



## Consent, Forms & GDPR

### Best Practice Guide

#### What has changed?

The standards for lawful consent changed under the Data Protection Act 2018. The Regulation aims to give citizens controls of their personal data and to simplify the requirements within the EU.

Personal data must be collected for specified, explicit and legitimate purposes relative to the purpose for which it is processed.

If you are relying on consent, it must be freely given, specific, informed and unambiguous. You must inform individuals clearly how their information will be processed should they consent to providing or subscribing to a service, for example the school text reminder service.

#### When to use consent?

Consent to use an individual's personal data should only be sought if you can offer genuine choice and control over how their data is used. For example asking for consent to photograph children for the school website. Parents can refuse consent in this instance therefore consent would be needed.

There are however times when consent will not be appropriate e.g sharing information with social services. The school has a legal obligation to share this information therefore consent from parents or guardians would not be needed. Another example would be if a child falls ill at school it would be in the vital interests for you to contact the child's parent/guardian without gaining that individual's consent first.

#### Why does it matter?

Schools must earn the right to contact parents. Relying on inappropriate or invalid consent can leave your school liable to enforcement action.

Failure to comply with Data Protection Act can lead to enforcement action and a fine of up to £17,000,000.

#### Top Tips for compliant consent

1. Consent must be explicit, unambiguous and require a clear affirmative action, such as a blank tick box and/or the addition of a signature.





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2. Consent must be separate from other terms and conditions. It must not be a precondition of signing up to a service
3. Pre-ticked opt-in boxes cannot be used.
4. Consent must be specific and informed
5. Consent should be granular, giving separate ('granular') options to consent to different purposes and different types of processing.
5. Individuals must be informed of their right to withdraw their consent at any time and be notified on how to do so. This should be simple and straight forward, for example 'You can withdraw your consent at any time by contacting...'

Schools need to tell pupils/parents about their right to withdraw consent and how to do so.

#### What do schools need to do?

1. Determine if you need to rely on consent for processing personal data or is there a lawful basis for doing so. Refer to Lawful Basis guidance document.
2. Make the necessary changes to your consent forms so that they comply with the Data Protection Act rules.
3. Look back at the methods you have used to acquire consent for subscriptions or marketing and contact individuals again asking them for consent to continue to process their information. This will ensure compliance.



Please tick this box to consent for the Council to use your email address to contact you with information about our services

