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Hospitality Financial and
Technology Professionals

EU General Data Protection Regulation (GDPR)

Compliance Tools for the Hospitality Industry

HOSPITALITY GUEST REGISTRATION CARDS

This document offers recommendations for guest information collection on the guest registration card along with consent for use. It can be used as a guideline for loyalty cards, health data, export of data outside of the EU, privacy policies and direct marketing.

This description was developed by the HFTP Hospitality DPO/GDPR Task Force. The task force is a group of hospitality industry experts tasked with developing hospitality-specific guidelines to assist with preparation for GDPR compliance.

Learn more about HFTP and the HFTP GDPR/DPO Advisory council at www.hftp.org.

Hospitality Guest Registration Cards

One of the questions that arise in the application of the GDPR to the hospitality industry is the management of guest's consent.

As can be seen in the Guest Journey described in the Hospitality Organization Data Flowcharts, the hospitality service is provided by many different entities carrying different roles and providing separate services which altogether become the "hospitality service" received by the client. Therefore, to provide the service, personal data is transferred from one company to another (i.e the reservation agent must transfer to the hotel the personal data of the guest making the reservation, etc).

When the guest arrives to the hotel, he/she must fill in a registration card — as required by law in many countries — with his personal data, ID/Passport number, among others.

The question is therefore if the Guest registration cards must or should be used to obtain guest/client consent to the processing of his/her personal data by hotels and affiliates and/or if the Hotel must obtain specifically that consent and for which concepts at Registration.

Hotels need guest's personal data at least for the following purposes:

- To perform the hospitality contract
- As required by law — to inform the authorities of the persons hosted.
- For the purposes of the legitimate interests of the controller (i.e to provide a better service)

All these purposes are considered lawful by the GDPR.

Therefore,

- As long as the collection and processing of data are consistent with the above purposes, and
- As long as such collection follows the principles for processing of data set forth by the GDPR then,
- No consent is needed.
- These principles are lawfulness, fairness, transparency; accurate and kept updated; adequate, relevant and limited, data minimization, integrity and confidentiality;

As a result, as per the provisions of the law, further consent will be required only when it is intended to process the data for other purposes.

LOYALTY CARDS

With regards to the consent related to loyalty cards schemes, it must be understood that the award and/or use of loyalty cards points is based on a contractual arrangement between the guest and the loyalty card company. These contractual arrangements are, in some cases, signed with a different company than the one providing the hospitality service.

Therefore, the consent for transfer of data must be given to and handled by the Loyalty Card Company and not the Hotel hosting the guest.

Consent must be intelligible, accessible, clear and unambiguous and freely given. With regards to the latter point, there is no doubt that the processing of the guest's personal data is necessary to perform the Loyalty Card contract. Indeed, if a guest wants to profit from the benefits granted by that Loyalty Card program (discounts, upgrades, etc), then he/she must give consent to the processing of his/her personal data since such benefits are granted based on the processing of the guest's behaviour through points, miles etc. Also, and because many loyalty cards are based outside the EU — particularly in the US, the consent form should include in many cases the consent to export personal data outside the EU.

HEALTH DATA

It is irrelevant whether the hotel process the guest's health data to provide a better service or to avoid situations that may affect the guest's health (i.e keeping information on the client's allergies, or on the guest's heart condition requested before entering a sauna, etc.).

Any collection and processing of data related to the guest health *requires specific consent*.

GDPR requires that if "consent is given in the context of a written declaration which also concerns other matters, the request for consent shall be presented in a manner clearly distinguishable from other matters."

Based on the above it is recommended that forms for consent on Health data are separated from the registration card.

CONSENT RELATED TO THE EXPORT OF DATA OUTSIDE THE EU

If the hotel is managed by a Hospitality Operator domiciled or processing the data outside the EU, internal procedures will likely require that guest's personal data is exported outside the EU.

We cannot issue a general guideline for the multiple scenarios under which this circumstance may occur. Indeed, large operators are currently implementing solutions to become compliant with GDPR regarding the export of personal data.

These may be based amongst other alternatives, on following the Privacy Shield practice, or establishing and obtaining approval of Binding Corporate Rules to protect the privacy of all guests/clients worldwide.

INFORMATION: PRIVACY NOTICE

In any case, all of the above must be conveyed to the guest/client through the Privacy Notice.

Indeed, GDPR requires that the data subject is informed of all the processes applied to his/her personal data, and therefore the Privacy Notice must set forth:

- i) The nature of the data being collected & processed
- ii) The purpose
- iii) The sharing of data with third parties
- iv) The access of the data subject to his/her personal information for deletion, rectification, etc
- v) The security procedures in place
- vi) The policies of data retention;

For further information on the Privacy Notice, see specific note on the HFTP web site.

CONVEYING PRIVACY ISSUES TO THE GUEST THROUGH THE REGISTRATION CARD

Registration Cards cannot and should not be the way to convey the guest all the information on the Privacy Notice.

As such, the Registration card should include a note leading the data subject to the Privacy Notice, the document which will contain all the information on how the Hotel processes the personal data as the following example:

"We are gathering your personal data to perform the hospitality contract, as required by law and to provide you a better service. For a full description on how we process and keep safe your personal data please see our Privacy Notice at: (include link). You can request a printed version of this document at the reception desk."

To address the issue from the other end, the fact that the registration card may be the first point of contact between the client (data subject) and the Hotel (Controller) does not imply that the card itself must be the formal instrument by which the client (data subject) is informed and/or provides consent.

Therefore, the Registration Card must be the document that leads the client (data subject) to the Privacy Notice, through which he/she will obtain complete and transparent information on how the Hotel processes the personal data as the law requires.

GOING THE EXTRA MILE IN COMMUNICATING PRIVACY ISSUES TO CLIENTS: DIRECT MARKETING

Direct marketing does not need explicit consent since the Controller is processing the data subjects' personal data for its legitimate interests (i.e to provide a better service). Therefore, as per above, the Controller should centralize the communication regarding privacy issues through the Privacy Notice, which will - of course - include opt-out menus, etc.

Still, aside from the purely legal and compliance point of view, many hoteliers will be willing to go the extra mile in some fields to reassure their clients from the start, particularly in direct marketing and e-mail issues.

Therefore, to avoid contentious issues with clients (and email is probably the one that creates the maximum amount of correspondence and potential conflict since many clients want to know when they opted-in), some Hoteliers may be willing to address this issue through the registration card.

For these cases, an additional paragraph may be added to the registration card as follows:

"We may contact you to offer our promotions or upcoming (description of service). If you do not want to receive information please check the box to opt-out."

In case that such addition is included, the Hotelier (Controller) should be careful in implementing processes to avoid that the guest's privacy information is fragmented, and including a process and staff training to ensure that the opt-out choice in the registration card is added to the client's files in the system.