

## **CONSENT PROCEDURE (TIER 2)**

### **1. Scope**

The consent of the data subject is one of the conditions for the processing of his or her personal data and is within the scope of this procedure. Luminate Education Group must obtain consent when no other lawful basis applies.

Consent of the data subject is defined by the 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”.

Explicit consent is required for the processing of sensitive personal data. Specific conditions apply to the validity of consent given by children in relation to information society services, with requirements to obtain and verify parental consent below certain age limits.

### **2. Responsibilities**

- 2.1 As a data controller, Luminate Education Group is responsible under the GDPR for obtaining consent from the data subject under advisement from the organisation Data Protection Officer / GDPR Owner.

### **3. Consent procedure**

- 3.1 Luminate Education Group provides a clear privacy notice wherever personal data is collected ([GDPR REC 4.1](#)) to ensure that consent is informed and that the data subject is informed of their rights in relation to their personal data.
- 3.2 Luminate Education Group demonstrates data subject(s) consent to the processing of his or her personal data or explicit consent for sensitive personal data ([GDPR REC 4.6](#) – Data Subject Consent Form).
- 3.3 Luminate Education Group demonstrates data subject(s) consent to the processing of his or her personal data for one or more specific purposes (GDPR REC 4.6 – Data Subject Consent Form).
- 3.4 Luminate Education Group demonstrates data subject(s) consent is intelligible and accessible using clear and plain language.
- 3.5 Luminate Education Group demonstrates data subject(s) are informed of their right to withdraw consent before giving consent ([GDPR DOC 2.7A](#) - Right to withdraw Consent Procedure).
- 3.6 Luminate Education Group demonstrates processing of data is limited to that stated in the contract, bound by the explicit consent given by the data subject.

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### 4. Child consent procedure

- 4.1 Where processing relates to a child under 16 years old, Luminate Education Group demonstrates that consent has been provided by the person who is the holder of parental responsibility over the child ([GDPR REC 4.7](#)), in instances where Luminate Education Group offers services online targeting children.

The ICO have published guidance 'GDPR Consent Guidance for Consultation' listed here <https://ico.org.uk/media/about-the-ico/consultations/2013551/draft-gdpr-consent-guidance-for-consultation-201703.pdf>

[http://ec.europa.eu/justice/policies/privacy/docs/wpdocs/2011/wp187\\_en.pdf](http://ec.europa.eu/justice/policies/privacy/docs/wpdocs/2011/wp187_en.pdf)

- 4.2 Luminate Education Group demonstrates reasonable efforts have been made to verify the age of the child and establish the authenticity of the parental responsibility taking into consideration available technology.

### Document owner and approver

The Luminate Director of IT is the owner of this document and is responsible for ensuring that this procedure is reviewed in line with the review requirements of the GDPR.

A current version of this document is available to all members of the Luminate Education Group.

This procedure is issued on a version controlled basis.

### Change History Record

Issue	Description of Change	Date of Policy
1.0	Initial issue	19/12/2017
1.1	Annual Review	16/11/2018
1.2	Annual Review – Responsibilities updated	08/10/2019
1.3	Annual Review – Luminate Education Group	15/10/2020
1.4	Annual Review Completed	19/11/2021
1.5	Review completed	06/11/2022