

Digital Asset Management in Regulated Industries

A white paper exploring the advantages of using a DAM system to manage marketing compliance.

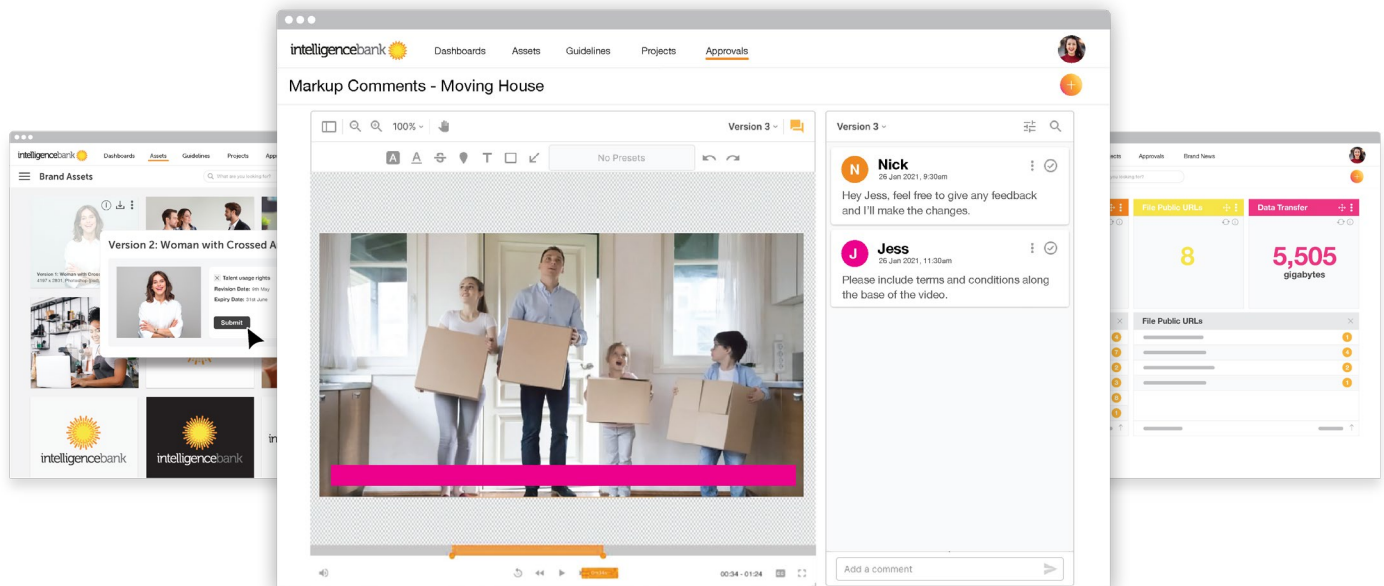
By Theresa Regli, DAM Industry Expert and Strategist



Digital Asset Management in Regulated Industries

Almost every industry has some degree of regulation; rules that must be adhered to when storing, using, or publishing content. Directives are handed down by government or other authorities; breaching of mandates could result in fines or other serious issues. The processes and actions required to adhere to regulations in various industries can be extensive - and often, technologies to assist with or automate the activities are non-existent.

Coupled with the explosion of digital content, omnichannel publishing, and e-commerce (all accelerated by the pandemic), companies must find solutions to accelerate content deployments whilst still ensuring compliance regulations are met. Lacking targeted technology to assist with their everyday regulatory challenges, **many organizations turn to DAM systems** as a way to assist with the management of industry-specific regulations. This white paper explores ways of using a DAM to facilitate regulatory monitoring in various industries.



Industry regulations and challenges

Most regulatory restrictions governing the publishing of content or assets are privacy related or pertain to claims in advertising.

- In Healthcare, there are privacy laws around the world to ensure the protection of personal health information. In the USA, this is governed by a regulation called the Health Insurance Portability and Accountability Act (HIPAA). The Food and Drug Administration (FDA) also requires that marketing content adheres to specific guidelines.
- In Education, the Family Education Rights and Privacy Act (FERPA) requires that student information stored by universities remains private and confidential.
- The EU General Data Protection Regulation (GDPR) and Data Protection Act (DPA) governs information privacy across all industries that operate in Europe, or hold a European's personal data.
- Design and Distribution Obligations in Australia and FINRA Marketing Compliance in the USA govern the content that financial services are allowed to use to advertise their products and services.

