

GUIDE TO CONSENT

Introduction

The GDPR sets a **high** standard for consent and getting it wrong can not only incur a fine but create a lot more unnecessary work. Genuine Consent means offering individuals real choice and control, putting the data subject in charge of how their data is processed.

Why is consent important?

Consent is one lawful basis for processing personal data. Within the Diocese we will use this mostly for marketing of events and services and for specific non role holder groups.

However explicit consent can also legitimise the use of special category data, enable us to share data for a specific purpose with a third party and may also be relevant where the individual has exercised their right to restriction.

When is consent appropriate?

Consent is appropriate if you can offer people real choice and control over how you process their data. This doesn't mean you have to use Consent for everything however, but there are some processes that will need consent no matter what.

Ask yourself this, if they don't give consent would you still process the data? If the answer is Yes then asking for consent is misleading and inherently unfair. If you make consent a precondition of a service, it is unlikely to be the most appropriate lawful basis.

How should we obtain, record and manage consent?

Make your consent request prominent, concise, separate from other terms and conditions, and easy to understand. Include:

- the name of your organisation;
- the name of any third party controllers who will rely on the consent;
- why you want the data;
- what you will do with it; and
- that individuals can withdraw consent at any time.

You must ask people to actively opt in. Don't use pre-ticked boxes, opt-out boxes or other default settings. Wherever possible, give separate ('granular') options to consent to different purposes and different types of processing.

Keep records to evidence consent – who consented, when, how, and what they were told.

Make it easy for people to withdraw consent at any time they choose. Consider using preference-management tools.

Keep consents under review and refresh them if anything changes. Build regular consent reviews into your business processes.

Quick Check List

- We have checked that consent is the most appropriate lawful basis for processing.
- We have made the request for consent prominent and separate from our terms and conditions.
- We ask people to positively opt in.
- We don't use pre-ticked boxes or any other type of default consent.
- We use clear, plain language that is easy to understand.
- We specify why we want the data and what we're going to do with it.
- We give separate distinct ('granular') options to consent separately to different purposes and types of processing.
- We name our organisation and any third party controllers who will be relying on the consent.
- We tell individuals they can withdraw their consent.
- We ensure that individuals can refuse to consent without detriment.
- We avoid making consent a precondition of a service.
- If we offer online services directly to children, we only seek consent if we have age-verification measures (and parental-consent measures for younger children) in place.

For information on some standardised wording please refer to the Consent form templates found in: T Drive/Guildford/Data Protection/Operational - BAU/Templates.