your customers of all processing of their personal data.
- If you are tracking the location of visitors or if you use a profile of visitors to take a decision, you need “FRIES” consent.
- If you are using tracking cookies on your website, you need “FRIES” consent.



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Thank you!

I consent to you e-mailing me with questions



Kingma@hocker.nl

