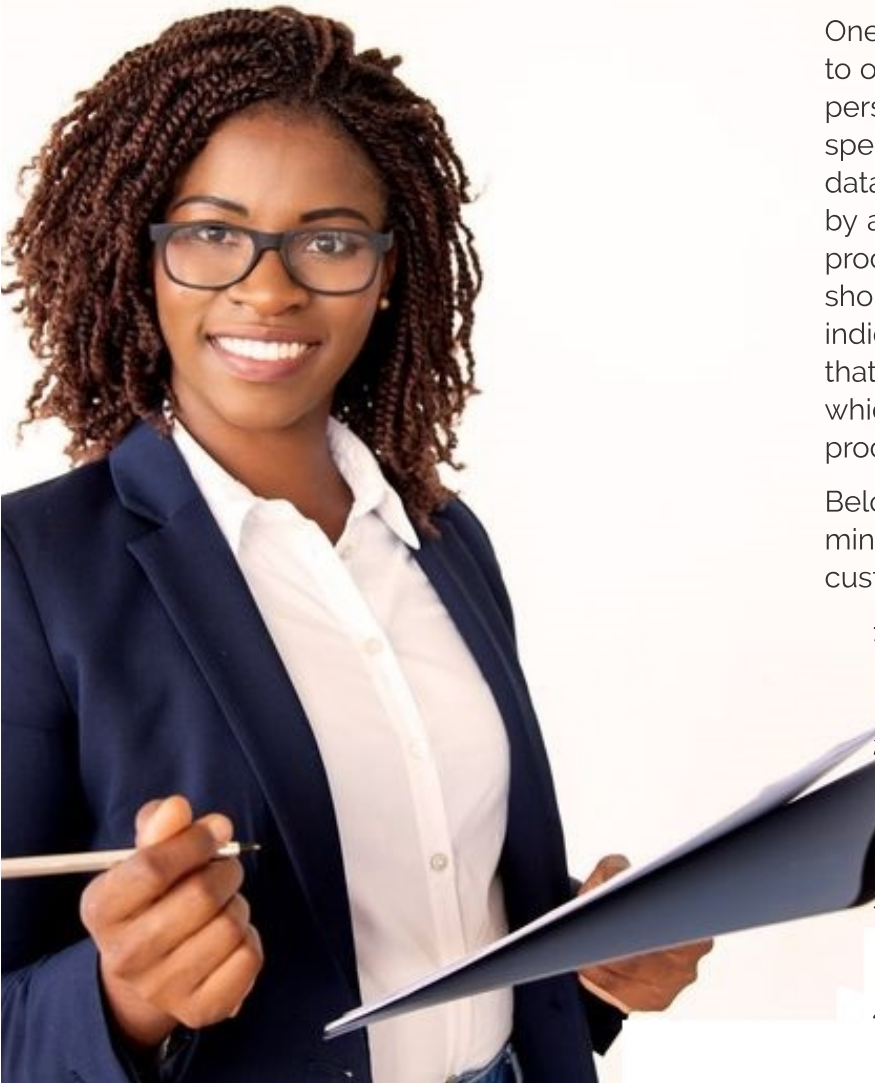




Tips to bear in mind when obtaining customer consent before using their personal data

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One of the matters provided for in the law is the need to obtain the data subject's consent to the use of their personal data. Consent is defined as any freely given, specific, informed and unambiguous indication of the data subject's wishes by which they, by a statement or by a clear affirmative action, signify agreement to the processing of their personal data. Ideally such consent should be obtained using a consent request indicating to the customer the name of the person that will have control over the data, the purposes for which the data is obtained and the types of processing activities to which the data will be put.

Below are some tips that businesses should bear in mind regarding requests that they make to their customers for consent to use their personal data:

1. Consent requests should be prominent, concise, separate from other terms and conditions, and easy to understand.
2. They should include the name of your business and any third parties, why you want the data, what you will do with it, and the right to withdraw consent at any time.
3. Customers should be asked to actively opt in—with the avoidance of pre-ticked boxes, opt-out boxes or default settings.
4. Wherever possible, for each different purpose there should be separate consent.
5. Keep records providing evidence of the consent given elaborating on who consented, when, how, and what they were told.
6. Make it easy for customers to withdraw consent at any time they choose.
7. Utilize preference-management tools. Consents should be regularly reviewed and should be refreshed when circumstances change.

From time to time businesses will find themselves requesting for diverse information from their customers (referred to as personal data) to effectively provide them with goods and/or services. The Data Protection Act, No. 24 of 2019 sets out certain obligations that businesses taking possession of such personal data must undertake to fulfill.