GDPR Update for Autoline Revision 8

Development Update

January 2018

With the deadline for compliance with the General Data Protection Regulations (GDPR) on 25th May 2018 moving ever closer, here is the latest update from CDK Global.

In this update, you will find the following information:

1. **Existing Functionality** – details of existing functionality that already exists within Autoline Revision 8 that will help you to meet your GDPR obligations, plus additional supporting commentary, covering:
   - Fundamentals of Data Processing
   - Rights of Individual Data Subjects

2. **New Developments** – Latest updates regarding the new developments that CDK Global are undertaking on Autoline Revision 8 to help you to meet your GDPR obligations, which includes:
   - Descriptions of the developments
   - Anticipated customer readiness dates

3. **Existing functionality: more details and screenshots** – where relevant, we have included descriptions and screenshots of some existing functionality that relates to GDPR

4. **New Developments: more details and screenshots** – Detailed explanations and screenshots for developments on Autoline Revision 8 that either are or are very close to 'customer-readiness' (fully completed and tested). We will provide further updates in the coming months for those developments that are not yet complete.

5. **GDPR Overview** - A high-level re-cap of the key responsibilities of the Data Controller and the Data Processor in terms of GDPR

Kind Regards,

Product Marketing Team

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PLEASE NOTE: To help you to manage your organisation's compliance with GDPR in the best possible way, particularly in relation to managing marketing consent, we recommend that you upgrade to Autoline Revision 8, Version 9304E-31 or above.

- **For Autoline Revision 8, version 9304E-31 and above**
  Customers will benefit from a significant upgrade with regards to the management of marketing consent agreements. This includes use of a new tool with which it is possible to record marketing consent by channel (Email, SMS, Phone, Post) split out by dealership department and external partners, including OEMs (vehicle manufacturers) and other 3rd parties. This new tool also integrates with the marketing functions within Autoline, providing a visual indicator within various screens where consent is not in place. A record of every modification made to a data subject's consent agreements is also recorded for audit purposes.

  Please be aware that any interfaces that use the existing TPS consent flags for filtering the data that is sent to OEMs or other 3rd Parties will not make reference to the new consent structures by default, which could cause inconsistencies. Should changes to interfaces be required to make use of the new consent structures, interface owners will need to make these requests for change through the normal channels.

- **For Autoline Revision 8, version 9090 to 9304E-30**
  There will be an enhancement to the existing marketing consent functionality to ensure the product supports the minimum requirements for both the existing PECR and GDPR regulations, including archiving of marketing consent changes for audit purposes.

- **For customers on the earliest versions of Autoline Revision 8, prior to 9090**
  Due to the age of the product, we will not be able to provide fully automated support for the existing PECR and forthcoming GDPR regulations within the DMS. Customers can only manage consent for postal activity and will need to maintain marketing consent for other channels (SMS, email, Phone) outside of the DMS.

Please read through this latest communication in full for all the details regarding the developments related to GDPR and to find out which versions they are applicable for.

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Table of Contents

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1. Existing Functionality

a) Existing functionality and comments related to the 'Fundamentals of Data Processing'

Requirement	Relates to	Existing Functionality / CDK Comment
Processing of personal data shall not reveal information, such as racial or ethnic origin, political opinions, data concerning health, etc. except where the data subject has given explicit consent for the processing of their data for a specified purpose.	**The processing of Special Categories of Data** (see GDPR Article 9 and Recitals 46, 51-56)	For the purposes of processing Motability agreements (only relevant to our UK customers), it will be necessary to record Motability number, Authority and start date. Autoline Revision 8 provides the facility for recording this information for versions 9090 and above.
You will need to implement appropriate technical and organisational measures to ensure and be able to demonstrate that processing is performed in accordance with GDPR. Where necessary, you will also need to implement appropriate data protection policies.	**The Responsibility of the Controller** (See GDPR Article 24 and Recitals 74-77)	CDK Global are still reviewing the information on the measures that need to be taken to ensure and be able to demonstrate that processing is performed in accordance with GDPR and will provide a further update on these in due course.
You must implement appropriate technical and organisational measures to minimise the risks of data processing, i.e. for security, data should be processed in a manner that ensures security and protection against unlawful processing, accidental loss, damage or destruction.	**Data Protection by Design and by Default** (see GDPR Article 24 and Recital 78)	Within Autoline Revision 8, there are already a number of security measures in place, including: • User permissions – allowing you to lock down who can access and edit a data subject's personal data • Data Security processes and procedures within our data centres CDK Global are currently reviewing our data processing procedures to understand how risk can be minimised. We will provide a further update on this when the review is fully complete.

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b) Existing functionality and comments related to 'The Rights of Individual Data Subjects'

Requirement	Relates to	Existing functionality / CDK Comment
Individuals are entitled to have personal data rectified if it is inaccurate or incomplete. If you have disclosed the personal data in question to third parties, you must inform them of the rectification where possible. You must also inform the individuals about the third parties to whom the data has been disclosed where appropriate.	**The Right to Rectification** (see GDPR articles 12, 16 and 19)	**For customers on version 9090 and above** Personal data and any consents for marketing activity are all held against the customer's record within the DMS. This information is easily accessible and can be quickly updated by an authorised DMS user. All changed to the information are fully auditable. **For customers on versions prior to 9090** Personal data is easily accessible and can be updated by an authorised user. However, there is no automatically created audit trail. Any history of modifications to the data will need to be manually created and stored outside of the DMS.
The right to erasure, also known as 'the right to be forgotten' enables an individual to request the deletion or removal of personal data where there is no compelling reason for its continued processing.	**The right to Erasure** (see GDPR articles 17, 19 and Recitals 65 and 66)	Where no longer required, Autoline Revision 8 allows the erasure of a customer's personal information. Where a data subject's personal data has been shared with a third party, you must inform the third party. You must also inform the data subject of these third parties.
Where a data subject's personal data has been shared with a third party, you must inform the third party if the data subject has asked for their data to be rectified, erased (forgotten) or restricted from processing. You must also inform the data subject of these third parties.	**The right to Erasure** (see GDPR articles 17, 19 and Recitals 65 and 66)	As the Data Controller, it is your organisation's responsibility to update any third parties to whom a data subject's personal data has been previously disclosed with any rectifications, requests for erasure or restrictions from processing. Any personal data that you do send to a third party should always reflect the latest changes made to it.

