



GDPR and Consumer Privacy in Real Estate

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I am not a lawyer.



Internet or digital privacy refers to the level of privacy and security of personal data used by applications on the Internet.



PII

Personally Identifiable Information

is any information that can be used to distinguish one person from another and can be used for de-anonymizing anonymous data can be considered PII.



PII

**Personally Identifiable Information
can be considered sensitive or
non-sensitive**



Sensitive PII

Name

Phone Number

Email Address

IP Address

Cookies

Online Identifiers



This means leads.





May 25, 2018



The General Data Protection Regulation (GDPR) is a legal framework that sets guidelines for the collection and processing of personal information of individuals within the European Union (EU).



Stakeholders

Data Subject

An individual, a resident of the European Union, whose personal data is to be protected

Data Controller

An institution, business or a person processing the personal data e.g. real estate website.

Data Protection Officer

A person appointed by the Data Controller responsible for overseeing data protection practices.

Data Processor

A subject (company, institution) processing a data on behalf of the controller. It can be an online CRM app or company storing data in the cloud.

Data Authority – a public institution monitoring implementation of the regulations in the specific EU member country.



The Big 8 Elements of GDPR



Privacy by design

**Increased
Territorial Scope**

**Public breach
notification within
72 hours**

**Fines of up to 4%
annual global
turnover or
€20MM**

The Big 8 Elements of GDPR

**Explicit and
retractable
consent**

**Right to be
forgotten**

**Right to access
and
portability**

**Mandatory
Data Protection
Officers**



Privacy By Design

Privacy by design calls for privacy to be taken into account throughout the whole engineering process.



Increased Territorial Authority

GDPR applies to all companies using personal data of EU residents without regard whether the company is in the EU or not.



72hr Breach Notification

GDPR makes it mandatory for all companies that have PII of EU customers to report and publicly announce any security breach that results in a risk of PII rights, or face a massive fine.



4% Revenue or €20MM Fines

The EU will be handing out massive fines for companies that break the GDPR law.

These fines can be levied against US-based companies for breaches.



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Explicit and Retractable Consent

Companies must ensure that the use of any PII is disclosed up front and that the user has explicitly given consent to use it. The data subject must also be able to retract consent, so the company cannot use that PII. This has to be easy to do.



Right to be Forgotten

Entitles the data subject to have the company completely erase their personal data, ensure that it is destroyed in any downline disseminated use by first, second or third-party processors of the data. This has to be easy to do.



Right to Access and Portability

Entitles the data subject to be able to access their data and how it's being used. Upon request, the data controller has to provide a copy of all their personal data at no cost within a reasonable timeframe.



Data Protection Officers

A enterprise security leadership role required by the GDPR. Data protection officers are responsible for overseeing data protection strategy and implementation to ensure compliance with GDPR requirements.



Basic Website Compliance

Explicit acceptance of:

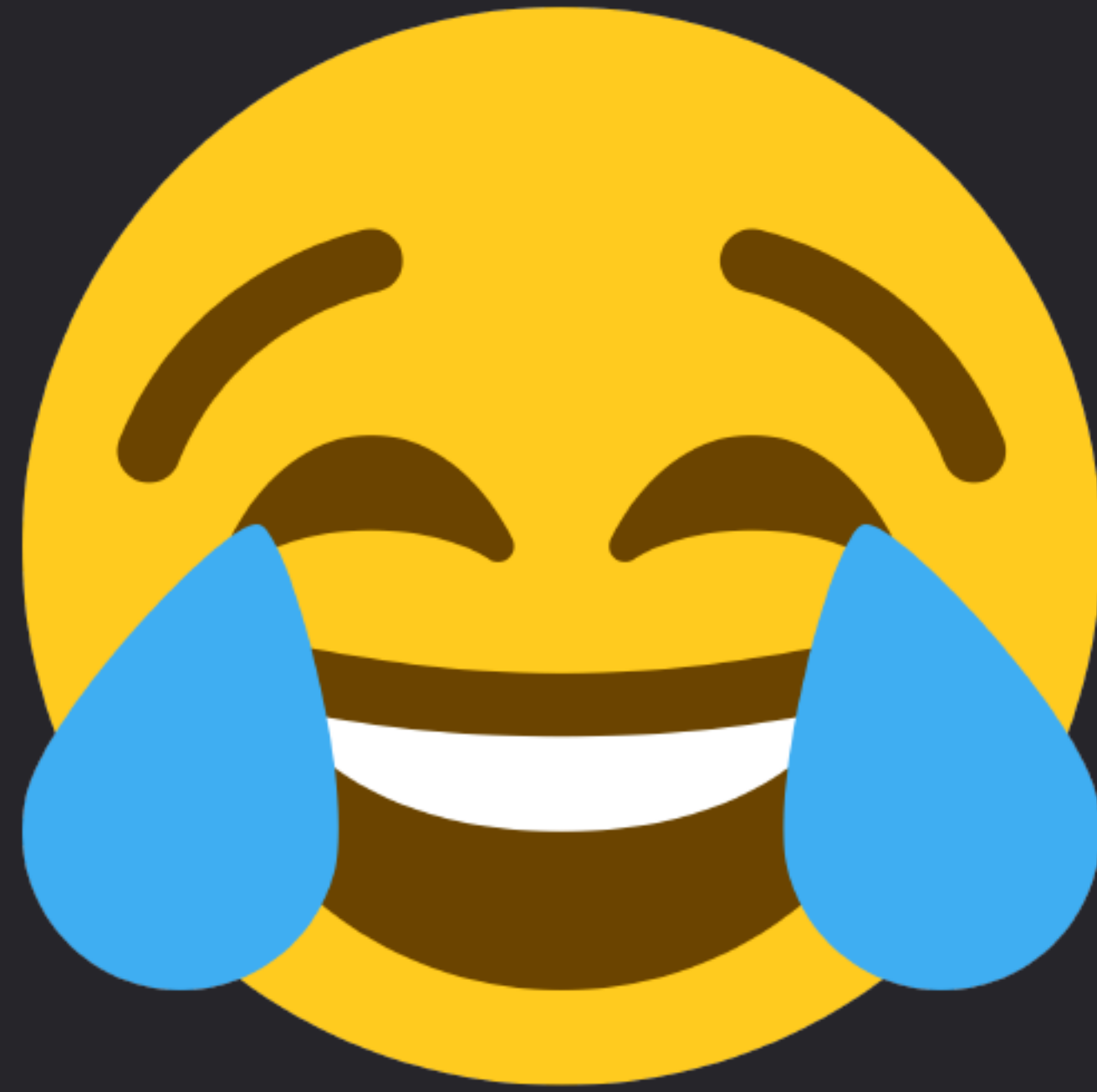
Cookie Policy

Terms of Use

Privacy Policy



Typical U.S. Real Estate Website GDPR Compliance



GDPR Exposure

The list includes, but isn't limited to:

Lead data

Lead Data and its use in CRMs

Transactional email providers

Mailing Lists

MLS Data Sellers Info

Lead Marketplaces/Referrals



**So what should the real estate
industry do?**



Privacy is important here, too

Real Estate | SAN FRANCISCO CHRONICLE AND SPCHRONICLE.COM | Sunday, September 16, 2018

Big brother or real estate brokerage?

ASK THE QUESTION.

Some brokerages use your information to make money
on more than just real estate and mortgage transactions.

We don't.

Your data is yours. Our job is to safeguard it. Period.

We will never compromise on this point,
and neither should you.

APR.COM
Over 30 Real Estate Offices Serving
The San Francisco Bay Area 855.468.0111

ALAIN PINEL
REALTORS



Basic website compliance

(Cookie/Terms/Privacy Policies)

Be clearer about data use

and where that PII is getting shared/sold

Be part of the privacy conversation

We need to help shape future standards



The near future...

**Privacy as a necessary
competitive advantage**





Thanks!

I'm Scott Lockhart

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