

Soft Opt-In Changes for Charities under DUAA

What charities need to know

What Is The Soft Opt-In?

What is it?

It is an exemption under the Privacy and Electronic Communications Regulations (PECR) allowing electronic marketing (email/text) without prior “opt-in” consent, when certain conditions are met.

Previously (in the UK):

The soft opt-in only applied when someone’s details were collected during a sale or negotiation for sale of goods or services.

This meant most charities couldn’t use it, as they were not selling goods or services.

The proposed change to the regulations extends the soft opt-in to charities.

The Soft Opt-In - Limitations

Important Limitations still apply

No unsolicited calls!

No contact is permitted where consent or the soft opt-in does not apply!

Can only be utilised on a like-for-like basis. For example - a donor can receive fundraising appeals; an event attendee can be emailed about future events, members can be updated about membership-related campaigns.

Charities And The New “Soft Opt-In”

What’s Changing?

- For the first time, charities will be able to rely on the soft opt-in exemption for electronic marketing – **if new conditions are met.**

Who Can Use It?

- Only organisations that are legally recognised charities:
 - in England & Wales; or
 - the equivalent in Scotland or Northern Ireland).

When will it happen?

The change is expected to take effect around Dec 2025 (subject to secondary legislation).

ICO Consultation

What's happening?

- The Information Commissioner's Office has launched a consultation on how charities can use the new soft opt-in responsibly.
- Consultation open from 16 October – 27 November 2025.
- Purpose is to gather views from charities and the wider third sector and to ensure the ICI guidance is clear, practical and supportive of fundraising needs.

“Charities play such an important role in our communities, and we know how important fundraising is for charities to continue their vital work. We want to hear directly from charities and those in the third sector through this consultation so we can make sure our guidance is clear, practical and supports charities in the best way possible to make the most of these changes.”

Emily Keaney, Deputy Commissioner, Regulatory Policy at the Information Commissioner's Office

ICO Consultation

You can contribute to the consultation through the ICO website at:

<https://citizen-space.ico.org.uk/regulatory-policy/charitymarketing/>

Potential Benefits For charities

The new “charitable purpose soft opt-in’ could help charities to:

- Grow mailing lists without relying solely on opt-in tick boxes.
- Reduce supporter drop-off during sign-up processes.
- Stay in touch more easily with individuals who have engaged with your work (e.g. people who make one-off donations, who volunteer at an event and supporters who take part in fundraising events)

When Can a Charity Use the Soft Opt-In?

A charity can rely on the exemption if *all* the following are met:

1. **Purpose:** The sole purpose of the communication is to further one or more of the charity's charitable purposes.
2. **Source of contact:** The person's contact details were collected when the person expressed interest in the charity's work or offered to support those services.
3. **Opt-out mechanism:** The person was offered a clear opt-out at the point of data collection, and every message includes an easy way to unsubscribe (such as an unsubscribe link).

What This Means in Practice & Key Limitations

Practical benefits for charities:

1. Grow mailing lists without relying solely on explicit “tick-box” consent.
2. Stay in touch more easily with people who’ve shown interest or support, including volunteers, event participants, and one-off donors.

Important caveats/limitations:

3. The change is not retrospective: it applies only to contact details collected *after* the rules come into effect, and where initial communications meet the conditions.
4. Charities only! It does not extend to all apply to all not-for-profits organisations.

Next Steps for Charities

1. Review supporter-journeys

- Map out where people express interest or offer support (e.g. events, donations, volunteering).
- Ensure contact capture processes align with the new “source of contact” condition

2. Strengthen Opt-Out Processes

- Make sure opt-out options are clear and visible - both when collecting details and in every message sent.

3. Update Policies and Messaging

- Refresh privacy notices, sign-up wording, and internal documentation to reflect the new approach.

4. Segregate Contact Lists

- Keep pre-change and post-change data separate to avoid any non-compliant reuse of older records.

5. Monitor Implementation Timeline.

- The rules are expected to take effect around December 2025 - plan ahead and be ready for transition

Final Compliance Tips

1. Conduct a *Legitimate Interests Assessment*. Document how the charity balances organisational needs with individual rights.
2. Keep clear records. Track how and when a supporter expressed interest or offered support (e.g., event sign-ups, newsletter subscriptions, one-off donations).
3. Respect Opt-Outs immediately. Ensure all unsubscribe requests are actioned without delay.
4. Stick to Charitable Purposes. Do not use not use this exemption for communications outside your charitable aims (e.g., promoting commercial partnerships).
5. Review Privacy Notices and Sign-Up forms. Ensure messaging is consistent with your approach and obligations.
6. Remember Risk Management! Compliance is as important as opportunity — stay vigilant.