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Requirement	Relates to	Existing functionality/ CDK comment
The right to be informed encompasses your obligation to provide 'fair processing information', typically through a privacy notice. It emphasises the need for transparency over how you use personal data.	**The Right to be Informed** (See GDPR articles 12(1), 12(5), 12(7), 13 and 14 and Recitals 58-62)	As the Data Controller, the onus is on you to update and publish your privacy statements to reflect the GDPR requirements (these were detailed in our previous GDPR communication).
Under the Data Protection Act (DPA), individuals have a right to 'block' or suppress processing of personal data. The restriction of processing under the GDPR is similar. When processing is restricted, you are permitted to store the personal data, but not further process it. You can retain just enough information about the individual to ensure that the restriction is respected in future.	**The Right to Restrict Processing** (see GDPR articles 18, 19 and Recitals 67)	Autoline Revision 8 allows you to restrict the processing of personal data, upon request.
Individuals have the right to object to: • processing based on legitimate interests • direct marketing at which point, you must no longer process their personal data unless you can demonstrate legitimate grounds for continuing to do so.	**The Right to Object** (see GDPR articles 12, 21 and Recitals 69 and 70)	Within Autoline Revision 8, it is already possible to amend and/or delete customers as appropriate.
The GDPR provides safeguards for individuals against the risk that a potentially damaging decision is taken without human intervention. These rights work in a similar way to existing rights under the Data Protection Act (DPA). You will need to identify whether any of your processing operations constitute automated decision making and consider whether you need to update your procedures to deal with the requirements of the GDPR.	**Rights in relation to Automated Decision Making and Profiling** (see GDPR articles 4(4), 9, 22 and Recitals 71 and 72)	In automotive retailing, this is most likely to occur when liaising with finance houses, who may undertake such activities in determining whether a customer is eligible for finance. In this scenario, the finance house will need to disclose the details of the automated decision making processes to the data subject.

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2. New Development Updates

In this section, you can find high-level information around the key developments that CDK Global are undertaking in relation to GDPR. In Section 4, entitled 'New Developments – more details and screenshots', starting on Page 13, you will also find details about some smaller developments that are not detailed in this section.

If you are one of the few remaining customers on one of the older versions of Autoline Revision 8, prior to version 9090, please read this section in detail to understand the limitations of your current version.

a) New development updates related to the 'Fundamentals of Data Processing'

Requirement	Relates to	Development	Customer Availability
You need to be able to identify customer data for which the storage is no longer necessary for the purposes for which the personal data are processed.	**The Principles relating to Processing of Personal Data** (see GDPR Article 5 and Recital 39)	**For customers on version 9090 and above** Update of existing consolidation tools to allow identification of all tables within the DMS that contain data subject's personal information so that it may be completely deleted from the system, if no longer required. A new tool that shows the level of activity against a customer will also be provided to help identify customer data that could possibly be deleted. **For customers on versions prior to 9090** It will be possible to identify all tables where personal information is stored within the DMS, so that a data subject's personal information may be deleted, if no longer required. We are currently investigating if deletion can be achieved by means of a standard update report. More information to follow on this topic in our next communication.	February 2018

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Requirement	Relates to	Development	Customer Availability
Processing a data subject's personal data should be only where there is a lawful basis for such processing (e.g. consent, contract, legal obligation)	**The Lawfulness of Processing** (see GDPR Article 6(1) and Recitals 39-50)	Users can already capture whether a data subject had opted out of phone-based communications via the TPS check box and also if they have opted out of receiving marketing communications via post (mail). fax or email using the same TPS check boxes. However, these new developments provide additional functionality, which varies based on the version you are currently running. **For customers on version 9304E-31 and above** Recording of consent for marketing purposes against a customer's CRM record by channel (Email / SMS / Letter / Phone) and split out by department (Vehicle Sales, Service, Parts), by OEM (vehicle manufacturer) and 3rd Parties. A record of each modification is kept for audit purposes. For marketing activity, customer lists can be easily filtered based on consent. Additionally, you can provide a data subject (a customer) with a printed copy of their agreement, should they request it. **For customers on versions between 9090 and 9304E-30** The TPS check boxes that allow you to capture consent for Phone, Email, Fax or Post (Mail) will now also include one for SMS. Users will also be able to stipulate start and end dates for a data subject's consent agreement. Upon request, you can also print out a copy of a customer's consent agreement. You can also view an audit history of all updates to a data subject's consent. **For customers on version 9090 and above** A report will allow users to identify which consent agreements are nearing their expiry dates, so that you may contact data subjects to renew their consent agreements, if required. **For customers on versions prior to 9090** Due to the age of the product, we will not be able to provide fully automated support for the existing PECR and forthcoming GDPR regulations within the DMS. Customers can only manage consent for postal activity within the DMS. Managing marketing consent for other channels (SMS, email, Phone) will need to be done outside of the DMS.	December 2017

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b) New development updates related to the 'The Rights of Individual Data Subjects'

