

# Consent after GDPR:

‘Ask, and it shall be  
given ye’?

# The Elements of Consent

Valid consent for processing when is the necessary elements apply

Consent needs four elements to be valid

- Freely given
- Specific
- Informed
- Unambiguous



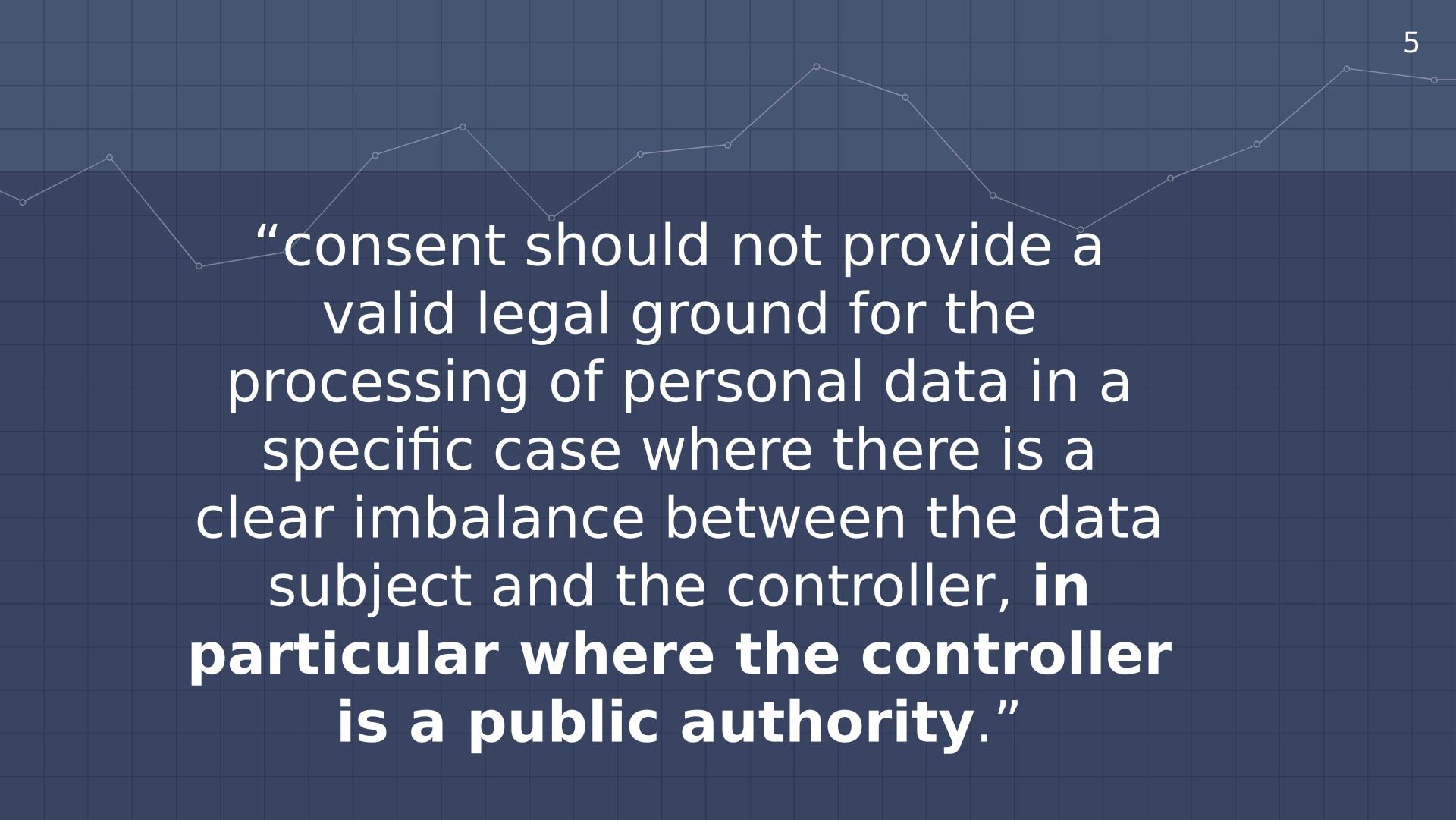
# Consent, Freely Given

Power imbalance will invalidate consent

- Public Authorities
- Employers

**"I'm glad you agree"**





“consent should not provide a valid legal ground for the processing of personal data in a specific case where there is a clear imbalance between the data subject and the controller, **in particular where the controller is a public authority.**”

# Free consent is granular consent

- Agree to Processing X
- But must be able to disagree with Processing Y too



# Specific Purpose

Before you can get  
Freely Given consent,  
you must have decided  
what you're asking  
people to agree to.



# Consent but for a Specific Purpose

## **Specific Consent Vs**

Know what use the data will be put to.

State that clearly.

Use it only for that purpose.

## **Function Creep**

Collect data for one purpose but then start using it for one or more extra purposes.

Never say

“I wonder what else we could do with this?”



# Informed Consent

You need to meet certain criteria if you want to say you've received Informed Consent.



