

GDPR Consent – Logical Layout

Article 4 (11) - Consent of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.

- i. Agreement to the processing of personal data relating to him or her, such as by a written statement, including by electronic means, or an oral statement

Data Collection and Use

- i. Limited to only the purposes disclosed in the notice
- ii. Data elements shall be minimized to the specific processing purpose
- iii. Data necessary for contractual, legal, public or legitimate interest should not be used for secondary purposes, unless consent is received

Types of Consent

- i. Obligation for contractual, legal, public or legitimate interest; consent may not be required
- ii. Active opt-in, pre-ticked opt-in boxes are invalid
- iii. Granular, options for different types of processing
- iv. Unbundled, separate from terms and conditions
- v. Defined - organization name and any third parties who will be relying on consent

Means of Collection

- i. Written, physical signature or oral approval
- ii. Opt-in box, button, check
- iii. Technical settings or dashboard presentation
- iv. Email response
- v. Acknowledgement prior to completion of auto filling content

Point of Collection

- i. Notice provide prior to collection of personal data
- ii. Granular to address the various types of processing
- iii. Consent notice shall not be within the terms and conditions
- iv. Choice can not be auto fill or predetermined

Withdrawal and Recording

- i. Ability to withdraw by category of choice
- ii. Cease of processing activities and data deletion
- iii. Request processed by the same means consent was given (mobile app, online, etc.)
- iv. Consent type (multiple choices per individual) must be recorded and maintained
- v. Evidence may be required during a audit
- vi. Change of consent shall be recorded & retained

Consent Flow