However at the opposite end of the spectrum, **some regulations require the exposure or disclosure of information.** In financial services, for example, specific product disclosures (such as explaining the risk of an investment) must be displayed with specific products, or the enterprise may be fined, or the product removed from the market. The Financial Institute Regulatory Authority (FINRA) and the Securities and Exchange Commission (SEC) both require high levels of compliance, and companies often need to show proof of adherence to the regulation for marketing activities.

“As many organizations want to use as few systems as possible, they’ve turned to DAM as the solution for managing a myriad of regulatory requirements.”

Theresa Regli DAM Industry Expert and Strategist



DAM systems fill a marketing compliance void

Adhering to the regulations above hasn't historically been included on DAM requirements lists, but that's changing. There are **specific features** of a DAM that can **facilitate compliance**. These include:



Legal review and approval workflows



User and group management, allowing certain people to see or not see specific assets



Associating consent forms or "right to use" waivers with digital assets



Expiration dates, which may or may not trigger the future renewal of rights or consent



The locking or expiration of assets that are not associated with a consent form or other required clearance



Integration with other enterprise systems that might trigger the expiration of an asset



Checklists of marketing compliance requirements, to ensure 'every time' content adheres to industry and regulatory requirements



Content risk scoring, which automatically assigns a risk profile to content based on whether or not it features a person with a talent license, advertising price point, or new piece of content.

"To effectively manage content at scale, marketing teams need to use a DAM to systemitize marketing compliance."

Tessa Court CEO, IntelligenceBank



How DAM Systems can help with Regulatory Challenges

PRIVACY

“When digital assets are subject to regulations, they have to be controlled, they have to be kept safe,” says Dario Mescia, an expert in marketing operations and DAM Lead at a leading hospital in the USA. ***“The DAM has to enable the organization to protect assets.”***

A healthcare organization may, for example, use images of its patients in marketing materials. Due to HIPAA and other privacy health regulations, photos in the hospital's DAM that include patients are considered confidential; subject to health privacy laws. A hospital may require a consent form signed by the patient. In the situation where a patient doesn't want their photo used any more, that asset must be removed from all marketing materials.

As personal health information is of a highly sensitive nature, the DAM must enable the institution to control and regulate the use of all patient photos. The sophisticated technology ecosystem enables tracking of all assets and their usage; if necessary they can be quickly pulled from use.

In some cases, vendors themselves must legally sign off on having a compliant system, based on a particular healthcare regulation. This requires that they have certain protocols in place in case data is breached, and that they undergo yearly reviews of their security policies. If data is sent to a third party for processing (such as an AI service in the cloud), that service may also have to be compliant. Sometimes data is sent to a server on another continent, which could also create compliance issues for GDPR, for example. If the asset or associated data ever leaves the primary system, **it may no longer be compliant with privacy rules and regulations.**

Many vendors are hesitant to take on this risk. Be sure to check with your legal team as to what precisely will be needed from your vendor.

“When you're dealing with compliance in a DAM, it's the 'how' that matters more than the what and the why,” adds Mescia. ***“Vendors may claim to be HIPAA compliant, but not to the extent that your organization requires. For us, everything has to come second to security.”***

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Dario Mescia DAM Lead at a leading hospital in the USA



How DAM Systems can help with Regulatory Challenges

Garrett Flora, Applications Development Programmer Analyst for the University of Arizona, points out that students have a right to privacy for everything down to the courses they're enrolled in. ***"Class registration, grades, finances are all private. Parents sometimes call, wanting information but they don't have a right to it without the student's consent."***

The university also has strict licensing rights for their brand logo, for items like hats and shirts, which they can also keep track of in the DAM.

"It's nice to be able to search and filter on what we can use vs. not," adds Flora. ***"We want to expand use of the system beyond the current approach. I imagine a future where students come in and are able to download assets for presentations or a class, and use those assets for educational purposes."***

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Garrett Flora University of Arizona



DEEPER DIVE: CONSENT AND RELEASE FORMS

The University of Arizona also requires model release forms for any students who are photographed, which those students must sign. With this in mind, they implemented the IntelligenceBank DAM not only to centralize all media created across campus, but also to attach model release forms to assets (as a related asset). The University also plans to use the DAM to track licensing, what the image can be used for, and copyright.