# Information about processing

## Who and why

- (i) the controller's identity,
- (ii) the purpose of each of the processing operations for which consent is sought,

## What and how

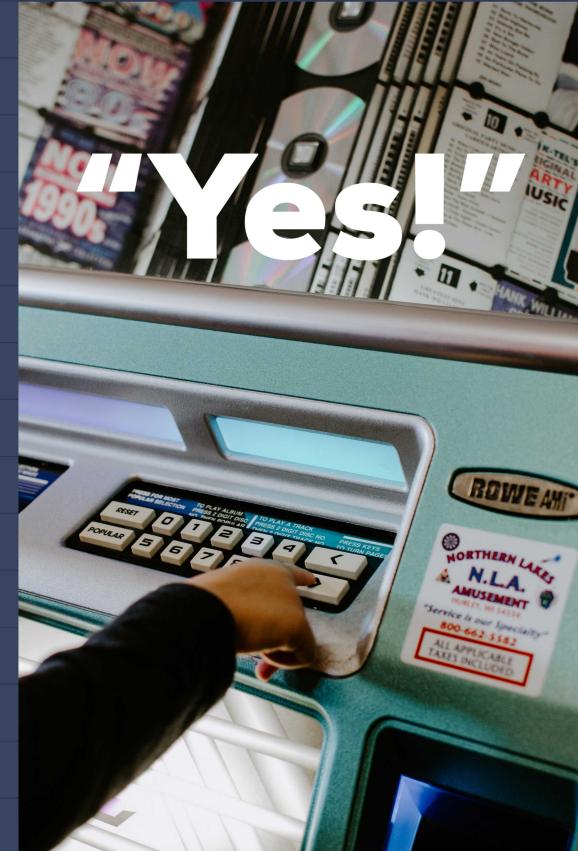
- (iii) what (type of) data will be collected and used,
- (iv) the existence of the right to withdraw consent,

## Where and how

- information about the use of the data for automated decision-making
- on risks and safeguards of data transfers in the absence of an adequacy decision

# Unambiguous Consent

You need to meet certain criteria if you want to say you've received Informed Consent.



# witchland

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# with Consent

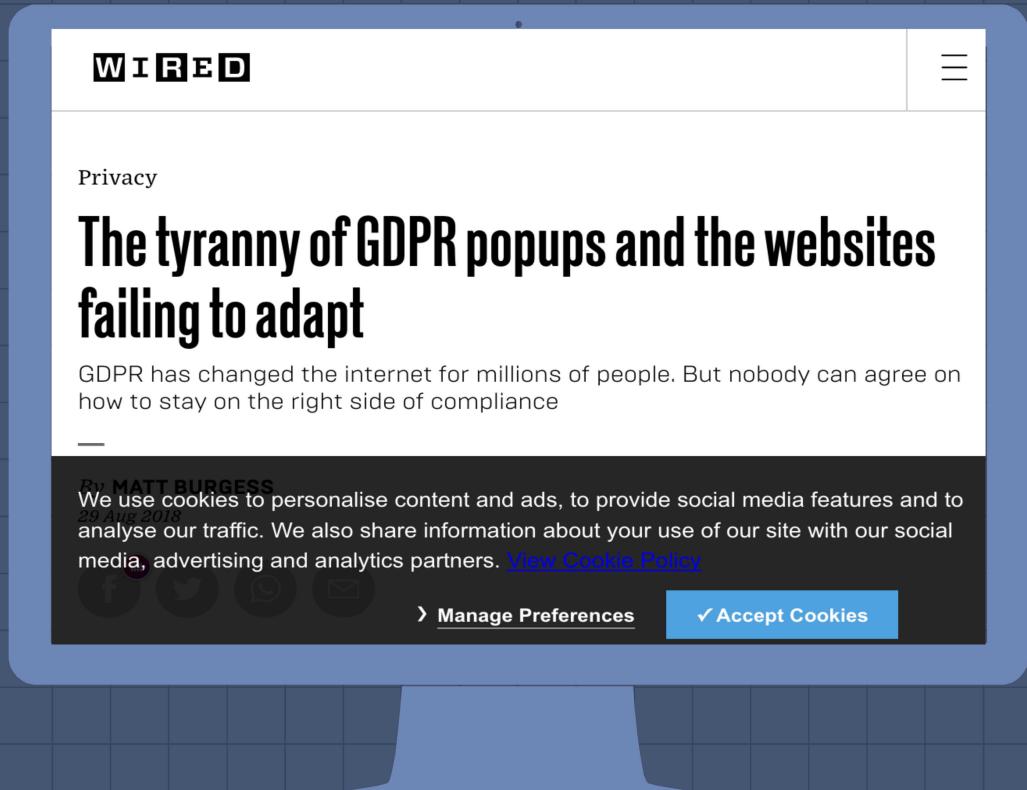
Should be as easy to say No as it was/is to  
say Yes



# Getting Consent

Some examples from out in the wild

# The Pop-Up challenge : Find the NO button



# Managing Preferences

## But have I said NO?



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# To get valid consent

## Be humble

- What you want is not preeminent
- Ask politely for the right to use someone's data. It is their dignity at stake.

## Be honest

- Show visitors what you want to do. Explain it.
- Tell them why you want to do it.

## Take No for an answer

- Seriously.



# THANKS!

**Any questions?**

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