Requirement	Relates to	Development	Customer Availability
Provide a data subject, upon request with: • confirmation that their data is being processed; • access to their personal data; and • other supplementary information	**The right of Access** (see GDPR articles 12, 15 and Recital 63)	**For customers on version 9090 and above** A log will be recorded for every time a customer's personal data has been used, whether it was for marketing purposes or a data extract to an external organisation (i.e. for OEM or third party use). There is no personal data help within this log table. A report will also allow the Data Controller to inform the data subject of how their data is being used, upon request. **For customers on version prior to 9090** There is no automated log table that details when and for what purpose a data subject's personal information is being processed. It will be a manual process to inform customers of how their data is being processed.	February 2018
Provide a data subject, upon request, with a copy of the personal data stored on them, allowing them to move, copy or transfer personal data easily from one IT environment (and Data Controller) to another in a safe and secure way, without hindrance to usability.	**Right to Data Portability** (see GDPR articles 12, 20 and Recitals 68)	Ability to create an export of a data subject's personal data in a standard format (CSV) and provide them with a copy	February 2018

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3. Existing Functionality – more details and screenshots

In this section, where relevant, we have included some additional information about functionality that already exists within Autoline to support your organisation with its compliance with GDPR.
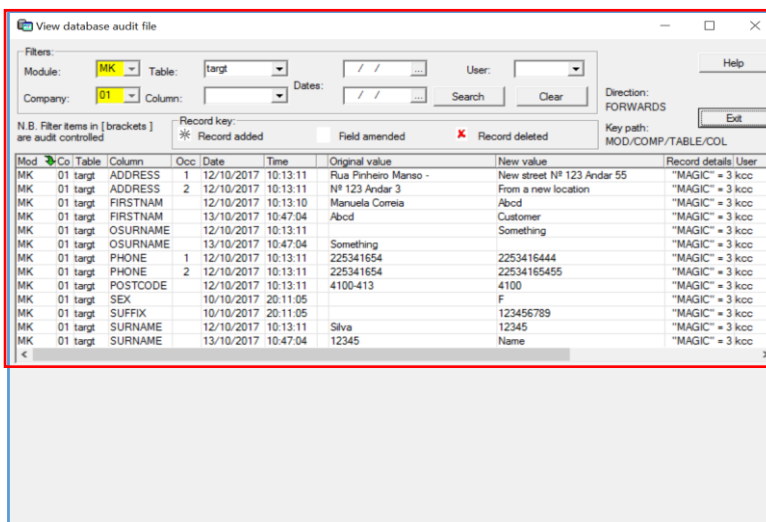
a) Modification history of personal information – for versions 9090 and above

When in a customer record, you can easily view all the modification history of a data subject's personal information, by clicking on the 'Audit' option from the Customer Options menu.
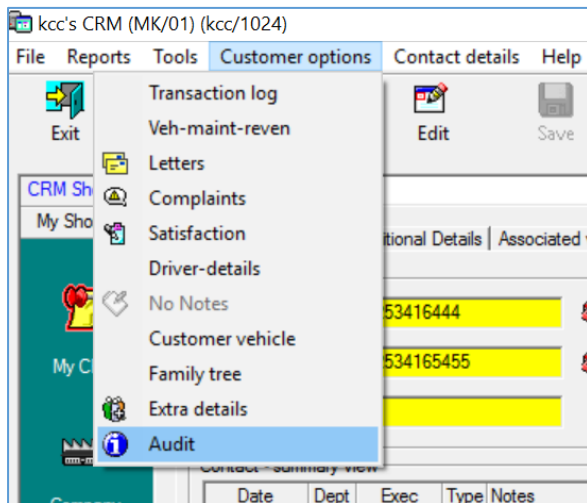
Audit option from Customer Options menu

On selecting Audit from the menu, you will be presented with a screen from which you can view the complete modification history of a data subject's (customer's) personal information.

Modification history of a customer's personal information

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b) Deletion of a customer record – for versions 9090 and above

On the Customer tab within CRM, you can set the customer status to 'X - Marked for deletion' for the customer record be removed from the system via a batch deletion process, unless still required for legal or contractual reasons.

Set customer status as 'X – Marked for deletion' against a customer's CRM record

4. New Developments – more details and screenshots

In this section, you will find a lot more detail, including screenshots where relevant, regarding new developments or enhancement that are either already available or due for release soon.

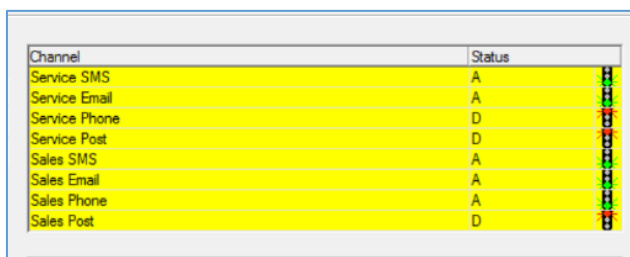### a) Consent Management – for version 9304E-31 onwards

With the latest consent functionality, you can now:

- Capture consent by marketing channel for departments, brands and third parties against individual customer records
- Modify or withdraw consent at any time
- View an audit trail of all changes to consent
- Easily filter customer data based on consent levels for marketing activity
- Provide a printed copy of the consent agreement to a customer on set-up, or when an agreement has been modified or withdrawn
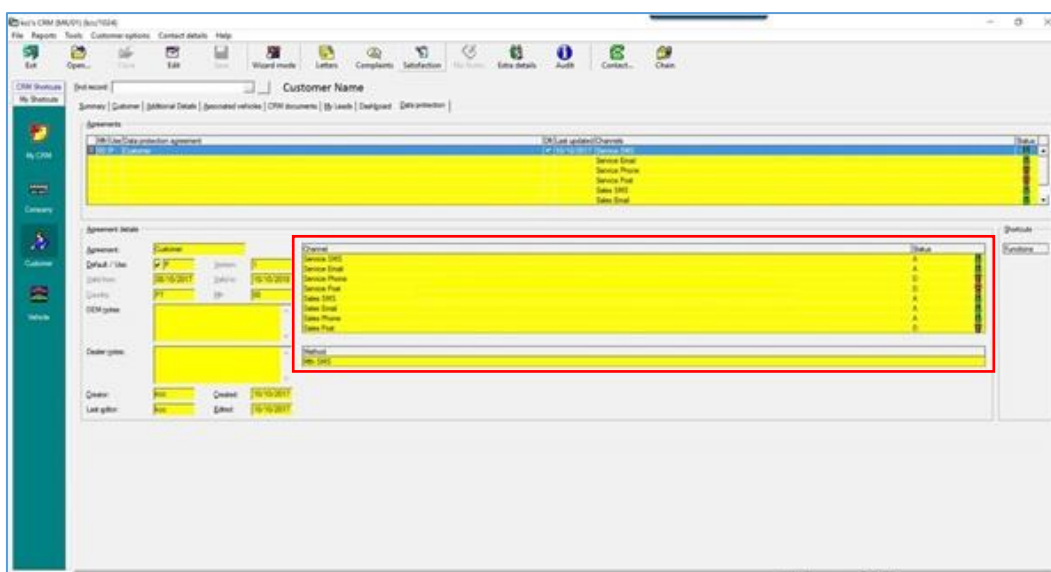
System set-up required: **Yes**

