

CONSENT CHECKLIST



Active consent	Have we asked the individual for a positive confirmation of their consent?	<ul style="list-style-type: none"> • Pre-checked opt-in boxes are not consent • Silence is not consent e.g. tick here to opt out does not equal consent from those who don't opt out.:
Freely given	<p>Have we given the individual a genuine and free choice to give their consent?</p> <p>Is the individual able to refuse or withdraw consent without detriment?</p>	<p>Consent is not freely given if</p> <ul style="list-style-type: none"> • there is a "power imbalance" between the controller and the data subject (e.g., between an employer and an employee). • the performance of a contract is conditional on consent to processing activities that aren't necessary for the performance of that contract.
Easy to Withdraw	Have we said that the individual has the right to withdraw their consent at any time?	<ul style="list-style-type: none"> • It must be easy to withdraw consent
Informed	<p>Have we clearly named ourselves and any third parties who also need consent?</p> <p>Have we clearly and simply stated specifically what data we are collecting and what we will use it for?</p>	<ul style="list-style-type: none"> • categories of third-party organizations are not acceptable • If this is not clear, the consent may not be valid.
Separate	Is the request for consent separate and distinct from other terms and conditions	<ul style="list-style-type: none"> • If consent is wrapped up in other matters it may be invalid
Granular	Have we asked for consent for each purpose?	<ul style="list-style-type: none"> • E.g.: performance of a contract AND further direct marketing
Documented	<p>Have we a system for recording consent?</p> <p>Do we record exactly what we told them?</p>	
Managed	<p>Do we regularly review the validity of consent?</p> <p>Do we act on withdrawals of consent as soon as possible?</p>	
Children	Special conditions apply when children are involved. Please check organisational processes.	