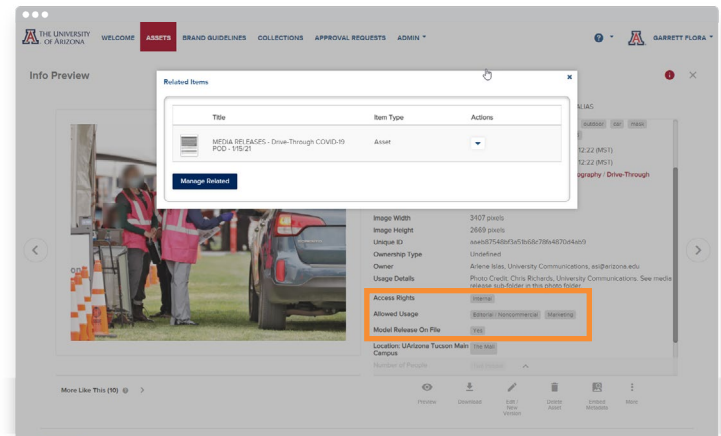
Consent or clearance to use an image is a regularly recurring requirement across many industries. This is particularly true when it comes to someone's image being used in marketing, as the hospital has described above. Some examples include:

- a performing arts venue or museum taking a picture of a family or child
- a lottery organisation taking pictures of winners with their checks
- an educational institution that takes pictures of students in classrooms, or enjoying university life
- a celebrity endorsing a brand

How DAM Systems can help with Regulatory Challenges

While consent forms can be gathered and added to the DAM, associated with the assets they govern, there are several factors and limitations to consider:

- You'll need to decide whether or not to "data-fy" what's in the consent form. For example, should the person's name, address, and level of consent be recorded as searchable data points, or will you force users to read the form?
- Will some of the data in those forms be better drawn from another system — such as a patient or student database, where names are more likely to be previously and accurately captured?
- Sometimes people decide later to not grant their consent anymore. Will you manually expire the asset and delete the consent? What will the workflow be? Can you automatically set review dates to trigger alerts and reports for assets that need to be expired automatically?
- Some organisations want to completely digitize their consent process, ideally getting a consent or release signature on a tablet at the moment the photo is taken. DAM systems can be integrated with form and signature capture, scanning, and data processing technology to facilitate this - but be sure to plan for entering additional data points, an agreed-to process, and resources to ensure proper compliance.



One Image Library Administrator for a government department in Australia looked to put a DAM in place primarily to address requirements around consent.

"It's a big process to relate these files to the correct images," she explains. "When we put the DAM in place, we wanted to record what people were actually consented for, because there are different levels and types of consent."

In her case, she needed not just various levels of consent information, but also to be able to track who had downloaded it, and be able to send them an email if a photograph could no longer be used. She now does this through **IntelligenceBank DAM**, where both copyright and consent data is part of each individual record.

"It's a manual effort to put that data in," she points out. "But it definitely helps us be more compliant with the consent parameters. It's been a really big step forward for the department. Other teams can utilize things and know what's allowed. Anyone who's in the DAM can see what that asset is consented for. It's a definite advantage, and it makes the copyright people and web team happy."

Overall, their DAM system has allowed them to be more specific in planning photo shoots, tracking the images that have been downloaded, and identifying gaps as to what needs to be retired.

How DAM Systems can help with Regulatory Challenges



DISCLOSURE

In a pharmaceutical, biosciences, or financial company, regulations that need to be recorded and tracked are quite extensive. Product claims and promises might be part of a pack shot or other image, and would have to be verified by a legal department before being used across different marketing materials. In these cases, a review and approval process would be one way of handling the regulatory review. Alternatively, business logic could be applied to ensure that the product and its claims were correctly associated and displayed on downstream channels.

In both of these cases, it could make sense to integrate with a system that holds product data. That way, if product status or claims change in a product information management system, this could trigger the expiration of a product image or drug label in a DAM.

David Hirsch is Head of Marketing for QBE, a large financial services and insurance firm based in Australia. The company provides property, motor and commercial insurance, lender's mortgage insurance, and credit lines for businesses.

"Being in financial services, we must adhere to strategic regulatory change, implications and requirements," he says. "We often need to apply changes across hundreds of web pages and multiple channels."

One example is a product disclosure statement (PDS), where the company must provide customers with very specific information for every product. There are hundreds of documents, from brochures to digital imagery, that might need to be adapted to reference a new PDS. ***"It is very challenging and resource intensive to do it manually,"*** Hirsch adds. ***"With a DAM we can do this at scale. It enables you to do the job of what several people would take months to do."***

Given regulators are constantly evaluating and changing requirements, compliance is not something that is ever a completed task. The company also undertakes its own compliance audits, tracks risks, and makes plans to tackle any potential exposure.

