Opt Insight®

The Foundation: E-Consent

Introduction

The digital consumer is waking up. Customers start to understand the personal data economy and the huge role they play in their own data exchange and management. They demand clarity. They're also realizing the value of their personal data to companies and are ready to take back control. Before we came to this point there was a long road of unawareness and lack of knowledge, in customers and companies. Consent wasn't an existing word, let alone E-consent. So how did we get from there to here?

The usage of the term consent in today's world has a strong online focus. You might have heard it pass the news regarding various scandals. Consent makes use of the catch-all definition in the offline as well as in the online world. It's the giving of your permission.

When giving consent in the offline world it means you are giving permission to make use of your article/property/object/anything that belongs to you, in whatever form the situation calls for. When looking at the digital world it means the giving of the permission to use your personal data. After that, you set up an agreement about what the other party can do with your belongings or in the e-consent: your personal data.

The ironic aspect of this abstract description is that unclarity is one of the key concerns in digital consent. Let's dive into the specifics.

LOSES $50,000 SUIT

ON ACCOUNT OF LOSS OF LEFT HAND THROUGH ON OPERATION.

NEW YORK, May 9.—Mrs. Mary Schloendorff, better known as Mary Gamble, an elocutionist from San Francisco, this afternoon lost a suit for $50,000 against the New York hospital, which she brought on the ground that she had lost the use of her left hand through an operation performed without her consent. Justice Giegerich in the Supreme Court instructed the jury to find a verdict for the hospital.

Years ago a Mary Berry, stepdaughter of Wm. Elliott, deceased, lived in Santa Cruz, she subsequently marrying a man named Gamble. Isn't it possible that this is the same person mentioned above?

The History

First things first: where does the term consent stem from?

Linguistically, the word consent derives from the Latin verb consentīre: "to share or join in a sensation or feeling, be in unison or harmony" Consentīre is a compound of the Latin prefix con-, which means "together or with." The Latin verb sentīre has various meanings: "feel, be aware of, hold an opinion, think."

As stated before, the word consent is the term used for giving permission. There are various stories about the term's origin. We do know for sure that it stemmed from the offline world. To be clearer: consent became a legal issue in the healthcare world.

After various lawsuits with a consent base, the Schloendorff vs The New York hospital in 1908 became the checkmark case. Mary Schloendorff was admitted to the hospital with a stomach problem. The medical professionals diagnosed a tumor and suggested surgery, which she declined. The doctors went ahead anyway and because of this Mary developed gangrene. Her fingers had to be amputated. Mary filed a lawsuit and won. Consent became a legal issue.

The Relationship

Taking a closer look at what the judge precisely ruled when Mary won is interesting and perfectly interchangeable for the digital consent ruling. The judge stated the following: "Every human being of adult years and sound mind has a right to determine what shall be done with his/her own body." This sounds like a healthy relationship.

When changing these words into "Every individual has a right to determine what shall be done with his/her own data", we start the shift to the digital version of a healthy relationship. Sounds reasonable and do-able, right?

Wrong. Digitizing companies lacked consistency in how they presented, stored and managed personal data. The various ways of giving consent (implied, explicit, opt-out) added to the complexity of giving digital consent. The relationship between customer and company faded and became toxic: the trust disappeared. The time had arrived for customers to take back their power and become in charge of their own data again.

"Every individual has a right to determine what shall be done with his/her own data"
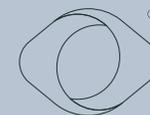
The Intention Economy

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This is my personal data place, where we store personal data that is useful to us in market interactions and also our preferences and policies, terms and services. For example, 'don't stalk me' or 'give me back my data when I'm done with it.' Here are the things you can look at, here are the things you can't.

All customers in the world according to Doc

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In 2012 Doc Searls published his book 'The Intention Economy'. Searls' main objective was that the digital era had tilted the balance tremendously. Instead of two parties coming to an agreement, the digitalization of consent shifted the power to the suppliers, enterprises, companies.

Searls: "In one-to-one business relationships, the 2 parties typically create an agreement that suits them both. However, in a market of one entity serving millions of customers, this cannot work. The net result is 'adhesion' contracts running to millions of words that load all the power in favor of the enterprise."

He proposed a balance shift by suggesting to give customers control of data by releasing their information to trusted third parties. Rather than having an attention economy in which organizations profile customers and try to guess what they want, customers would be able to notify companies of their intentions.
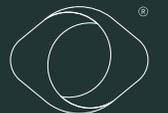
GDPR

Any freely given, specific, informed and unambiguous indication of his or her wishes by which the data subject, either by a statement or by a clear affirmative action, signifies agreement to personal data relating to them being processed.

