

# Is your sign up form compliant?

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**The General Data Protection Regulations (GDPR) came into force on 25 May 2018 and with it, the need to make sure that you're fully compliant in collecting and managing marketing permissions.**

**This document will help you ensure that you're staying on the right side of the law.**

The introduction of the GDPR has fundamentally changed how organisations employ data, and this starts with the point of collection.

**The fine for not complying with the GDPR is “€20m (£17.6m) or 4 per cent of a company's total world-wide annual turnover, whichever is higher”. So you absolutely have to get it right.**

## Consent

According to the Information Commissioner’s Office (ICO), consent under the GDPR must be “freely given, specific, informed and unambiguous consent; which informs subscribers about the brand that’s collecting the consent and provide information about the purposes of collecting personal data”.

You will need to keep records to evidence consent at every step of the process. The ICO advise you to “build regular consent reviews into ... business processes”. You “must have an effective audit trail of how and when consent was given, so organisations can provide evidence if challenged”.

You should review the methods used in the past to acquire subscribers, if you’re relying on the legal basis of consent, legacy consents are not acceptable unless they meet the GDPR consent standards - so soft opt-ins need to be re-permissioned before 25th May.

However you cannot repeatedly request consent once the GDPR comes into force. If a customer had not given consent, or withdrawn, you cannot ask them to give it again, unless they choose to do so themselves.

## What is consent?

- 1 Active consent**  
The consent collected must be unambiguous and requires a clear affirmative action. You “cannot rely on silence, inactivity, pre-ticked boxes, opt-out boxes, default settings or blanket acceptance of... terms and conditions” as evidence of consent. Pre-ticked consent boxes are explicitly banned by the GDPR.
- 2 Consent should have no strings attached**  
Consent should not be a precondition to signing up to a service or entering a competition.
- 3 It should be as easy to withdraw as to consent**  
The GDPR prescribes the right to withdraw consent. The right to withdraw consent should be clearly communicated along with the easy steps to withdraw which can be actioned at any time.
- 4 Granular consent**  
The GDPR requires granular consent i.e. separate permission for each data process. Signing up for updates on email offers does not constitute an opt-in for all communications or other processing/profiling.

## Sign up forms

The GDPR dictates personal data can only be collected for specified, explicit and legitimate purposes for which they are processed.

You should ensure customers understand how their data is being used and how long it will be kept. The GDPR applies at any point of data/consent collection including the checkout process.

It is important to regularly check the unsubscribe landing page is working, as if there is an error on the page you will still be held accountable.

### 1 Collecting consent

Do not use pre-ticked boxes to collect consent.

### 2 Privacy Policy

All data/consent collection pages should link to your privacy policy.

### 3 Informing of use

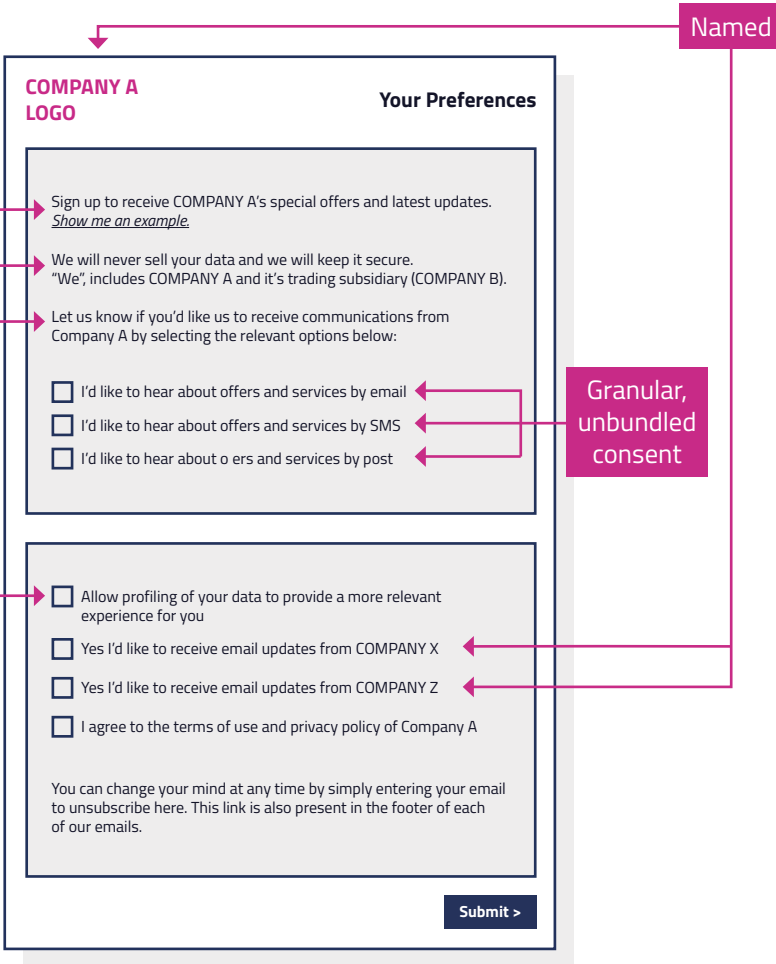
You have to inform the individual about how you are going to use their data and give them.

