**GDPR consent checklist**

Under the GDPR, there are six lawful bases for processing data, one of which is consent – at least one of these must apply whenever personal data is processed.

The GDPR sets a high standard for consent:

* An indication of consent must be unambiguous and involve a clear, positive opt-in.
* Pre-ticked boxes are banned.
* Individual consent options must be available for distinct processing operations.
* Consent should be separate from other terms and conditions.
* Schools must keep clear records to demonstrate consent.
* Individuals have specific rights to withdraw consent, and they must be informed of this and the easy ways to do this at any time.
* Existing consent and consent mechanisms need to be reviewed to ensure they meet the GDPR standard.

This checklist can be used to ensure that consent is properly obtained for processes for which schools may require data, for example, when requesting consent from parents to allow their child to be photographed or recorded at school. Wherever the school uses a method of obtaining consent for data processing, whether from staff, parents or pupils, it should be reviewed in line with this checklist to confirm it is compliant with the GDPR.

Work through the checklist and fill in the check boxes as appropriate, ensuring you take note of any further action that may be required.

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| **The following has been taken into consideration:** | **Yes/No?** | **Further action required** |
| **Asking for consent** |
| The school has checked that consent is the most appropriate lawful basis for processing the data. | Yes [x]  | No [ ]  | No further action needed. |
| The consent request is obvious and separate from any terms and conditions. | Yes [x]  | No [ ]  | Consents to be checked once returned. |
| Individuals have been asked to positively opt-in.  | Yes [x]  | No [ ]  | Consents to be checked once returned. |
| The consent form did not use pre-ticked boxes or other type of default consent. | Yes [x]  | No [ ]  | No further action needed. |
| The language used was clear, plain and easy to understand. | Yes [x]  | No [ ]  | Check EAL parents access with a view to providing in alternative home language. |
| Individuals have been told why the school needs their data and how it will be processed. | Yes [x]  | No [ ]  | No further action needed. |
| Options to consent separately to different purposes and types of processing are provided. | Yes [x]  | No [ ]  | No further action needed. |
| The school was named on the consent form and individuals have been informed of any third party controllers that will receive the information and what they will do with it. | Yes [x]  | No [ ]  | No further action needed. |
| Individuals have been informed of their right to withdraw consent at any time. | Yes [x]  | No [ ]  | No further action needed. |
| Individuals have been informed of their right to access the data they consent to the school using. | Yes [x]  | No [ ]  | No further action needed. |
| Individuals have been informed of their right to refuse to provide consent without detriment. | Yes [x]  | No [ ]  | No further action needed. |
| When online services are offered directly to pupils, consent has been sought where age-verification methods in place. | Yes [ ]  | No [ ]  | N/A |
| If pupils aged 13 or above are consenting for themselves, they have been given an age-appropriate privacy notice to ensure they understand what they are consenting to. | Yes [ ]  | No [ ]  | N/A |
| The school has determined whether the pupil can give consent and that they understand what they are consenting to (where the pupil is unable to, consent has been obtained from whoever holds responsibility for the pupil). | Yes [ ]  | No [ ]  | N/A |
| **The following has been taken into consideration:** | **Yes/No?** | **Further action required** |
| **Recording consent** |
| A record is kept of how and when consent was obtained from an individual. | Yes [x]  | No [ ]  | **File in office** |
| A record is kept of what individuals were told at the time of consent. | Yes [x]  | No [ ]  | **File in office** |
| **The following has been taken into consideration:** | **Yes/no** | **Further action required** |
| **Managing consent** |
| Consent is regularly reviewed to ensure the relationship between the school and parents, and the processing and purposes, has not changed. | Yes [x]  | No [ ]  | Annually |
| Processes are in place to refresh consent at appropriate intervals. | Yes [x]  | No [ ]  | Annually and on new arrivals |
| Where parental consent has expired, due to a pupil reaching an age at which they can consent for themselves, the school reviews and refreshes a pupil’s consent. | Yes [ ]  | No [ ]  | N/A |
| The school has ensured that it is easy for individuals to withdraw their consent at any time, and has publicised how this can be done. | Yes [x]  | No [ ]  | No further action needed. |
| Requests for withdrawal of consent are acted on as quickly as possible. | Yes [x]  | No [ ]  | As and when they arise. |
| Individuals who wish to withdraw consent are not penalised for their request.  | Yes [ ]  | No [x]  | No further action needed. |