i) Consent Capture

For each area of consent, the status can be set to either **D** for Declined, **A** for Allowed and **U** for Unknown. As a default consent is set to **U** for Unknown until consent has either been approved or declined. As standard, the permissions have been set to include consent by channel (SMS, Email, Phone and Post) for the Service, Sales and Parts department. Consent can also be captured for the vehicle brands that you represent, plus third parties that you share a data subject's data with.

Consent capture by channel by department

Consent capture against the customer's CRM record

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ii) Printing out a Consent Agreement

You can easily print off a copy of the customer's consent agreement when they are set-up or subsequently modified by right-clicking your mouse within the consent agreement table and selecting the 'Print' option.

iii) Audit trail for Consent Changes

All changes made using the new consent capture tool are recorded for audit purposes. You can quickly view the audit trail by right-clicking your mouse within the consent agreement and selecting 'View audit log'. You can easily see when an agreement was **made** and/or **modified** and **which DMS user updated it**.

Audit records are split out by:

- Customer (by department)
- OEM (by brand)
- 3rd Party

Examples below…

Audit screen for consent by department

Audit screen for consent by OEM (brand)

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iv) Selecting customers who have consented to marketing activity

When setting up a marketing campaign, to ensure you only include those customers who have consented to receiving marketing communications, you can select to include only those customers who have consented for dealership (Customer), OEM or 3rd Party communications within a given time frame.
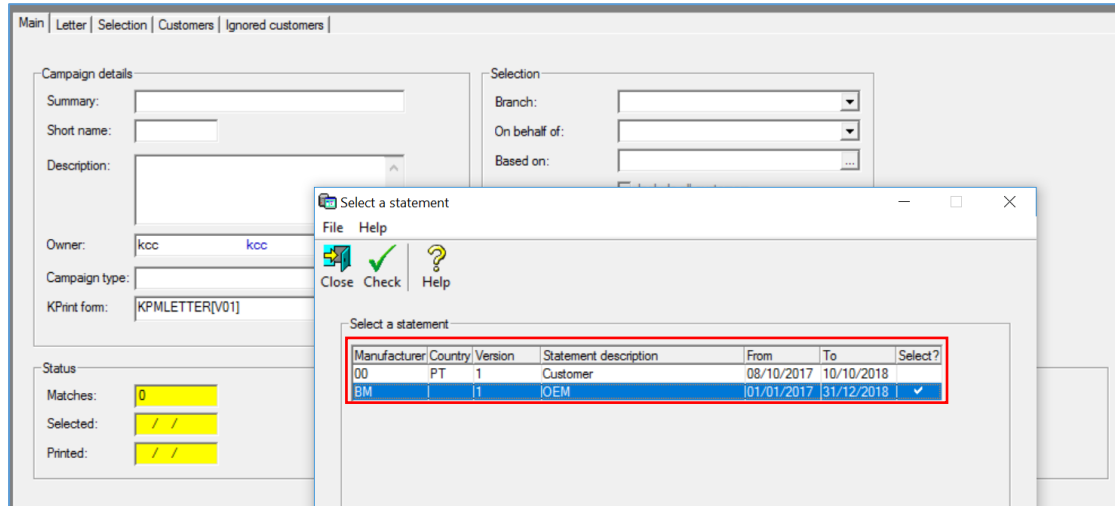

Customer selection based on consent for marketing activity

v) Traffic light flag to identify consent status

To help you to more quickly identify the consent agreement of a customer from various points within Autoline Revision 8, a traffic light icon has been placed next to the customer field on the following screens:

- Identify tab within Vehicle Administration
- Point of Sale (main screen)
- CRM Information notes screen (available from a number of areas)

The following colours indicate the following statuses:

