



Direct Marketing Policy

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Document Author: Jordan Fontaine
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LA GRANGE HQ
5680 West State Hwy 71, La Grange, TX 78945
TEL: (979) 968-6428
TOLL FREE: (800) 255-8628

WAXAHACHIE (NORTH TEXAS)
4743 N I-35, Waxahachie, TX 75165
TEL: (214) 396-5280

LOUISIANA
1901 Holiday Drive, Jennings, LA 70546
TEL: (979) 968-6428
TOLL FREE: (800) 255-8628



Policy Statement

Powerscreen Texas, an entity owned by Molson Group, (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 **Texas Data Privacy and Security Act (TDPSA)** to ensure compliance with laws governing the collection, processing, and 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, controls, and measures to ensure compliance with the TDPSA, including staff training, procedural documentation, audits, and assessments.

Purpose

The purpose of this policy is to ensure that the Company meets its legal, statutory, and regulatory obligations under the **Texas Data Privacy and Security Act (TDPSA)** concerning direct marketing activities.

This policy outlines our approach to compliance, including obtaining consent where required, respecting individual rights, and maintaining transparency in all marketing practices. It also aims to provide employees with the guidance and support needed to fulfill their responsibilities regarding direct marketing.

Scope

This policy applies to all staff within the Company, including permanent, fixed-term, and temporary employees, 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 **Texas Data Privacy and Security Act (TDPSA)**, direct marketing refers to any communication sent to individuals to promote products or services. This includes advertising or promotional material delivered via email, SMS, telephone, direct mail, or other electronic communication channels.

The TDPSA requires businesses to:

1. Provide clear information about the purpose of collecting personal data for marketing.
2. Obtain user consent where necessary.
3. Respect individual rights to opt out of direct marketing communications.

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TDPSA and Data Protection

Under the TDPSA:

- Personal data used for direct marketing is subject to privacy protections, including user rights to access, correct, delete, and opt out of the sale or processing of their personal data.
- Consent must be obtained for certain types of direct marketing, especially for automated communications such as SMS or emails.
- Users must be provided with clear and simple mechanisms to opt out of marketing communications at any time.

The Company ensures that all marketing activities align with the TDPSA by implementing robust procedures for obtaining and managing consent, respecting opt-out requests, and maintaining transparency in how personal data is processed.

Objectives

To ensure compliance with the TDPSA in our direct marketing activities, the Company has established the following objectives:

1. Implement robust policies and procedures, including:
 - Data Protection Policy
 - Data Breach Policy
 - Cookie Policy
 - Direct Marketing Policy
 - Privacy Notice
2. Ensure transparency by providing clear and accessible privacy notices detailing:
 - The types of personal data collected.
 - How data will be used for marketing purposes.
 - The rights of individuals under the TDPSA.
3. Obtain clear and explicit consent for direct marketing communications and maintain records of such consent.

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4. Provide users with easy mechanisms to withdraw consent or opt out of marketing communications.
5. Include opt-out options in all marketing communications.
6. Maintain a “do not contact” list to ensure individuals who opt out of marketing communications are excluded from future campaigns.
7. Regularly audit marketing practices to ensure compliance with TDPSA requirements.

Procedures and Guidance

The Company has implemented the following procedures to comply with the TDPSA:

1. **Consent Management:**
 - Consent requests must be clear, transparent, and free of ambiguous language.
 - Individuals must be able to withdraw consent or opt out at any time using simple, accessible mechanisms.
2. **Opt-Out Mechanisms:**
 - All marketing communications must include a clear and easy-to-use opt-out option.
 - Requests to opt out are processed promptly, and individuals are added to the “do not contact” list.
3. **Transparency:**
 - Marketing communications must include the Company’s name, address, and contact information.
 - Links to the Company’s Privacy Notice must be provided to explain how personal data is processed and to inform individuals of their rights.
4. **Preference Screening:**
 - The Company ensures compliance with applicable “do not contact” registries, such as the **Do Not Call Registry**, for telemarketing campaigns.
5. **Employee Training:**
 - All employees involved in marketing activities receive regular training on TDPSA requirements, including how to handle user rights requests and opt-outs.

Commitment to Compliance

Powerscreen Texas is committed to complying with the **Texas Data Privacy and Security Act (TDPSA)** by protecting personal data, maintaining transparency, and respecting individual privacy rights in all direct marketing activities. By adhering to this policy, we aim to build trust with individuals while ensuring compliance with state privacy laws.

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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.

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.

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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.

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.

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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 reply 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
- there is little to no risk posed to the individuals' personal data or rights
- the method used to send any direct marketing and the content is non-intrusive
- the material being sent is something a customer would usually expect to receive
- we have provided visible, easy to use and access options for opting out or unsubscribing.

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.

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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.

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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