



ResourceSpace

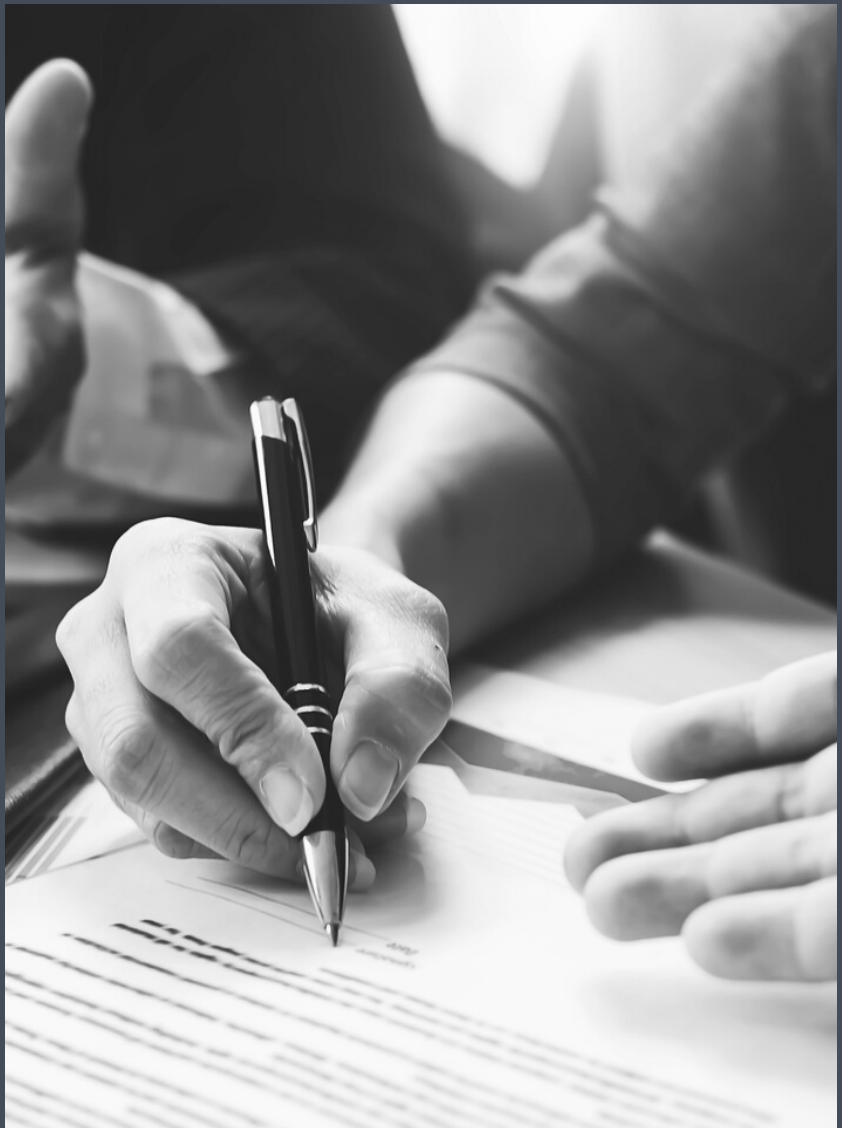
THE BEGINNER'S GUIDE TO

Managing Consent For Charities & Non-profits



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Introduction

Making sure personal data is used and processed ethically and in accordance with the law has always been important for charities, but since the original publication of the General Data Protection Regulation (GDPR) in 2016, consent in the context of privacy has been a hot topic.

Although beginning as EU law, the General Data Protection Regulation (GDPR) has been retained in UK law as the UK GDPR, and there is the risk of large fines for charities and not-for-profit organisations who breach it: £8.7million or 2% of total global turnover, whichever is higher.

There's now a much greater need for charities to build a strong bank of first-party data too - information a company collects directly from its contributors and owns. Both Google Chrome and iOS are phasing out third-party cookies, which means it'll be harder to track and advertise to potential donors - unless you've got their explicit consent.

All of this means that charities need to get on top of their processes around consent.



What is consent?

This might sound like a simple question, but it's important to fully understand the meaning of consent - for the purposes of confidentiality - if your organisation is to comply with the law and protect the privacy of the people in your case studies or stories.

Consent is defined in Article 4(11) of the UK GDPR as “any freely given, specific, informed and unambiguous indication of the data subject’s wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her”.

For that consent to be ‘freely given’, the person must have had a genuine choice and control over how their data is used - but what does ‘genuine choice’ really mean?

Let’s look at an example.

Example

A marketing team at a national children's hospice produces illustrated 'stories'. These raise awareness of how they're helping families with terminally ill children. Each story has a set of photographs of a child, on their own and alongside hospice staff. It includes a written description. The story is used in promoted social media posts. The images are treated as a set with different photos from the same collection being used across different platforms. There's also a video of the child with a voiceover telling the story, which is used as part of a longer video.

Before sharing anything, the hospice must agree with the family how and where the story will be used, how long to make it available for, and confirm how much they feel comfortable disclosing about their child's prognosis. The legal guardian(s) have to sign a consent form that includes all of this information. A copy of the form is given to the family and the original is saved by the hospice. The form is set to expire after the agreed period. Before that date is reached, the hospice will need to decide if they intend to re-contact the family about renewing the consent if they want to continue sharing the story.

