Template: Checklist Requirements for a consent according to GDPR

To check…	Yes	No
Overall		
Is consent obtained before the collection and use of personal data?		
Does the consent relate only to data processing that is not already legitimised by law? (The legal consequences of "unnecessary" consent are controversial.)		
Form		
Is the unambiguousness or the proactive act of consent guaranteed? Consent must be given unambiguously, i.e. by an active act of the person giving consent (e.g. by ticking a box).		
Is informed consent "part of a larger document"? If so, it must be clearly distinguishable from the other facts of the document: Are requirements for the "visual" highlighting of the data protection consent respected?		
Has a duplicate copy of the document been provided for? (Keep the original with the person responsible, the copy with the person concerned)		
Has the opportunity for questions been granted? In this respect, the following wording is recommended: "...I had the opportunity to ask questions. These were answered fully and comprehensively. ...“ The name of the person who answered the questions, if applicable, should be handwritten on the consent form.		
Voluntariness		
Did the person concerned have a real choice between approval or rejection?		
Is it guaranteed that the fulfilment of a contract or the provision of a service was not made dependent on consent if consent is not absolutely necessary for fulfilment (prohibition of tying)?		
Informedness		
Has the person concerned received all the necessary information (including advantages and disadvantages)? In particular: - data use (purpose, objective, benefits, chances and risks) - persons who may have access to data - the types of data processed - data transfer (to whom, if necessary, storage at which location, country)		
Is all the information specified in Art. 13 GDPR or Art. 14 GDPR provided? In particular: - contact person and contact details (person responsible, data protection officer, ...) - legal basis of the agreement - recipient - storage duration - rights of the person concerned (access, correction, deletion, withdrawal of consent)		
Are the person responsible and his or her representatives clearly identified? Are all necessary contact details available to the person concerned?		
Is there a (comprehensible) explanation of the consequences that a refusal to give consent may have for the person concerned?		
When processing special categories of data (Art. 9 GDPR), does the declaration of consent explicitly refer to these data?		
Definiteness		
Does the informed consent relate to a specified case? General consents are invalid; separate consents must be obtained / given for different purposes.		

To check…	Yes	No
Is the declaration of consent clearly separated from any other (data protection-related) information? It should be avoided that the person concerned cannot recognize whether and, if so, to what he or she actually consents or should consent due to the lack of clarity of the document.		
Revocability		
Does the consent form indicate that consent may be revoked at any time?		
Does the consent form indicate that revocation always applies only to the planned processing that takes place after revocation?		
Is the revocation of consent (at least) as simple as giving consent itself?		
Is there a (clear) indication of the consequences of revocation?		
Informed consent of minors		
Is Art. 8 for processing by means of "information society services" respected?		
If parental consent is given: at the latest when the person concerned comes of legal age, further processing is only permitted with the consent of the person concerned. Is there a mechanism to stop the processing of data at the point in time "x"?		
Verifiability		
Is there proof that the consent was given by the person concerned?		
Is there proof that consent has been given in a form sufficient to meet the requirements of the GDPR?		
Is the consent granted recorded? If so: Have sufficient technical and organisational measures been taken to protect the records? (evidence)		
Is it possible to access the granted consent at any time?		

Source:
Deutsche Gesellschaft für Medizinische Informatik, Biometrie und Epidemiologie e. V. (GMDS) (2016). EU DS-GVO: Anforderungen an eine Einwilligung.
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