- Red = All Channels Declined (No consent given)
- Amber = Mixture of Declined and Allowed (need to check where you have consent)
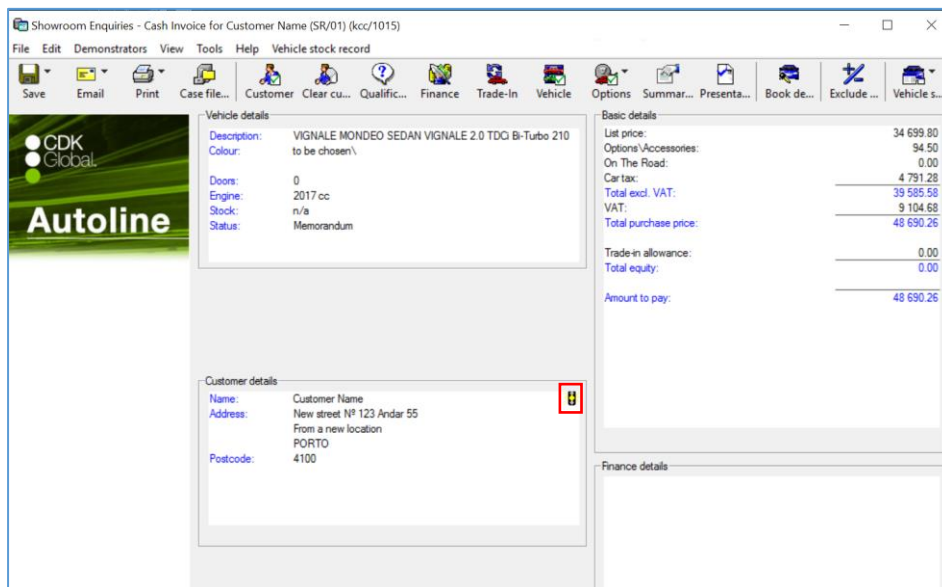- Green = All Channels Allowed (Consent given)
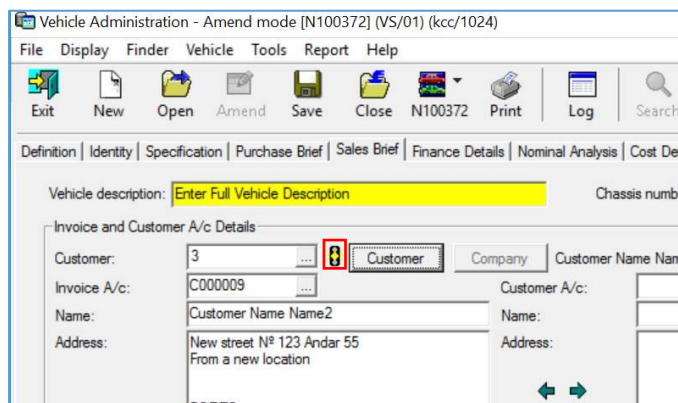
Customer consent indicator within Vehicle Administration

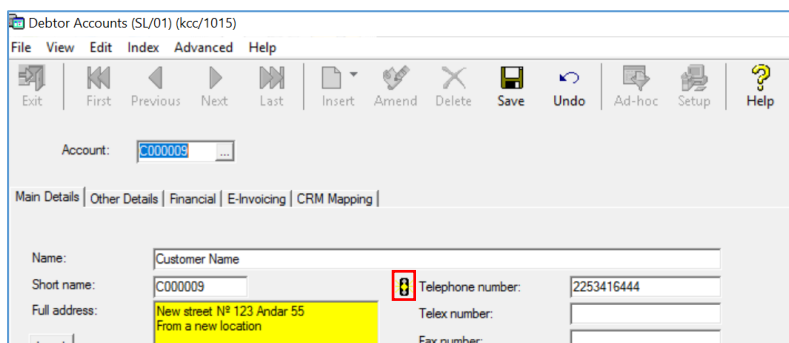Evolving the Automotive Retail *Experience*
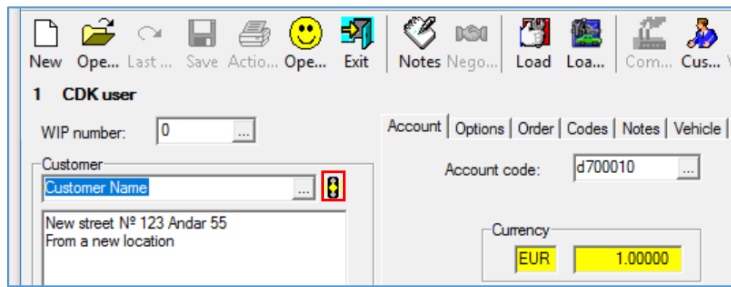
Customer consent indicator within Point of Sale
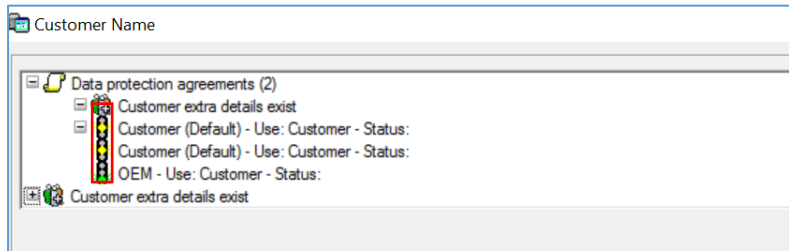
Customer consent indicator within CRM Information notes

Customer consent indicator within Showroom

Customer consent indicator within Sales Ledger

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b) Consent Management – for versions 9090 up to 9304E-30

i) Consent Capture

System set-up required: **No**

Consent capture is managed using the existing 'Stop all mail' and 'TPS' check boxes, which cover the different communication channels (Phone, Fax, Email, Postal). A development is underway that will also allow you to capture consent for SMS via a TPS check box on this screen.

Consent capture using existing mechanisms within Autoline

When a customer record is created for the first time or when any of the TPS fields are updated, upon clicking the 'Save' button a new screen will pop up, which allows the user to define a date range for the agreement, should you so wish. Clicking 'OK' will store the agreement with the necessary date ranges.

Towards the end of the defined agreement period, you may wish to seek fresh consent from a data subject if you wish to continue contacting them for marketing purposes. To be clear, there is no interdependency between the agreement dates and the consent statuses.
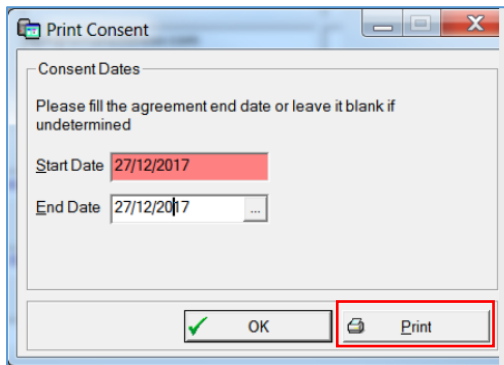
Define a consent date range

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ii) Printing a copy of the consent agreement