In UK GDPR law, a service user must be able to refuse consent 'without detriment', like in our example above. Consent should be separated as much as possible too. For example, you shouldn't bundle consent into other terms and conditions, or use single consent options for multiple purposes and processing requirements.

We're particularly interested in consent in how it relates to digital assets, and issues around consent can become complex when these digital assets feature people.

For example, any charity working with real life case studies, stories or other 'people-first' content needs to set up robust processes to effectively manage consent. Whether it's an expensive photoshoot or an ad hoc snapshot, media is useless if you don't have the relevant permission to use it.

Types of consent

There are two primary types of consent: explicit consent and implied consent.

Explicit consent

Someone has **specifically** consented to their data or likeness being used for an explicit purpose. For example, a customer explicitly consents to their image being used in a case study.

Implied consent

You haven't obtained explicit consent for an action or process, but that person's actions, coupled with the circumstances of a particular situation, provide implied consent.

Use cases for consent with digital media

Individualised photo consent

On a site visit, James said we could photograph him, and agreed for us to share his story. It was crucial to us, both legally and ethically, that we could provide the right consent form, which was clear for him to understand what he was agreeing to. We discussed the types of places the images and story would be featured, and how long they'd be used for.

Group consent

We were filming a group of people and needed to gain their consent before publishing the images. We provided a brief template that explained the purpose of the film, where we planned to use it, and how long it would be in use for.

Option to opt out

We had a photographer at a fundraising event and wanted to make sure attendees knew we'd be taking photographs. We provided clear signage at the entrance of the event to explain that a photographer was present and to kindly ask that any guests who did not wish to be photographed speak to a member of staff.

Consent best practices

Best practice 1: Keep as little information as possible

When requesting information from prospects or customers, ensure you're only asking for what you need. For example, if you're 'gating' a piece of content behind a form, do you need anything more than their name and email address to send the content to them? Do you need your customers' social media profiles?

When creating forms, think about what data you require for processing requests.

Best practice 2: Be clear on how and where data can be used

Make sure you're upfront about how and where a user's data is going to be used at the point of collection. A [key transparency requirement](#) under UK GDPR is that 'individuals have the right to be informed about the collection and use of their personal data'.

Best practice 3: Clear consent expiration policy

Just because someone consents to having their data processed, that doesn't mean this consent lasts forever.

There's no set time limit on consent, as it depends on the context, scope and consumer expectations. However, the [Data and Marketing Association \(DMA\)](#) suggests some minimum standards for the lifetime of marketing permissions:

- For third-party marketing via telephone, email or SMS—the maximum time consent remains valid is six months after initial collection or last positive engagement.
- For third-party postal marketing—the maximum time consent remains valid is 24 months after initial collection or last positive engagement.
- For all first-party data—the maximum time consent remains valid is 24 months after initial collection or last positive engagement.





Best practice 4: Don't mistake consent for licenses or rights management

In the case of digital assets, remember that consent is not the same as usage rights management. Just because you have consent from an artist, photographer or subject to use an image, that doesn't mean your usage of that image is unlimited.

This usage will be defined at the point you acquire consent, and you'll need to be clear about how and where a digital asset is going to be used. For example, if a photographer has been commissioned for a product brochure, the usage of those assets might be restricted to the brochure only.

Best practice 5: Promote awareness throughout the organisation

In order for your consent policies to be robust, everyone in the organisation needs to be clear on what they are and the consequences of failing to adhere to them.

Appoint a consent champion whose job it is to promote awareness of your policies and hold regular training and workshops.

How Digital Asset Management can help

If your organisation has thousands - or even millions - of digital assets, it's incredibly difficult to stay on top of the consent for each one. With file storage systems like Google Drive or Dropbox, there's no 'out-of-the-box' solution for managing consent or permissions.

This is where a dedicated Digital Asset Management (DAM) system like ResourceSpace comes in.

With a DAM platform you'll be able to:

- directly link material with the content it applies to;
- set expiry dates to notify you when consent is due to be renewed or the material needs archiving;
- archive material with expired consent automatically, reducing the chance of human error;
- set permissions to prevent users from accessing material that doesn't have the appropriate consent for them to use;
- store recordings of oral consent alongside the material itself.

The ResourceSpace consent management plugin makes it easy to manage consent provided by people featured in images. You can add specific details to the consent record, upload supporting documentation and also add multiple consent records for a single image, for example one for each person featured.

Each consent record can be associated with a resource on the system and the information displayed to users so they know, at a glance, what level of consent has been given.

It's also possible to manage all consent records in one place. Here you can review and edit existing records and link them (or unlink them) to multiple resources at once.

Discover how ResourceSpace makes managing consent easy

[Request your free demo](#), or get started today by launching your free DAM instance within minutes.

LAUNCH YOUR FREE DAM



ResourceSpace

Further reading

['The Fundamentals of Photographic Consent'](#), PhotoEthics.org, Savannah Dodd

['Case studies, photos and films can be personal data under GDPR too'](#), CharityComms, Cath Drake

['Informed consent: Information and guidance for researchers'](#), University of Oxford

['Learnings from making a small charity podcast on a budget'](#), CharityComms, Anastasia McDevitt, Anna Eddleston

['Consent Management Platforms: The Definitive Guide for 2022'](#), Kevel, Chris Shuptrine

['All you need to know about cookies and consent'](#), Charity Digital, Joe Lepper

['Free Copyright Consent Form Template'](#), ResourceSpace



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