"Australian financial services companies have incurred hefty fines due to marketing that doesn't meet compliance and customers' needs,"

David Hirsch QBE

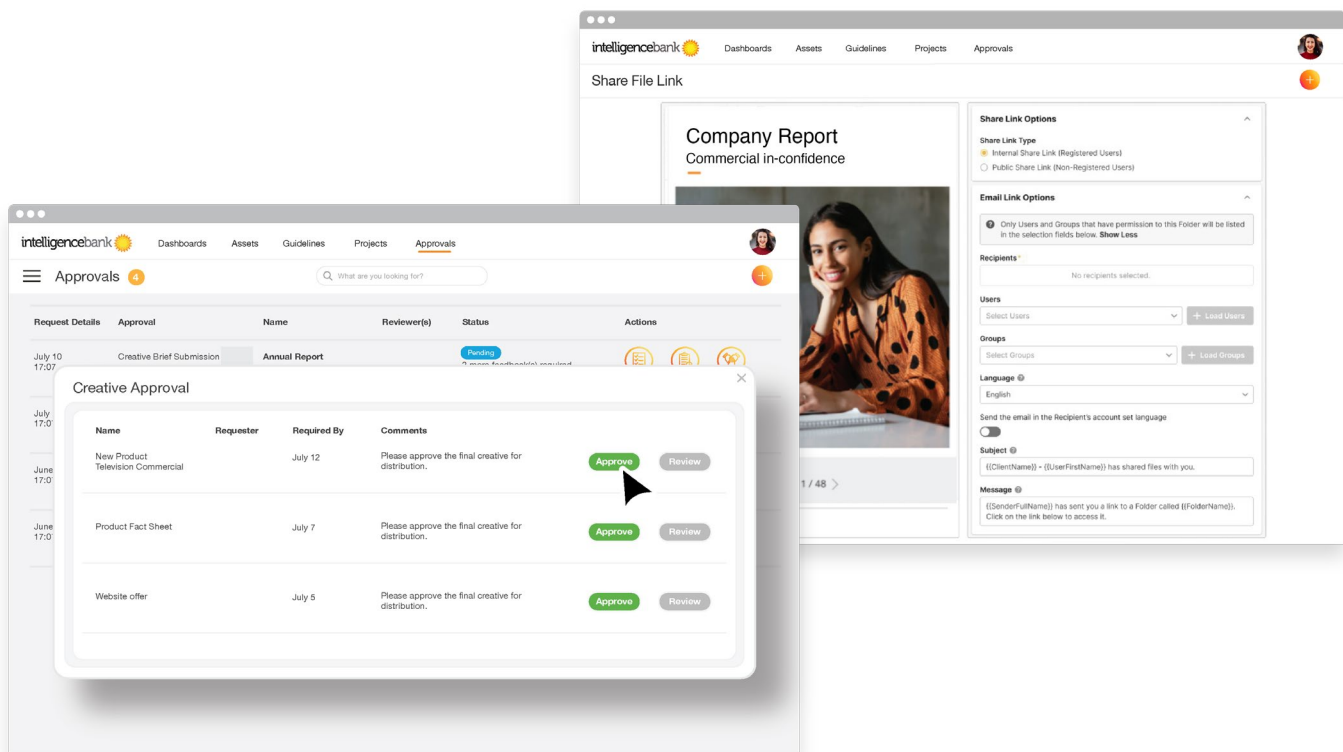


How DAM Systems can help with Regulatory Challenges

“Australian financial services companies have incurred hefty fines due to marketing that doesn’t meet compliance and customers’ needs,” Hirsch points out. “It’s an important ongoing conversation, we don’t want to mislead our customers or damage our brand. We constantly have to ask: ‘How many pieces of collateral do we have in the market, are they up to date and when do they need to be removed or updated?’ Tracking and reporting is another important way we use the DAM to ensure compliance.”







For regulated industries, evolving marketing campaigns from management via manual processes, to ones that must be automated to scale, also brings significant risk. Using a toolkit, whereby templates are provided to marketers that ensure their adherence to a regulator, is another way to use a DAM to facilitate compliance. This “freedom within a framework” model **gives marketers clear parameters for what they can change and what they can’t**. Template and guidelines for the brand also ensure consistency, brand compliance and adherence.