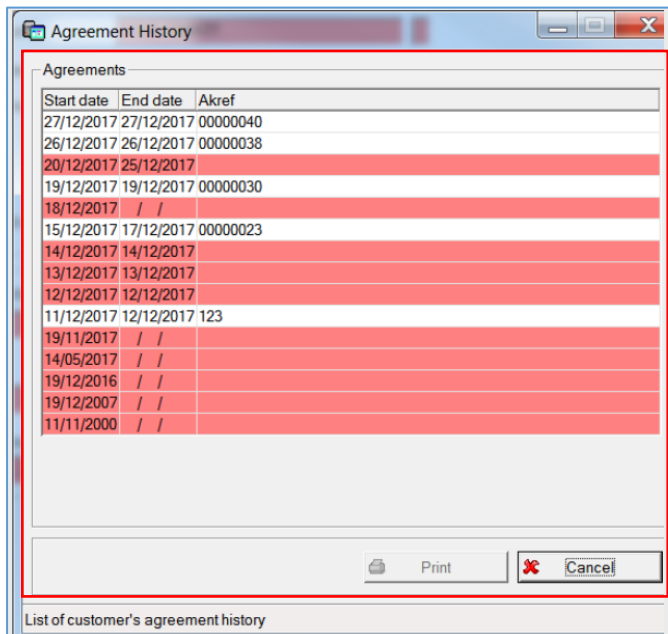System Set-up required: **Yes**

The 'Print' option allows you to print off a copy of the consent agreements for a data subject, upon request. A standard consent agreement template will be supplied, however, you will need to configure it to meet the specific needs of your business.

Print a copy of a data subject's consent agreement

iii) Audit trail of consent changes

A new development is underway that will provide you with an option from the CRM tools menu to view a customer's 'Agreement History', which is a history of changes to a data subject's consent. You can print a copy of the latest consent agreement to share with a data subject, upon request. It is also possible to re-print a copy of any consent agreement that has been previously printed as a copy of the agreement is automatically stored in the document archive.
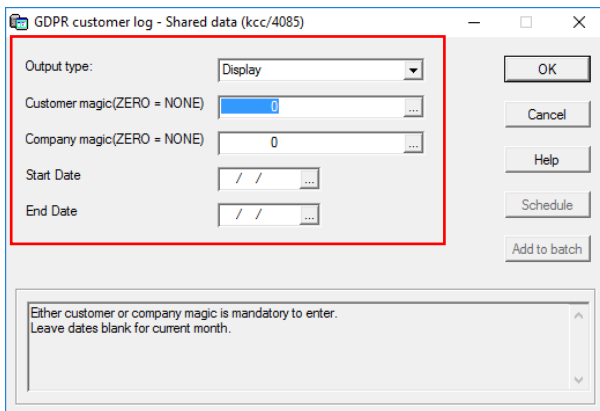

Audit trail of a data subject's (customer's) consent changes

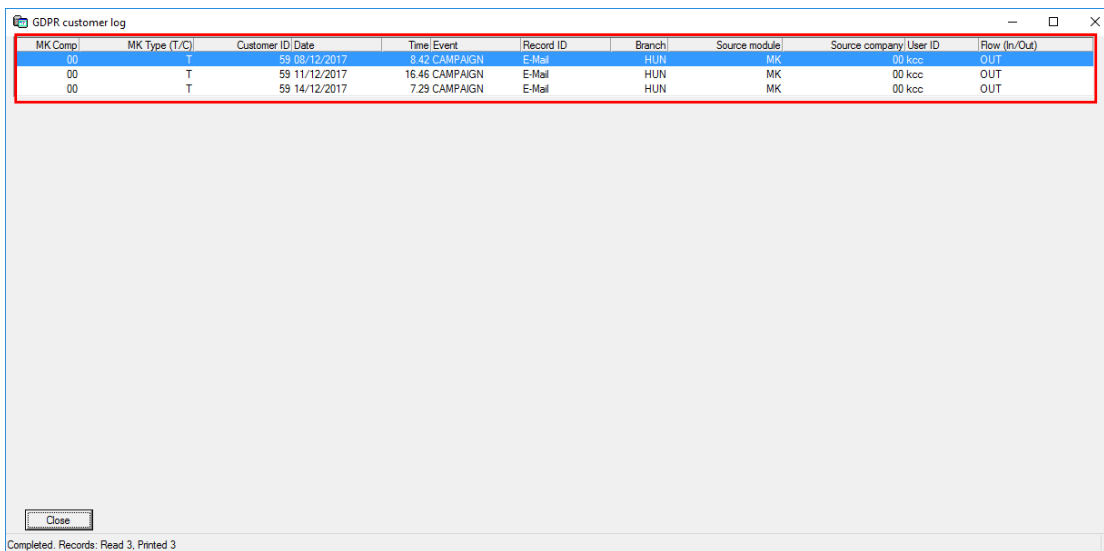Evolving the Automotive Retail *Experience*

c) Logging when and where personal data has been shared – for versions 9090 and above

System set-up required: **No**

A data subject (customer) has the right to know if his/her personal data is still being processed in accordance with the consent they he/she has previously provided. To meet this requirement a new log table has been developed, which records when a customer's personal data has been shared (internally or externally) and for what purpose. It details whether the data has been used for marketing activity using one of the agreed communication channels (Email, SMS, post) or whether it has alternatively been sent to an OEM (vehicle manufacturer) or other 3rd party. By creating a report using this log table, which contains no personal information, the data controller can inform the customer how their data has been used.

