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GATHERING GDPR CONSENT

The General Data Protection Regulation (GDPR) issued by the European Union (EU) becomes effective May 25, 2018.

Consent is a core tenet of data protection law. The GDPR sets a high standard for consent, and the biggest change is what this means in practice for an organization's strategy and means to properly gather "consent." The "Checklist" below is intended to help organizations comply with these new requirements. Please note that this is a living document and may be subject to change.

GATHERING ONLINE CONSENT

- The organization has reviewed the purposes of their processing activities related to the collection of personal information of EU residents, and selected the most appropriate lawful basis (or bases) from the **6 lawful bases*** for processing for each activity.
- The individual consent is form stands alone, separate from any terms and conditions and/or website terms of use/service.
- The language of the individual consent is written in a clear, easy to understand form.
- The consent request provides an opt-in and does not include any pre-checked boxes.
- The consent request includes the purpose and type of processing, and includes the type of personal data that will be processed.
- The consent request includes the individual's rights to access, erasure, and withdraw.

RECORDING CONSENT

- The organization keeps records of when, where, and how consent was granted.
- The organization keeps records of the consent request forms an individual agreed to.

MANAGING CONSENT

- The organization periodically reviews the purpose of consent and make updates as needed. We have a system for managing consent and withdrawals.
- The organization has system for managing consent and requests for information, modifications and withdrawals from individuals.
- The organization promptly acts on requests for information, modifications and withdrawals from individuals.

***The 6 lawful bases for processing personal data are:**

1. The individual has given consent to the processing of his or her personal data for one or more specific purposes; or
2. Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
3. Processing is necessary for compliance with a legal obligation to which the controller is subject;
4. Processing is necessary in order to protect the vital interests of the individual or of another natural person;
5. Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
6. Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

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