Still, it can be a real struggle for legal teams to get their heads around mass approvals and automation. We recommend taking one step at a time to bring key teams like legal and compliance on this journey with you. **The perception is often that scale and automation equals increased risk, but it doesn’t have to.**









Conclusions

As many organizations want to use as few systems as possible, they've turned to DAM as the solution for managing a myriad of regulatory requirements. Based on the experience of those interviewed for this paper, here's a few tips and best practices to follow if you decide to embark on a similar endeavor:

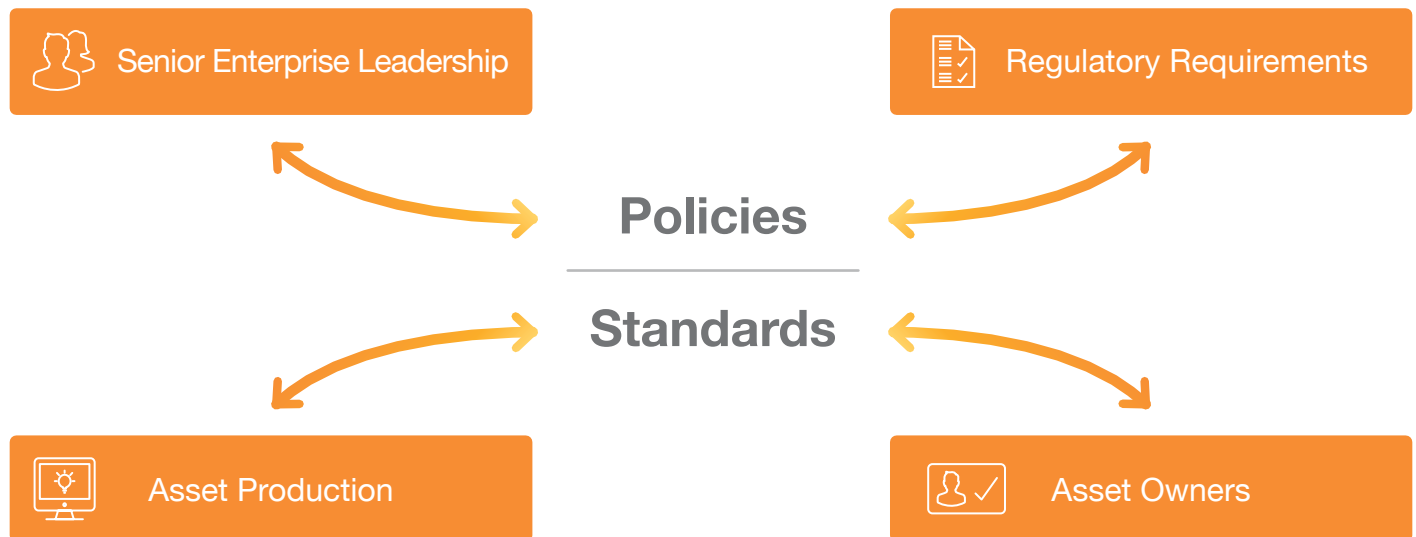
-  Make sure your legal team is involved from the very beginning, even when picking a solution, to understand the nuances of what's permitted with data management and processing
-  Remember that full compliance is a highly detailed and granular data management challenge - plan ahead for what those data elements will be
-  You may require super-granular permissioning to ensure that very few people can see or use the sensitive data; be sure to understand the need
-  Plan to use reporting to find every asset that contains a specific person or persons
-  If possible, track where and why people use assets - via a downloadable form, or other means
-  Require users to sign off on usage compliance, ticking a box that the asset will be used only according to specific guidelines

Furthermore, the return on investment for using DAM to manage marketing asset compliance, cited by the organizations included in this paper, and others, include:

-  Risk reduction
-  Greater levels of compliance
-  Faster time to market
-  Increased quality of output
-  Ability to leverage data and tell stories from the data, because it's better managed
-  Streamlined capacity and demand management

Conclusions

In most cases, the primary use case for DAM is having discoverable creative files to manage the lifecycle of content. However, the **growing application of DAM as a content compliance tool** shows it can be a successful solution to fill the need. As always, **the technology is not the only answer: collaboration, information governance, and clear process are all instrumental to the success stories above.** Be sure to follow the best practices above as you embark on your compliance projects, and have a solid long-term plan in place to ensure your success.



Advance your Digital Transformation Journey



Theresa Regli consults on DAM and broader marketing technologies for dozens of enterprises worldwide, and has worked with content technologies as a strategist, implementer, market analyst, and end user for over 25 years.

For more about Theresa, visit theresaregli.com

IntelligenceBank is the **leading innovator** in Digital Asset Management and Marketing Operations Software. We help great brands globally to seamlessly manage brand governance, digital assets, creative content approvals and marketing compliance. IntelligenceBank's beautifully designed platform is **used by over 400 customers in 55 countries**.

Contact a friendly member of our team to learn more.

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