'GDPR customer log – Shared data' enquiry screen

GDPR customer log enquiry output screen, showing how their personal data has been used

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c) Recording of the Data Controller's details – for versions 9090 and above

System set-up required: **Yes**

Within the CRM Parameter Configuration Utility, in the CRM Parameters area, you can now record the details of each CRM company's Data Controller (it may be the same person for all) in the 'Data Controller Information parameters' section. In the future, this could be used to restrict certain functions within the system to the profile of a Data Controller.
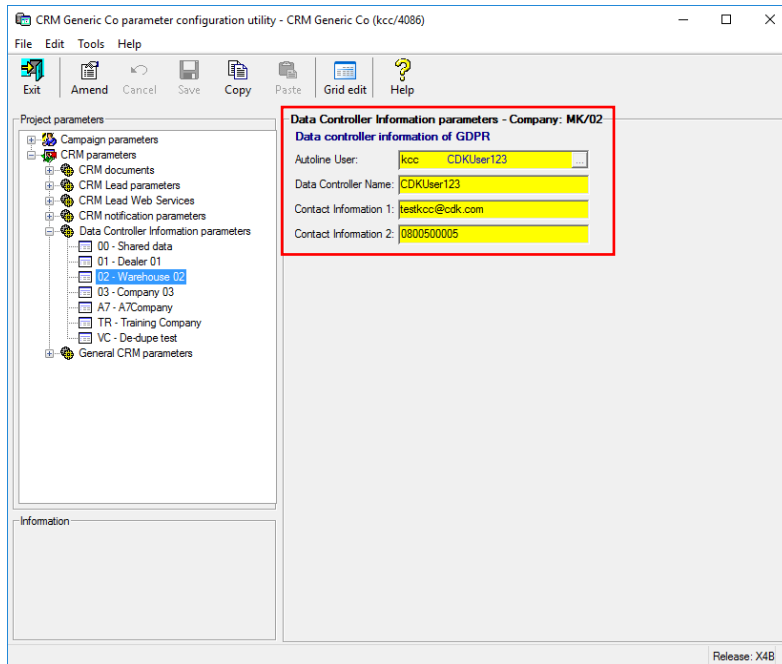
Data Controller profile details

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d) Personal data modification notification – for versions 9090 and above

System set-up required: **Yes**

When a user modifies a data subject's personal data within the customer's CRM record, it can be set so that a notification message pops up. This will advise the user that they need to inform any third parties (OEM or other) with whom the data subject's personal data has been shared with of any changes. The wording of the advisory message can be altered within the CRM notification parameters in the CRM parameter configuration utility.
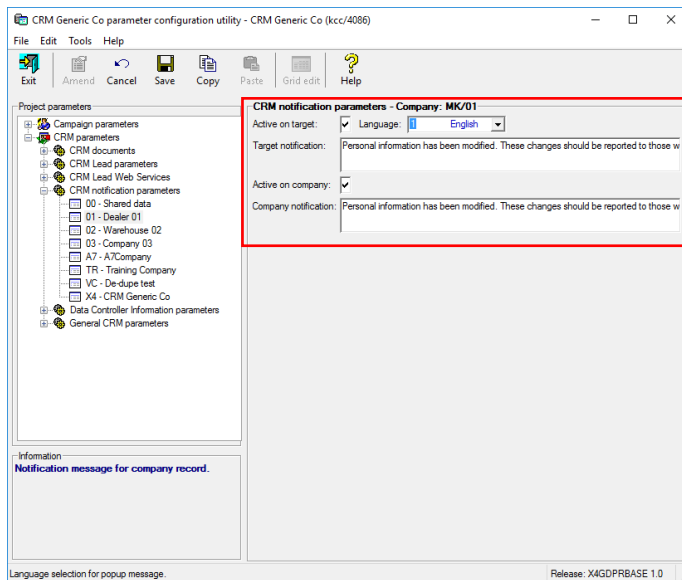
Set-up of notification message
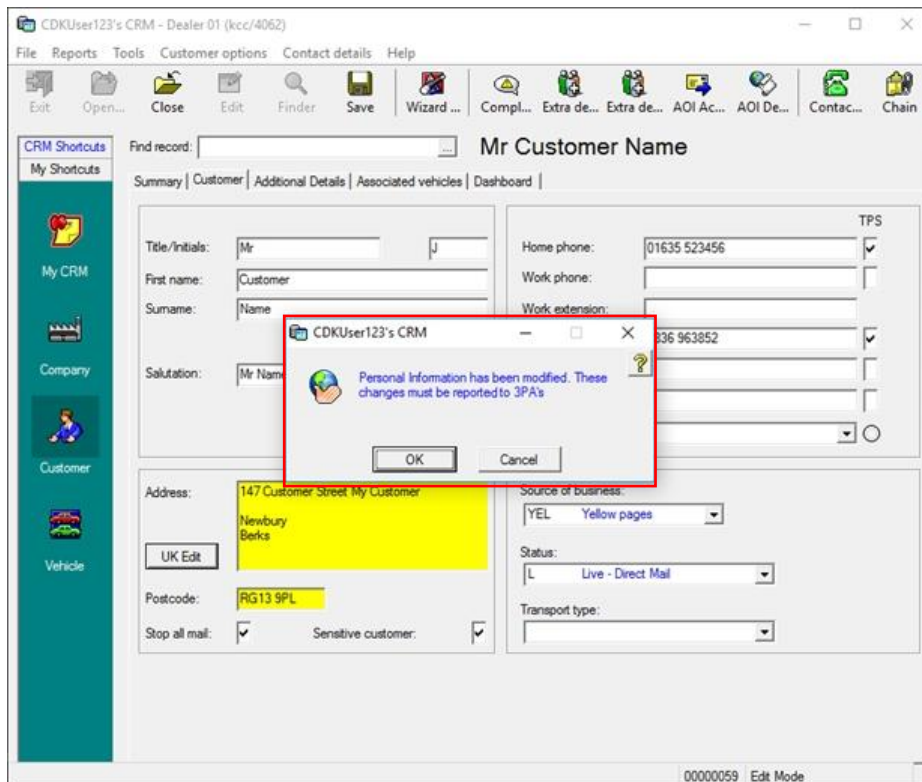
Example of notification message against a customer's CRM record

e) Extract of a data subject's personal information in CSV format – for all versions

