



# WhatsApp use for Business

## Overview

The need for instant and remote communication with your employees, clients and customers has never been greater. There is a misconception amongst many small business owners that using WhatsApp for business will solve many communication problems and doesn't require you to do anything more than keeping your contacts engaged and up to date with your business products, services and news. Unfortunately, using WhatsApp for business does come with some compliance risks and it does require you to comply with the UK's Data Protection Act / GDPR. Our factsheet explains what the issues are and what you need to take on board before using the service.

## Key Points



### Data Controller

When you use WhatsApp for business purposes, you become the 'Data Controller', and as a business you are required to comply with the UK's Data Protection Act, fulfilling the requirements to meet compliance .. read on to find out more!

A data controller is the organisation / person responsible for deciding how personal data will be processed i.e. it's uses, limitations, retention period to name a few. This means you must ensure the contact details of the participants in the group or those who you are communicating to individually are provided with the relevant information to comply with article 12 of the GDPR (a privacy notice) and by storing (processing) their contact details you have assigned an appropriate legal basis, such as consent, legitimate interests, contractual etc. As the data controller there are other considerations you need to be aware of, so continue reading to find out more...



### Legal Basis

You are responsible for identifying and assigning the relevant legal basis for processing the contact information and any other personal information that may be exchanged during the messages



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When you process (do something with) personal data as a business you have to assign a legal basis to the processing of that data. There are six defined legal bases, you can find out more on our [FAQ's page](#). As an example, you have a WhatsApp group to keep people updated on industry news and job vacancies, you would most likely be processing their data under a Legitimate Interest (one of the six legal bases), or you run a small online shop and want to promote your new products through WhatsApp to a number of individual contacts, for this you would need Consent, just the same as you would to send them an email.



### Privacy Notice

You, as the data controller have an obligation under article 13 of the GDPR to provide information to the data subject on how their data will be processed and their individual rights.

Whenever you are collecting and processing personal data you must provide information to the data subject on why you're collecting their data, under what legal basis, what their individual rights are (such as accessing their data, right to be forgotten) etc. This could be included as part of your overall Privacy Notice which is available on your website, for example—so you could simply provide a link in the first WhatsApp message which signposts them to the Privacy Notice which explains, and includes the use of WhatsApp.



### Security

The personal information of contacts and in messages require you to adopt some security measures. You may have thought that WhatsApp, as it's an encrypted messaging service would keep that data safe? Right.. Read on..

Your WhatsApp contacts & messages are saved on your device, which is usually saved to the SIM card or through a cloud service, such as Google. If your device or cloud provider is compromised then the contact details & messages, including those of your customers, clients, employees etc would also be at risk. You should, at least keep business & personal contacts separate if using your own personal device. Always have a password or biometric lock on your device and when sending personal information through WhatsApp remember that whilst the platform is encrypted, data can be backed up or exported which may no longer be secure.



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### Individual Rights

One of the fundamental requirements of the GDPR is the rights of an individual. As a business using WhatsApp you are still obligated to adhere to the rights of an individual. More information on Individual Rights can be found here on our [FAQ's page](#).

There are 8 rights which you need to ensure can be managed if requested, such as the Right of Access, (also known as a SAR or Subject Access Request). If a request is made to you, as the data controller you would need to provide access of the applicable messages from **all** of your business groups & messages. Remember that some messages could be direct with your employees and images and downloads will be saved on their, sometimes personal devices. Likewise, a request to be forgotten could require you to ensure all contact details and messages are permanently deleted from all devices, including those of your employees.



### Employees

Where your employees are using your business systems to communicate with colleagues and clients, you are able to control how this is used. However if employees are using WhatsApp for business purposes they may be using their own devices which reduces your control

Be cautious of what is sent through WhatsApp as should you need to dismiss an employee, or they just leave to go to another job any sensitive and confidential information, including that of your customers will be stored on their device. You can only really ask them to delete messages and be trusting enough that they have. You should have a policy in place which explains the acceptable use of WhatsApp in your business and the obligation your employees are taking when using their own devices.



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### Summary

Hopefully our factsheet has given you some comfort that you are complying with your responsibilities as a business processing personal information. If not, then you may need to review your practices when using WhatsApp or other similar messaging platforms for business use. It isn't uncommon for people to forget that social media and other communication applications require the same level of security, protection and compliance as you would using email or any other business system to communicate with others.

We have a range of FAQ's which cover the points raised and explains the terminology in this factsheet on our website.

If you do need further information or support in this or any other data protection area, please get in touch.

### Contact us

To find out what other Data Protection services we can help you with, you can contact us through our website.

[www.beaconconsultantservices.co.uk](http://www.beaconconsultantservices.co.uk)

Or give us a call / drop us an email



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