What we will be covering today

- First webinar - overview of GDPR requirements
- Second webinar - overview of repermissioning under GDPR
- Andrea - consent considerations
  - Things to consider when asking for consent
  - Requirements for recording consent
  - Tips for managing consent
- Amy - batch updating consents
- Katy - gathering consent through website pages
- Q&A and feedback
Legal disclosure

● We’re not your lawyers
● This webinar is not legal advice
  ■ It’s an overview of the law and some of the tools we’re building for our customers who want to use them as part of their GDPR compliance efforts
  ■ We don’t know the facts of your particular situation
● Using NationBuilder GDPR compliance tools is not a substitute for legal advice
Reminder

• Do not assume consent is necessary
• Article 6 of GDPR provides six possible “lawful bases” for processing
• Consent is not always the best basis
• If you determine you do need consent, assess whether current consent methods are compliant
GDPR Requirements for Consent

✓ Freely given, specific, informed
✓ Unambiguous
✓ By statement or clear affirmative action
✓ Clearly distinguishable from other matters
✓ As easy to withdraw as give

✗ Silence
✗ Pre-ticked boxes
✗ Inactivity
✗ Condition of provision of service
✗ Unclear, confusing, legalese
✗ Blanket or bundled
Reviewing how consent is obtained:

→ First, review:

- Is the request clear and separate from terms and conditions?
- Does it require positive opt-in?
  - No pre-checked boxes or other “default” consent
- Is the language easy to understand?
- Does it specify why you want the data (purpose)?
- Does it specify how you will use the data (processing activities)?
- Does it give granular opt-in options?
  - Separate options for separate purposes
Reviewing how consent is obtained (Cont.):

- Is there a disclosure of your organization and any third parties who will rely on the consent?
- Are individuals informed that they can withdraw consent?
- Are individuals allowed to refuse consent without detriment?
  - Consent should not be a precondition of a service

→ After review, address any deficiencies
Recording Consent

- Under GDPR, you must be able to prove consent was given
- So, keep a record of:
  - When and how consent was obtained
  - Exactly what the individual was told at the time that they gave consent

→ aka “audit trail”
Good practices for managing consent:

● Regular review:
  ○ Confirm that the relationship, processing, and purposes are the same
  ○ If not the same, may need to obtain new consent

● Refresh consents as needed
  ○ This may depend on time limitations initially given to consent

● Make it easy for individuals to manage/withdraw their consents
  ○ For example, use unsubscribe links

● Timely respond to withdrawals of consent
  ○ Remember, no penalties for withdrawing consent