System set-up required: **No**

A data subject has the right to request to be provided with an electronic file with his/her personal data in a standard format so that they can transfer it elsewhere. To make this possible, a new extraction report has been created with Report Generator called Export Customer Details that will allow you to deliver to a data subject, in three steps, his/her personal information in a CSV file format.
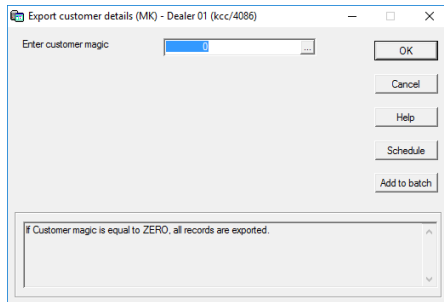
Step 1 – Enter customer number
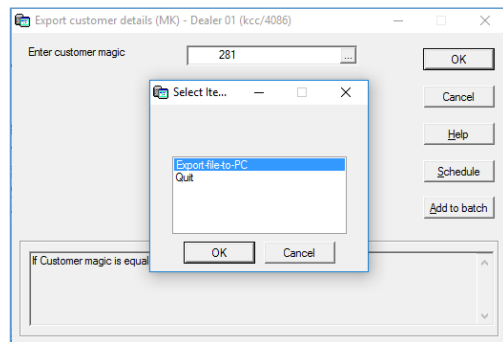
Step 2 – Select 'Export file to PC'

Step 3 – A report is created with the data subject's personal information in CSV format for easy transfer elsewhere

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5. Re-cap of the key responsibilities under GDPR

To help clarify both your organisation's and CDK Global's position with relation to GDPR, below are summaries of the roles that both organisations need to perform.

What is Personal Data?

The definition of personal data has been widened under GDPR, and now includes not only information which identifies an individual, but also information which makes an individual identifiable. This second category can include online identifiers, IP addresses, and data sets where, if taken individually the data might appear innocuous, but where taken together can reveal a detailed profile of an individual.

What is Processing?

Processing is defined so broadly in the GDPR as to cover anything that can be done with data, including storing or deleting it.

Responsibilities of Data Controllers and Processors

Article 4 of the GDPR defines a data Controller as a person (either a natural person or a company) who, alone or jointly with others, _determines the **purpose** and **means** of the processing of personal data_.

You determine how and why the personal data of your customers is processed, and are therefore a Controller for the purposes of the current data protection laws, and GDPR.

- A Processor is defined as a – _person which processes personal data on behalf of the controller._

CDK Global acts solely as a processor in relation to any data processed by a CDK Global product; we process data on behalf of you, our dealer customers. This position is the same now, and is not changing under GDPR.

What are the controllers' responsibilities?

Under Article 5 from the EU GDPR, the controller shall be responsible for, and be able to demonstrate compliance with, the principles relating to processing of personal data. These are:

- Lawfulness;
- fairness and transparency;
- data minimization;
- accuracy;
- storage limitation and integrity; and
- confidentiality of personal data.

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Lawfulness

GDPR provides that processing is lawful if it is carried out on one or more specified grounds. For the majority of CDK's automotive retailing customers, three of the specified grounds will be relevant. These are:

1. **Consent**

   Consent is the grounds of processing which gets the most press coverage, and is an absolute requirement for marketing, but will typically not be the ground on which most processing relies. Consent must be fully informed and unambiguous, and can be withdrawn at any moment; in the case of withdrawal of consent to processing, all future processing based on that consent must immediately cease.

2. **Necessary for the performance of a contract**

   This grounds for processing is distinct from consent – for example, you may process a customer's details in the DMS when carrying out a repair to their vehicle, but that same customer may not have provided you with consent to market to them.

3. **Necessary for the legitimate interests pursued by the Controller, except where overridden by the fundamental rights of the data subject.**

   This is the widest and most useful grounds for processing under GDPR, and allows Controllers to carry out processing activities provided that they have given the appropriate weight to the rights of the data subjects concerned.

   The data subject has a right to object to processing under this ground, at which point the Controller must justify the interests in processing the data.

It is important to note that your DMS processes personal data for a number of different purposes; the removal of one ground for processing the data (for example, the customer no longer wishes to receive marketing communications) does not mean that processing based on other grounds must also cease.

Fairness and transparency

Fairness and transparency means that you are obliged to tell your customers how you are processing their data, and who it is being shared with (for example, an OEM).

One of the purposes of GDPR is to create transparency in processing chains for data subjects, who should be able to follow their data and exercise their rights against anyone processing that data.

The key to compliance with the fairness and transparency principle will be your privacy statement that you provide to your customers, and which we anticipate will set out the information required under GDPR.

It is worth noting that similar provisions apply where you receive personal information indirectly (e.g. through lead management).

Evolving the Automotive Retail *Experience*

Data minimization

This principle means that you should not be keeping data for longer than it is required, or more data than you require for the specified purposes for which you are processing it.

Accuracy

Any data that is being processed must be up to date and accurate.

Storage limitation and integrity

Data must be stored only for as long as it is required for the purposes for which it is being processed.

Confidentiality of personal data

The Controller must have in place systems and processes that protect the confidentiality of personal data.

What are the Processors' responsibilities?

Under GDPR, Processors have the following obligations:

- Processing must meet the requirements of GDPR and data must be processed in accordance with the Controller's instructions;
- Sub-contracting of data processing only with consent of the Controller;
- A binding contract must be in place between Controller and Processor;
- To demonstrate compliance by maintaining a record of all categories of processing activities, details of the controllers and any other processors and of any relevant Data Protection Officers (DPOs), the categories of processing carried out, details of any transfers to third countries and a general description of technical and organisational security measures;
- To implement appropriate security measures;
- To notify the relevant controller of any data breach without undue delay on becoming aware of the breach;

CDK Global are currently revising our standard terms and conditions to take account of these obligations.

Additionally, from a data security perspective, where required, CDK must implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk.