

# Managing GDPR Marketing Consent

The GDPR introduces strict rules around consent for processing. To be able to process data you need to have a lawful reason for that processing. If you are collecting personal data for the purposes of marketing you need to make sure the data subject (website visitor, existing customer, etc.) are fully aware of what they're consenting to.

## Personal Data

The GDPR applies to data relating to living individuals, make sure you have a legitimate reason to be processing it

## Business Data

The GDPR also applies to business data when you can identify the individual in the business, so remember data protection applies

## Legitimate Interests

Even if you haven't got marketing consent to market, you may still be able to send marketing materials to existing customers provided it relates to your services and not a third party's products and they haven't opted out

## Third Party Data

Using data supplied by a third party still requires you to carry out due diligence checks against the source of the data and its provenance



## Clear Messaging

At the point you collect data to be used for marketing you need to make sure it is clear what the data will be used for and what the subject is consenting to

## Positive Opt-in

The GDPR requires consent to be a clear and affirmative action. These means you cannot use pre-ticked boxes or assume consent

## Consent without Detriment

Consent cannot be used as a precondition of providing a service. Subjects should be able to refuse consent without detriment

## Sharing

You will need to name any third parties you intend to share the data with. This needs to be clear to the subject before they give consent

## Withdrawing Consent

Data subjects can withdraw consent at any time and at the point of seeking consent you should set out how they can do that

## Recording

You will need to keep a record of when and how you collected consent and what was said at the point of collection