



## Direct Marketing Policy

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## Policy Statement

Powerscreen of Washington (hereinafter referred to as “the Company,” “we,” “us,” or “our”) uses email, SMS, e-marketing, direct mail, and telephone to send marketing information to individuals. As such, we have obligations under the **Washington Privacy Act (WPA)** to ensure transparency, protect individual privacy rights, and comply with rules governing the use of personal data for direct marketing purposes.

This policy works in conjunction with our data protection policies to ensure employees understand their responsibilities and that users and subscribers are informed of their rights. We have implemented robust policies, procedures, and controls to ensure compliance with the WPA and to uphold our commitment to protecting personal data.

### Purpose

The purpose of this policy is to ensure that the Company meets its legal, statutory, and regulatory obligations under the **Washington Privacy Act (WPA)** regarding direct marketing activities. This policy sets out our objectives, obligations, and controls for meeting the requirements for lawful marketing communications.

This policy also aims to establish processes for compliance and to provide employees with the information and support necessary to adhere to direct marketing requirements under the WPA.

### Scope

This policy applies to all staff within the Company, including permanent, fixed-term, and temporary staff, third-party representatives, sub-contractors, agency workers, volunteers, interns, and agents engaged with the Company in the United States or internationally. Adherence to this policy is mandatory, and non-compliance may result in disciplinary action.

### What is Direct Marketing?

Under the **Washington Privacy Act (WPA)**, direct marketing refers to any communication aimed at promoting products or services to specific individuals. This includes advertising or promotional material sent via email, SMS, telephone, direct mail, or other electronic communications.

The WPA requires businesses using personal data for direct marketing to:

- Obtain consent where necessary.
- Provide individuals with clear information about the data being processed.
- Offer simple mechanisms for opting out of marketing communications.

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## WPA and Data Protection

The WPA governs the processing of personal data for direct marketing purposes. Personal data such as names, email addresses, phone numbers, and other identifiers used for marketing must be processed lawfully and transparently.

Key compliance obligations under the WPA include:

- **Right to Opt-Out:** Individuals have the right to opt out of the processing of their personal data for targeted advertising or other marketing purposes.
- **Transparency:** Businesses must provide clear, concise, and easily accessible information about how personal data is collected, used, and shared.
- **Consent Management:** Consent must be obtained for marketing communications, except where allowed by the WPA.

The Company ensures that all marketing materials include an option to opt out and that individuals' rights to withdraw consent are respected promptly.

## Objectives

To ensure compliance with the **Washington Privacy Act (WPA)** and related marketing requirements, the Company has established the following objectives:

1. Implement robust policies, including:
  - Data Protection Policy
  - Data Breach Policy
  - Cookie Policy
  - Direct Marketing Policy
  - Privacy Notice

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2. Use consent-based marketing strategies:
  - Obtain clear, explicit consent for marketing communications.
  - Provide simple mechanisms for opting out of marketing at any time.
3. Ensure all marketing materials:
  - Include options to unsubscribe or opt out.
  - Contain the Company's name, address, and contact information.
  - Provide links to the Company's Privacy Policy for more details on how personal data is processed.
4. Screen marketing lists:
  - Maintain a "do not contact" list for individuals who have opted out of communications.
  - Verify marketing communications against applicable opt-out registries, such as the **Do Not Call Registry**.
5. Utilize appropriate security and tracking measures to protect personal data used in marketing activities.

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## Procedures and Guidance

The Company has implemented the following procedures to ensure compliance with the WPA in direct marketing:

- **Transparency:**
  - Provide clear information about how personal data is used for marketing purposes and the rights of individuals under the WPA.
- **Employee Training:**
  - Regularly train employees on WPA compliance and the importance of respecting privacy in marketing communications.
- **Consent Management:**
  - Use clear, plain language in consent requests.
  - Maintain records of consent and ensure withdrawal requests are processed promptly.
- **Marketing Review:**
  - Regularly audit marketing practices to ensure compliance with WPA requirements.
  - Verify that all communications align with privacy laws and Company policies.
- **Consumer Rights:**
  - Respect and respond to requests to opt out of marketing or withdraw consent.
  - Address complaints or inquiries regarding marketing practices in a timely manner.

### Key Marketing Compliance Practices

1. Only send marketing communications to individuals who have provided explicit consent, unless otherwise permitted by the WPA.
2. Provide a clear and accessible privacy notice detailing how personal data is processed for marketing purposes.
3. Include an unsubscribe or opt-out link in all marketing communications.
4. Maintain a robust data protection infrastructure to safeguard personal information used for marketing.

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By adhering to this policy, Powerscreen of Washington ensures that our direct marketing activities comply with the **Washington Privacy Act (WPA)** and that we respect the privacy rights of individuals. We are committed to maintaining the highest standards of data protection and transparency in all our marketing efforts.

The Company sends direct marketing in the form of: -

- Email
- Text or SMS
- Direct mail
- Live telephone calls
- Automated telephone calls

The Company only sends direct marketing or asks for consent to send marketing to certain individuals. The individuals that we send direct marketing to are detailed in our Direct Marketing Notice and include: -

- Customers of the Company
- Individuals making a purchase from us
- Individuals subscribing to a service we provide
- Those make an enquiry at a fair or event hosted by the Company
- Individuals who download or access information via our website
- Individuals who contact us to request information about our products or services

### Telephone Marketing

#### Live Telephone Calls

As the Company makes calls in relation to direct marketing, we have an obligation to comply with Sections 19 and 21 of the PECR. The Company uses the Telephone Preference Service (TPS) and the Corporate Telephone Preference Service (CTPS) to screen all telephone numbers related to direct marketing. We also retain our own 'do not contact' list for individual and corporate subscribers who have opted out of direct marketing via the telephone.

