

**PERSONAL
INFORMATION
AND FUNDRAISING:
CONSENT,
PURPOSE AND
TRANSPARENCY**

**CONSENT
SELF-ASSESSMENT
TOOL**

Consent self-assessment tool

The following framework is designed to help charities self-assess their communications to better understand whether they hold consent to send Direct Marketing communications to an individual and determine where the risks lie in any existing Direct Marketing approach. This tool should not be used as a “tick-box exercise”, but as a starting point for identifying where change may be necessary.

Initial questions

Before using the tool below, you should consider the following questions in relation to any current marketing communications your organisation may undertake with individuals (a fuller explanation of what communications may be considered Direct Marketing in the context of charities can be found in Section B of our guidance document *Personal Information and Fundraising: Consent, Purpose and Transparency*):

Q1	Has the individual already objected to you sending them Direct Marketing – i.e. they have opted out?	No Continue to Q2	Yes You should stop sending them Direct Marketing as requested. You cannot seek “updated” consent from this individual. Why? Because the individual has already objected to you using their personal information for any Direct Marketing activity.
Q2	Was the personal information obtained via the Reciprocate scheme?	No Continue to Q3	Yes You should not send them Direct Marketing (or you should stop sending them Direct Marketing if you are already doing so). You cannot seek “updated” consent from this individual.
Q3	Was the personal information obtained via data and/or tele-matching?	No Continue to Q4	Why? The personal information has been obtained in ways that have been found in breach of the Data Protection Act. You do not therefore hold consent. The existing relationship with the individual does not mean you have consent for Direct Marketing.
Q4	Based on the criteria outlined below, do you consider you have adequate consent?	There are a number of ways to evidence consent. It is hard to be definitive as to what does and does not constitute evidence; it is determined on a case-by-case basis. Some practical examples that will not show consent include successful completion of a marketing call in the past or a lack of complaints.	

Criteria for assessing whether consent exists

Key

Likelihood of compliance with Directive standard of consent:	High	Medium	Low
Risk of affecting individual's privacy rights and expectations if you were to contact them about Direct Marketing	Low	Medium	High
Should you use the personal information to consult the individual about (i) confirming consent (to the GDPR standard) / (ii) seek new consent for new purposes / new channels?	Yes	A decision – based on the assessment using the above criteria – should be made by Trustees	No

Please note: The green, amber or red rating should be considered separately for **each** of the 11 questions below, rather than totalised across the range of questions. This is because **any** answer that falls in the red category is likely to mean that you do not have consent for Direct Marketing.

1	Freely given	Did the individual have a genuine choice over whether or not to consent to Direct Marketing	Yes We separated out the seeking of consent for Direct Marketing from the other purpose(s) we needed the personal information for. For example: opt-in was used.	The individual was informed what would happen to their data should they provide it, and had the choice not to provide it. For example: opt-out was used.	No The individual was given no choice. For example: no opt-in or opt-out options were used.
2	Freely given	Was there coercion or undue incentive to consent?	No	Possibly / it could be viewed in this way	Yes
3	Freely given	Was consent made a condition of subscribing to a service?	No	Possibly / it could be viewed in this way	Yes
4	Specific	Did the consent for Direct Marketing clearly relate to the different activities you wished to undertake?	Yes We clearly separated out the seeking of consent for different Direct Marketing purpose(s).	No We provided a statement that covered a number of general, ambiguous purposes.	No

5	Specific	Was the individual given a choice over the channel(s) to be used?	Yes We know (and can prove) channel options were provided.	The individual was informed what would happen to their data should they provide it.	No The individual was given no choice.
6	Specific	Do you know how and where the personal information was obtained?	Yes We know (and can prove) how and where the personal information came from.	We believe (but cannot prove) how and where the personal information came from.	No We do not know where the personal data came from.
7	Informed	Do you know which fair processing notice / privacy notice was used when you collected the information?	Yes We have a copy of the notice(s) we used.	No We are unable to confirm the content of the notice in use at the time. We believe it is similar to one we are using now.	No We are unable to confirm whether a notice was in use at the time.
8	Informed	Are you satisfied it provided enough information so the individual had a reasonable understanding of how their personal information will be used?	Yes We are satisfied the notice clearly stated to the individual what we would do with their personal information.	No We provided a generic, ambiguous statement that did not fully convey everything we would do with their personal information.	Not applicable
9	Informed	Do you think that the individual would be surprised or concerned to receive a communication from you?	No	Possibly	Yes

10	Informed	If personal data was obtained via a third party, was the individual informed that your charity would receive their personal information, and they provided their consent to receive your Direct Marketing?	Yes We know (and can prove) that the individual knew our named charity would receive their personal information – and they provided their consent to receive our Direct Marketing.	We believe (but cannot prove) that the individual was informed that charities similar to ours might contact them, and they were given the opportunity to opt-out of receiving our Direct Marketing.	No We cannot confirm whether the individual would know that charities similar to ours would use the personal information they had provided for our own Direct Marketing.
11	indication of [an individual's] wishes by which [the individual] signifies [their] agreement	What methods were used to confirm that the individual has signified their agreement to receive Direct Marketing from you?	Clear agreement was obtained via opt-in for specific Direct Market purposes, for each channel.	Implied consent was obtained, e.g. opt-outs; return of information with the details completed alongside fair processing statements	We have no way of validating that the individual has agreed in any way to receive Direct Marketing from us.

Other factors to consider:

12	Is evidence held of engagement with your Direct Marketing by the individual?	Yes We have evidence, within the last two years	No But we have evidence of engagement with our charity by the individual within the last 2 years – e.g. receipt of a donation.	No We have no evidence of engagement with our charity by the individual within the last 2 years.
13	How long ago do you believe your charity obtained the consent?	Within the last two years.	Sometime within the last two to five years.	Over five years ago / unknown.