

# SALES MATTERS©

## Profile perfect B2B prospects

A handy prospecting tool for Legitimate Interest Marketing under GDPR:  
How to develop a full pre-qualified prospect pipeline by defining who your  
perfect prospects are and why they will be interested in your products and  
services.

ENSURE  
LEGITIMATE  
INTEREST  
COMPLIANCE

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## BACKGROUND: THE EFFECT OF GDPR ON OUTBOUND SALES AND MARKETING

The General Data Protection Regulation (GDPR) is effective from May 25<sup>th</sup> 2018.

It's the biggest change in privacy legislation for over 20 years

- Repeals the Data protection Directive 95/46/EC
- Overrides the Data Protection Act 1998
- Applies to almost every organisation, large or small

**It relates to all Personally Identifiable information that you may want to process as a company.**

### PERSONALLY IDENTIFIABLE INFORMATION (PII)

Any information relating to a person that can be used to directly or indirectly identify that person

- Full name, email address, date of birth, IP address / website cookies
- Purchases, downloads, subscriptions and services used
- Questions and responses, promotions used, survey responses
- Financial history, banking/credit, payment transactions and donations
- Healthcare and education services used
- CCTV recordings, gender identity, location data, credit card data
- Judgements/sanctions, government services
- Capable of identifying an individual either on its own or when combined with other information
- Internal account numbers, PINs and passwords, IMEIs, National Insurance number
- Driving licence number, passport number

### EFFECTS BOTH MANUAL AND AUTOMATED PROCESSING

- Databases, voice mail and completed forms
- CCTV, cookies, profiling and website tracking
- Includes both digital and paper records
- Don't forget to secure your paper documents
- Consider off-site secure storage
- Only applies to personal data able to identify a living subject
- Excludes anonymous and encrypted data
- Applies to all 'data subjects' so affects public sector, NGO, NFP, B2C and B2B
- Includes prospects, customers, your organisation's employees, suppliers / contractors etc

### THE PRINCIPLES OF GDPR

1. Process data lawfully, fairly and transparently
2. Only processed for explicit and legitimate purposes
3. Limit to what is relevant and necessary for the purpose
4. Keep data up-to-date and accurate or rectified
5. Keep data only if required and for no longer than necessary
6. Keep data secure
7. Accountability - Article 5(2) requires that "the controller shall be responsible for, and be able to demonstrate, compliance with the principles."

### THE LAWFUL BASIS FOR PROCESSING NORMAL PERSONAL DATA

1. The data subject has given consent to processing
2. The performance of a contract...or to take steps... prior to entering into a contract
3. For compliance with a legal obligation to which the controller is subject
4. In order to protect the vital interests of the data subject
5. Performance of a task carried out in the public interest or...official authority vested in the controller
6. **For the purposes of the legitimate interests...**, except where such interests are overridden by the interests...of the data subject...in particular where the data subject is a child.

Legitimate interest does not generally apply to public bodies

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## YOU MUST CARRY OUT AN IMPACT ASSESSMENT

It provides the foundation for building trust and demonstrating compliance  
Identifies all places where personal data are gathered, processed and stored

### **Audit each dataset to ensure you understand**

- Who is responsible for it?
- If you are the Controller, joint Controller or Processor
- The categories of data within it (personal, sensitive, special category)
- Where it came from and who it is shared with
- The lawful basis upon which you are processing it
- What is stored, where it is stored, is it correct and complete,
- How it is secured and when and where is it backed up
- Who has access to it, why and how is that access logged
- How long it is retained and how is it deleted

[DPIA screening checklist.](#)

## GDPR, LEGITIMATE INTEREST & PECR CHECK LIST

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/legitimate-interests/when-can-we-rely-on-legitimate-interests>

If you intend to process personal data for the purposes of direct marketing by electronic means (by email, text, automated calls etc) legitimate interests may not always be an appropriate basis for processing.

This is because the e-privacy laws on electronic marketing – currently the Privacy and Electronic Communications Regulations (PECR) – require that individuals give their consent to some forms of electronic marketing.