### 4 Clear language

You should use easy, clear language. Customers need to easily understand what they are signing up for. Err on the side of caution - If there is any room for doubt, it's not valid.

# Examples:

## GDPR compliant sign up form



**COMPANY A LOGO** **Your Preferences**

Sign up to receive COMPANY A's special offers and latest updates. *Show me an example.*

We will never sell your data and we will keep it secure. "We", includes COMPANY A and it's trading subsidiary (COMPANY B).

Let us know if you'd like us to receive communications from Company A by selecting the relevant options below:

- I'd like to hear about offers and services by email
- I'd like to hear about offers and services by SMS
- I'd like to hear about offers and services by post

Allow profiling of your data to provide a more relevant experience for you

- Yes I'd like to receive email updates from COMPANY X
- Yes I'd like to receive email updates from COMPANY Z
- I agree to the terms of use and privacy policy of Company A

You can change your mind at any time by simply entering your email to unsubscribe here. This link is also present in the footer of each of our emails.

**Submit >**

**Callouts:**

- Named:** Points to the company logo and the text "COMPANY A".
- Clarity:** Points to the introductory text and the "Show me an example" link.
- Active opt-in no pre-ticked box:** Points to the three granular consent options.
- Granular, unbundled consent:** Points to the three granular consent options.
- Right to withdraw:** Points to the "Allow profiling" and "I agree to the terms" options.

## GDPR non-compliant sign up form



**Enter this form for a chance to WIN A FREE GIFT!**

- I'd like to receive all communications
- I'd like to receive all third party communications
- We'd like to let you know about all our deals, untick this box if you'd rather not know about these.

By entering this form you are consenting to receive Communications via all channels.

**Submit >**

**Callouts:**

- Clarity incentivised opt-in:** Points to the headline "Enter this form for a chance to WIN A FREE GIFT!".
- Active opt-in pre-ticked box:** Points to the three pre-ticked consent options.
- Bundled Consent:** Points to the summary statement "By entering this form you are consenting to receive Communications via all channels."

**Right to withdraw**  
at no point is there any mention of how to unsubscribe.

**Named**  
at no point is there a clear indication of which brand/organisation you are subscribing to.

## Let's talk...

We know that when you contact an agency, you're worried that they'll never let you go. You're going to get flooded with sales calls and emails until you just want to scream.

We promise we're not like that. We believe we have great expertise and products that can help you really drive your business forward, but we know that business decisions start with good thorough research and analysis.

So we'd love to talk to you, but we'll never pressure you. After all, like we say around here – 'Right Message, Right Person, Right Time.'

### Call us on:

+44 (0)1273 220510

### Email us at:

performance@r-cubed.co.uk

### Website:

www.r-cubed.co.uk

### Visit us at:

136-140 Old Shoreham Road  
Hove  
East Sussex  
BN3 7BD

*This white paper is not intended to construe legal advice or offer comprehensive guidance.*

## Free assessment

If you'd like a **free assessment of your own Data Capabilities** and find out how you compare to your peers, we'd love to hear from you.

It takes just 20 minutes, we won't ask you to send us any data and all your information is kept confidential. And we guarantee you'll find the results well worth the time.



Contact us >