The GDPR

The next step of putting customers back in the driver's seat was the implementation of the EU GDPR in May 2018. Please realize that this is just 4 years ago. The General Data Protection Regulation changed the game. GDPR will impose new restrictions and focus on transparency on how companies collect, store and share personal data. For example, implied consent died because of the new regulations. "Silence, pre-ticked boxes or inactivity should not constitute consent." We moved from implied consent to explicit consent.

The GDPR states that companies have to make use of plain language so that everyone can understand why this specific company is collecting your personal data. All consent must be informed. The company also has to explain what they will do with your personal data. By simplifying wording and processes you see the human being behind the consent. Consent is one of the main pointers that companies need to hold an individual's information. Important to build trust, important to establish a healthy relationship. Martijn van den Corput, co-owner and CCO of OptInsight: "Personal data is about people. So treat it like humans: with genuine interest & respect. This is the solid foundation for establishing a relationship."

The Challenges

And just as in any healthy relationship, consent is just the beginning. Companies are at a point of realization: we need to change to remain the same.

A few of the generic key challenges:

- Nonchalance: if you don't understand the triggers of your potential customer, you won't get to their sweet spot. While customers might have concerns and opinions about their data, it doesn't mean that they are concerned enough to actually change their way of working. Speaking your customer's language and empathizing with them gives you the necessary knowledge. In the world of e-consent this might be security, risk management or maybe it's creating value.

- Confusion: even if the sense of urgency is there, does your customer practically understand what needs to be done? Simplifying your content might be the way to go. Working step by step might be another.

- Security: what will make your customer trust your company? Trust is one of the biggest challenges in receiving consent.

- Compatibility: is your platform easy to use for everyone? And is it compatible with other systems that your customer might already have in use?

- Relevancy: is there a demand within your target audience for the content that you're pushing? Does your audience feel the need to engage with your company?

The Wins

After reading the previous pages you might think that a full data restriction is the way to go. Yes, the customer might have lost trust in data exchange, but thankfully there's hope at the end of the digital tunnel. Companies are starting to realize and act upon the fact of earning data instead of grabbing it and using it solely for their own good. They are aware of the fact that for customers to share their data they need to create a relationship with the customer. A relationship both sides will profit from.

This shift in ways of working and thinking offers companies a chance to be proactive about trust. By returning ownership of information back to their customers, they could achieve a boost to their brand. Erik Luttik, Product Development Lead at OptInsight: "Customer insights leading to customer satisfaction is good. Customer insights leading to customer loyalty is better."

So what will the right way of data management bring you as a company?

- Efficiency: one might say that this is the most important benefit that data management solutions have to offer. Cost reductions in staff, time saving and the matching solution will bring space for specialists to focus on their speciality, which will grow your company.

- Management: having the necessary data stored in one place, doesn't that sound like a breeze?

- Insights: imagine what you can achieve while making all this stored data work for you. Getting to know your customer is creating a relationship. The interaction between earning data and adding value to your customer will increase the loyalty within your customer database.

- Redefining loyalty: it's a change to reconnect with your customers and create a sense of loyalty with them.

- Pull: earning data instead of grabbing data. Understanding your customer helps you to send relevant content instead of pushing and overwhelming the customer.
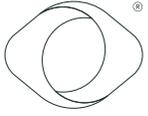
In Conclusion

Understanding its history and laying a solid foundation is of importance in the complex world of e-consent. Mistakes and nonchalance regarding this subject can cost you, literally. To be prepared for the digital customer/company shift is of high priority.

We've established that relevant communication through relevant channels is key. We've also looked deeper into collecting, storing and managing personal data and the potential issues within this (legal) process. What we didn't name yet is the solution to these issues and the backbone for your potential wins.

The gunner to his linstock, the steersman to the helm and pharmaceutical companies to the HCP: we like to introduce you to an all-round solution for personal data.

The OptInsight Solution

OptInsight is a secure and trustworthy multi-channel personal data and e-consent management hub for pharmaceutical companies. We collect, manage and integrate HCP data. Our ready to use, compatible solution saves time and offers instant clarity regarding opt-in and opt-out administration.

OptInsight's vision contributes to and aims to improve the current state of personal data.

Alongside improving our current service on a daily basis, we're also working on a portal of the future: our very own healthcare provider hub. From this ambitious perspective, we will be able to let involved organizations communicate through our data exchange platform and actually help to improve the healthcare that a patient is receiving.

As customers become more independent and powerful, the organizations that are ready for the change will thrive. Where do you stand?

OptInsight

HUMANIZING DATA

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Do you want more information about our pharmaceutical-specific solutions? Do not hesitate to contact us! →