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## PRIVACY & ELECTRONIC COMMUNICATIONS REGULATIONS (PECR)

- Covers electronic marketing, so email, automated phone calls, text, web, fax, cookies
- Applies to 'unsolicited' rather than 'solicited' marketing
- Does not cover mailshots and online advertising
- Came into force in 2003
- So sits alongside the DPA 98
- Have been amended 4 times, latest amendment May 2016
- Differentiates between B2C and B2B marketing
- **Rules on marketing to companies are not as strict**
- Requires consent to send unsolicited marketing to consumers
- Consent should be by positive opt-in, but not as strict as the GDPR
- 3rd party consent can be used, but should be confirmed as valid for your use
- Will be replaced by the ePrivacy Regulation

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## WHEN CAN WE RELY ON LEGITIMATE INTERESTS?

Legitimate interest is the most flexible lawful basis, but you cannot assume it will always be appropriate for all of your processing.

**DIRECT MARKETING** - processing for direct marketing purposes under Legitimate Interests is specifically mentioned in the last sentence of Recital 47.

**REASONABLE EXPECTATIONS** - the fact that individuals have a reasonable expectation that the Controller will process their Personal Data, will help the make the case for Legitimate Interests to apply when conducting the balancing test.

If you choose to rely on legitimate interests, you take on extra responsibility for ensuring people’s rights and interests are fully considered and protected.

Legitimate interest is most likely to be an appropriate basis where you use data in ways that people would reasonably expect and that have a minimal privacy impact. Where there is an impact on individuals, it may still apply if you can show there is an even more compelling benefit to the processing and the impact is justified.

You can rely on legitimate interests for marketing activities if you can show that how you use people’s data is proportionate, has a minimal privacy impact, and people would not be surprised or likely to object – but only if you don’t need consent under PECR.

If e-privacy laws require consent, then processing personal data for electronic direct marketing purposes is unlawful under the GDPR without consent. If you have not got the necessary consent, you cannot rely on legitimate interests instead. You are not able to use legitimate interests to legitimise processing that is unlawful under other legislation.

If e-privacy laws do not require consent, legitimate interests may well be appropriate. Based on the current legislation (PECR), and depending on the outcome of your three-part test, legitimate interests may be appropriate for ‘solicited’ marketing (i.e. marketing proactively requested by the individual), or for unsolicited marketing in the following circumstances:

Marketing method	Is a legitimate interest likely to be appropriate?
Post	✓
‘Live’ phone calls to TPS/CPTS registered numbers	✗
‘Live’ phone calls to those who have objected to your calls	✗
‘Live’ phone calls where there is no TPS/CTPS registration or objection	✓
Automated phone calls	✗
Emails/text messages to individuals – obtained using ‘soft opt-in’	✓
Emails/text messages to individuals – without ‘soft opt-in’	✗
Emails/text messages to business contacts	✓

You also need to remember that Article 21 specifically gives the data subject the right to object to processing of their personal data for the purposes of direct marketing, and you must inform them of that right.

**If the data subject objects then this overrides your legitimate interests and you need to stop processing their data for direct marketing purposes.**

## LEGITIMATE INTEREST TEST

### PART 1: PURPOSE TEST

You need to assess whether there is a legitimate interest behind the processing.

- Why do you want to process the data?
- What benefit do you expect to get from the processing?
- Do any third parties benefit from the processing?
- Are there any wider public benefits to the processing?
- How important are the benefits that you have identified?
- What would the impact be if you couldn't go ahead with the processing?
- Are you complying with any specific data protection rules that apply to your processing (e.g. profiling requirements or e-privacy legislation)?
- Are you complying with other relevant laws?
- Are you complying with industry guidelines or codes of practice?
- Are there any other ethical issues with the processing?

### PART 2: NECESSITY TEST

You need to assess whether the processing is necessary for the purpose you have identified.

- Will this processing actually help you achieve your purpose?
- Is the processing proportionate to that purpose?
- Can you achieve the same purpose without the processing?
- Can you achieve the same purpose by processing less data, or by processing the data in another more obvious or less intrusive way?