The only exception to calling a number that is registered on the TPS or CTPS is where we have obtained consent to make contact by phone for marketing purposes. We have strict consent mechanisms in place to obtain consent by an affirmative action and to demonstrate that consent was provided knowingly.

For all calls made in relation to direct marketing or where any form of marketing will be mentioned or offered, the Company always advises who we are, our purpose for calling and provide a contact address or freephone number where requested. Our telephone number is always displayed to the person receiving the call.

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### Automated Telephone Calls

Where the Company use an automated dialling system to deliver direct marketing messages by recorded message, we only do so with the explicit consent of the person being called. This consent specifies that direct marketing will be made by an automated calling system and is separate and in addition to any consent obtained for live calls.

All automated messages that fall under the PECR rules for direct marketing are reviewed by James Dodkins, Group Marketing Manager, prior to being used and are kept under regular review. Automated messages are only approved where they meet the PECR rules, including providing our company name, address and/or a freephone telephone number.

Our telephone number is always displayed or made available to the person receiving the call.

### Electronic Mail Marketing

For the purposes of this policy and our compliance with the PECR, we define electronic mail marketing as 'any text, voice, sound or image message sent over a public electronic communications network which can be stored in the network or in the recipient's terminal equipment until it is collected by the recipient and includes messages sent using a short message service'.

We use electronic mail for direct marketing in the form of: -

- Emails
- Texts
- Picture messages
- Video messages
- Voicemails
- Direct messages via social media
- Online marketing
- Any similar message that is stored electronically.

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We only send electronic mail marketing where we either have consent from the individual to do so or where they are an existing customer who has used our products or services previously. Such customers are provided with an easy way to opt out of receiving such information, both when we first obtain their details and in all subsequent messages.

Marketing information sent by email or text clearly displays our: -

- Full identity
- Our trading address and registered office
- Our contact information
- A hyperlink and/or details on how to unsubscribe

We retain an electronic list of subscribers who have opted out of receiving electronic mail marketing.

#### Consent

As per our obligations under the Regulations, we usually require an individual's consent to send direct marketing. In such cases, we never send any information that has not been requested or consented to being received. We have controls and tools in place that provide simple options for withdrawing consent or opt-out of marketing at any time.

Data processed for any purpose requiring consent is only retained for as long as it necessary and is subject to the retention and erasure rules set out in the UK GDPR and our Data Protection and Data Retention Policies. Our Data Protection Policy details the consent mechanisms that we have in place to comply with the PECR and UK GDPR.

#### Legitimate Interests

In some instances, the Company send marketing information to individuals where it has been identified as being beneficial or of interest to them. In these instances, we rely on the legitimate interest's legal basis under the UK GDPR for processing.

We ensure that such information is always relevant to the customer and is non-intrusive. We also ensure that customers have the option to opt-out or unsubscribe at any time.

Where we choose to rely on legitimate interests for processing personal data in relation to direct marketing, we have first verified that: -

- the information being sent is relative and beneficial to the customer
- we have weighed their interests against our own

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### **Third Party Processors**

The Company use a third-party service provider to carry out direct marketing by telephone. We understand that under the PECR, both parties are responsible for complying with the regulations, but as the initial instigator of any marketing communication, the Company is liable for overall compliance.

We carry out extensive due diligence on all suppliers and third parties prior to forming a business relationship with them and carry out regular audits and reviews of the business, services and activities. We have Service Level Agreements and written contracts in place with all service providers that set out our obligations and the providers responsibilities and duties.

Please refer to our Due Diligence Procedures and Outsourcing Policy for further information.

### **Audits & Monitoring**

This policy and procedure document details the controls and measures used by the Company to comply with the PECR and any associated data protection rules. It is to be read in conjunction with our other UK GDPR and PECR policies.

To ensure continued compliance with the Regulations and to review internal policies and processes, the Company use a dedicated Compliance Monitoring & Audit Policy & Procedure, with a view to ensuring that the measures and controls in place to protect subscribers and users, along with their information at all times.

The Data Protection Officer has overall responsibility for assessing, testing, reviewing and improving the processes, measures and controls in place and reporting improvement action plans to the Board where applicable.

The aim of internal PECR audits is to: -

- Ensure that the appropriate policies and procedures are in place.
- To verify that those policies and procedures are being followed.
- To test the adequacy and effectiveness of the measures and controls in place.
- To detect breaches or potential breaches of compliance.
- To identify risks and assess the mitigating actions in place to minimise such risks.
- To recommend solutions and mitigating actions for improvements where applicable.
- To monitor compliance with the PECR and UK GDPR and demonstrate best practice.

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## Training

Through our strong commitment and robust controls, we ensure that all staff understand, have access to and can easily interpret the PECR and that they have ongoing training, support and assessments to ensure and demonstrate their knowledge, competence and adequacy for the role. Our Training & Development Policy & Procedures and Induction Policy detail how new and existing employees are trained, assessed and supported and include: -

- PECR and UK GDPR Workshops & Training Sessions.
- Assessment Tests.
- Coaching & Mentoring.
- 1:1 Support Sessions.
- Scripts and Reminder Aids.
- Access to the PECR and UK GDPR policies, procedures, checklists and supporting documents.

## Responsibilities

The Company ensure that compliance with the PECR is the responsibility of all employees and provides ongoing support and training to this end. Overall responsibility of PECR compliance has been assigned to Data Protection Officer, whose role it is to identify and mitigate any risks to the protection of personal data or the privacy rights of users and subscribers.

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