

# St Martin-in-the-Fields Charity Consent Policy

## 1. Purpose

To define the criteria for when consent will need to be refreshed, aligned to the Information Commissioner's Office (ICO) GDPR Guidance on Consent.

See [Appendix](#) for extracts of the salient Guidance.

## 2. Scope

The consent St Martin-in-the-Fields Charity (SMC) obtains for using personal data to send Direct Marketing (DM) to supporters via two channels, post and email.

Note: this Policy does not address the collection and management of consent from children, as SMC does not seek consent from children.

## 3. Policy review

The Policy will be reviewed annual every February to ensure it reflects the latest ICO Guidance and caselaw.

## 4. Annual consent review

SMC conducts the majority of its DM each summer and December.

Consents will therefore be reviewed every February – i.e. once the DM for the year has been sent and potential donations received and processed for that year.

## 5. Triggers for seeking “refreshed” consent and action to take

### 5.1. Post

Trigger	Action
1. No donation being received in the preceding two years.	Send <b>two</b> communications within a month seeking refreshed consent.  If no reply (i.e. no refreshed consent received) update supporter record to reflect that the existing consent has lapsed / ended.
2. Receipt of returned post, i.e. “not at this address.”	Update supporter record “consent lapsed as postal address out of date.”

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### 5.2. Email

Trigger	Action
1. No donation being received in the preceding two years.	Send <b>two</b> communications within a month seeking refreshed consent.*
2. No emails sent in the preceding two years have been opened.	Send <b>one</b> communication seeking refreshed consent.*
3. One or more donations have been received in the preceding two years but the open rates for emails over the period have been declining.	Send <b>three</b> communications within a month seeking refreshed consent.*
	* If no reply (i.e. no refreshed consent received) update supporter record to reflect that the existing consent has lapsed / ended.

### 5.3. General

Trigger	Action
1. If SMC considers that the content and purpose of the DM has sufficiently evolved and supporters may reasonably consider that they would be receiving DM that does not relate to (is incompatible with) the original DM they consented to receive.	Using existing personal data to send two communications promoting the new DM and direct the supporter to where they can provide new consent for the new DM.  Note: these two communications would be on the basis on the existing consent – i.e. that <i>promoting</i> the existence of the new DM, only via two communications, is a sufficiently similar and compatible use of the existing personal data.

## 6. Methods for withdrawing consent / updating permissions

### 6.1. Post

Each postal communication will contain details on “how to update your preferences.”

### 6.2. Email

Each email will contain an “unsubscribe” function, which shall be easy to use.

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### 6.3. Privacy Policy

The *Policy* will contain details of how to withdraw consent.

### 6.4. Fundraising Promise and Keeping in Touch

The Promise will contain a link to the *Keeping in Touch* page.

The *Keeping in Touch* page will contain a link to an “update your preferences” page.

### Appendix – Information Commissioner’s Office Guidance

#### “How long does consent last?”

The GDPR does not set a specific time limit for consent. Consent is likely to degrade over time, but how long it lasts will depend on the context. You need to consider the scope of the original consent and the individual’s expectations.

If your processing operations or purposes evolve, your original consents may no longer be specific or informed enough...If this happens, you will need to seek fresh consent or identify another lawful basis.

If someone withdraws consent, you need to cease processing based on consent as soon as possible in the circumstances. This will not affect the lawfulness of your processing up to that point.”<sup>i</sup>

#### “How should we manage consent?”

You should view consent as a dynamic part of your ongoing relationship of trust with individuals, not a one-off compliance box to tick and file away. To reap the benefits of consent, you need to offer ongoing choice and control.

It is good practice to provide preference-management tools like privacy dashboards to allow people to easily access and update their consent settings.

You should keep your consents under review. You will need to refresh them if anything changes – for example, if your processing operations or purposes evolve, the original consent may not be specific or informed enough. If you rely on parental consent, bear in mind that you may need to refresh consent more regularly as the children grow up and can consent for themselves. If you are in any doubt about whether the consent is still valid, you should refresh it. See [‘How long does consent last?’](#) for more on this.

You should also consider whether to automatically refresh consent at appropriate intervals. How often it’s appropriate to do so will depend on the particular context, including people’s expectations, whether you are in regular contact, and how disruptive repeated consent requests would be to the individual. If in doubt, we recommend you consider refreshing consent every two years – but you may be able to justify a longer period, or need to refresh more regularly to ensure good levels of trust and engagement.

If you are not in regular contact with individuals, you could also consider sending occasional reminders of their right to withdraw consent and how to do so.”<sup>ii</sup>

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<sup>i</sup> *Guide to the GDPR, Consent*, ICO, <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/consent/what-is-valid-consent/#what6>

<sup>ii</sup> *Guide to the GDPR, Consent*, ICO, <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/consent/how-should-we-obtain-record-and-manage-consent/#how5>