### PART 3: BALANCING TEST

You need to consider the impact on individuals' interests and rights and freedoms and assess whether this overrides your legitimate interests.

#### NATURE OF THE PERSONAL DATA

- Is it special category data or criminal offence data?
- Is it data which people are likely to consider particularly 'private'?
- Are you processing children's data or data relating to other vulnerable people?
- Is the data about people in their personal or professional capacity?

Take guidance from the Legitimate Interest Assessment Guidance published by the ICO if you have any doubts. Remember you are responsible for ensuring people's rights and interests are fully considered and protected.

This is not a legal document and should not be treated as such.

**SALES MATTERS© PERFECT PROSPECT PROFILING TOOL:  
EVIDENCE BASED LEGITIMATE INTEREST**

Develop a full prospect pipeline by defining who your perfect prospects are, why you should market to them in this way lawfully and the value you would bring to them with your products and services.

These sales development questions are designed to:

- Shorten the sales cycle and ensure your sales and marketing efforts are clearly focused.
- Build an understanding of who your “perfect prospects” really are
- Increase your engagement rates
- Deliver more value to more customers

<b>PERFECT CLIENT PROFILES</b>
Where does 80-90% of your business come from?
Who are your best customers? The top 5-10%? Name them: what do they do?
1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

<b>EVALUATE: WHAT DO YOU DO DIFFERENTLY FOR YOUR TOP 5- 10% OF CLIENTS?</b>
<b>DO THIS FOR EACH CLIENT</b>
1.
2.
3.
4.
5.

<b>EVALUATE: WHAT WERE THESE CLIENTS SEARCHING FOR WHEN YOU APPROACHED THEM?</b>
<b>What type of problems were they having and what were their internal conversations?</b> e.g. We need to find a way to get more clients more quickly? We need a supplier who can deliver a better solution for xyz? We need a manufacturing solution to increase our productivity? We need to increase our through put of orders.
<b>DO THIS FOR EACH CLIENT</b>
1.
2.
3.
4.
5.
<b>TIP: You should listen for these conversations in all your market verticals and adjust your content and outbound marketing/sales information to develop interest in your solutions: Market to these top PERFECT “PROSPECT” PROFILES –that’s where the best revenues will come from and how your business will develop more quickly.</b>

DECISION MAKERS
In a typical firm of 100-500 employees, 7 people are involved in most buying decisions. <b>MAKE SURE YOU KNOW HOW THE PROSPECT BUYS AND THE DECISION MAKING PROCESS</b>
Who do you normally talk to at your most profitable clients- (JOB TITLE) how does that work?
1.
2.
3.
4.
5.
Is there a decision maker HIERARCHY? (ORGANISATIONAL STRUCTURE)
<b>WHO ARE THE KEY CONTACTS e.g. CEO, CMO, IT, Finance, Production, Manufacturing, Procurement</b>
Where did you start? UNPACK THE LINE
Which of the decision makers was the easiest to engage – which was the hardest and why?
SECTORS
Do the decision makers TILES OR JOB DESCRIPTIONS vary by product or service?
Who are the decision makers for each?
1.
2.
3.
4.
5.
CUSTOMER PUBLIC SOCIAL MEDIA PROFILES
DO THIS FOR EACH TOP CLIENT
1.
2.
3.
4.
5.
Have you researched them and what is the most useful information to know?
How has that helped build your relationship?
<b>TIP: The decision makers need to have the decision to buy the budget available and be within an agreed “time frame” criteria. (Sales cycle)</b>
EVALUATE:
<b>Who do you consider to be the main decision makers to contact?</b>
<b>Which decision makers will be acceptable to start the conversation with?</b>

DESIGN YOUR PERFECT PROSPECT: A BEST PRACTICE LEGITIMATE INTEREST PROFILE

REVIEW TOP 5-10% CLIENTS, THE DECISION MAKER TITLES
<b>What similarities exist (patterns/generalisation)?</b>
LOCATION
SIZE
TURNOVER
NUMBER OF EMPLOYEES
NUMBER OF SITES/PLANTS
PROFIT MARGINS
BUSINESS VERTICAL
TYPE OF CLIENT
B2B OR B2C OR BOTH
PRODUCTS
SERVICES
VISION
MOTIVATION
BUYING CYCLE
CONVERSATIONS
PAIN POINTS
POINT OF CONTACT
DECISION MAKER STRUCTURE

REVIEW THE PRODUCT OR SERVICES THEY BUY FROM YOU
What products/services do you supply to them?
Where are you most successful?
Why?
<b>Acquisition costs:</b> What is your cost of sales for this type of customer? Do you need to review the acquisition model?
What types of project/services deliver the best profit?
<b>Typical purchase size:</b> How much do your customers spend on a typical purchase? Look at this by each "persona category". Consider people buy based on value, not solely on price. Could you sell more to any category using promotions to develop awareness and interest in other products?
<b>Lifetime value:</b> How much money does the buyer persona spend with you over their lifetime? This metric is important for understanding sales cycles.
<b>Retention costs:</b> What do your buyers need from you in order to stay? Support, training, communication? Usually it costs more to acquire a client than keep them. Build solid sustainable relationships with your customers and make them feel valued.

<b>Customer happiness:</b> Are your customers satisfied with your products or services? Are there groups of happy and unhappy customers, and what is the difference between the two? Investigating this may reveal flaws, highlights necessary improvements and can even prompt you to adjust customer expectations.
<b>Value alignment:</b> Are your intended customers actually buying from you? If the intended core customers are not buying from you, then who is? This will help you to refine your customer personas, especially if it looks like you are out of alignment
What do you believe is the ideal type of project/service/solution?
What project/service/solution COULD your prospects buy from you but don't?
WHY?

<b>EVALUATE:</b>
<b>What do you consider to be the most important types of criteria to identify potential targets?</b>
<b>Other factors: what's most important in each industry sector?</b>
<b>WHAT OTHER FACTORS NEED TO BE APPENDED?</b>
Financial Highlights
Business strategy and culture
Process
Current Suppliers
Partnership and Group relationships
Time lines
Frequency of purchase and/or spend

<b>WHAT IS THE OPTIMUM SIZE, STRUCTURE OF PROJECT OR CROSS SELLING OPPORTUNITIES THAT WILL BE THE BASIS FOR AN APPOINTMENT?</b>

This exercise completes your understanding in how to develop a new fully compliant outbound sales and marketing approach to perfect prospect profiles that will be the best fit for your company and your products and services for theirs.

Much has been said about GDPR and the use of profiling but the new rules are by no means meant to prohibit you from marketing to potential business prospects.

## SALES MATTERS©

With over 20 years of experience delivering sales growth in the Manufacturing, Engineering, New Technology, Print, Communications, Healthcare, Pharmaceutical, Legal and Financial Service Sectors DPC Marketing [www.dpcmarketing.co.uk](http://www.dpcmarketing.co.uk) are ideally placed to help you increase your product and solution sales.

In 2007 we designed a proprietary sales process, **SALES MATTERS©** to help our B2B clients accelerate their sales performance with more certainty and improve their client retention rates.

SALES MATTERS© has been used time and time again to define, plan and create new intelligence, key messaging and clarify action strategies that have enabled our clients to increase their sales traction by as much as 500%.

**Define:** Perfect prospects profiles and understand how your USP stacks up (if at all)  
**Plan:** Align sales and marketing to deliver key messaging not only on line but on a day-to-day, face-to- face way  
**Create:** Added value, best fit, increased reach and a shorter sales cycle

All of our Sales development, proposition testing, appointment setting and training projects start with a SALES MATTERS© WORKSHOP.

### If you want results like these:

- Improved bottom line figures
- Improved sales team productivity
- Improved communication, persuasion and influence skills
- Increased effectiveness and efficiency in the sales process
- Increased competitive edge
- Increased pipeline and speed through the buying cycle

*Contact Fiona Labinski today for a free consultation.*



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