

Today

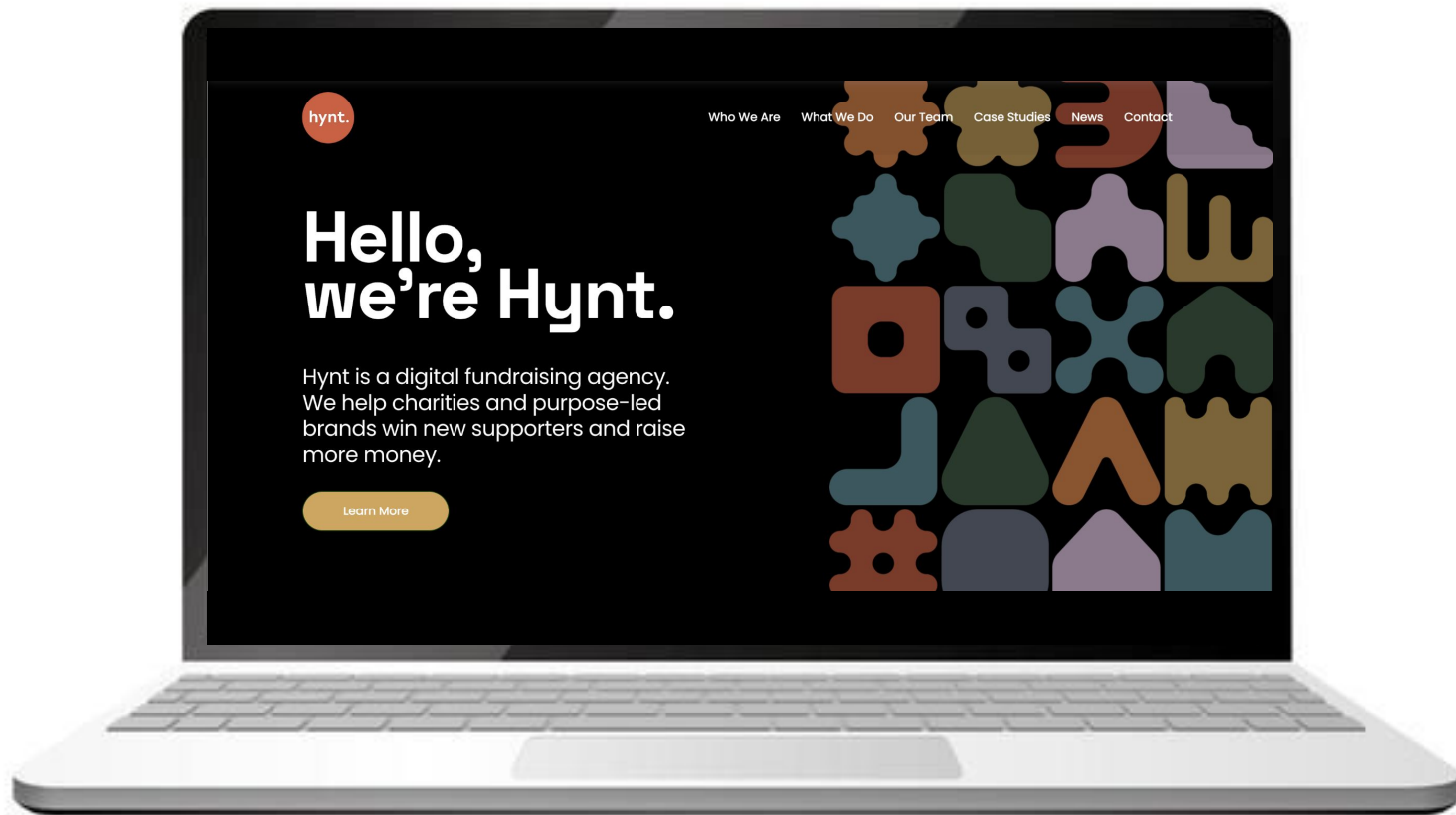


1. What is a “soft opt in” anyway?
2. Oh! But what does it mean for me?
3. Ahh I see. So, when can I use it?
4. Oh, that’s a surprise!
5. Ok I’m ready to get started

hynt.



hynt.



What we do

[Read more](#)

What we do

[Read more](#)

01

Digital Fundraising

We help you create a masterplan for online fundraising success. We'll create a blueprint that's totally tailored to you.

Turn your team into a digital powerhouse

What we do

[Read more](#)

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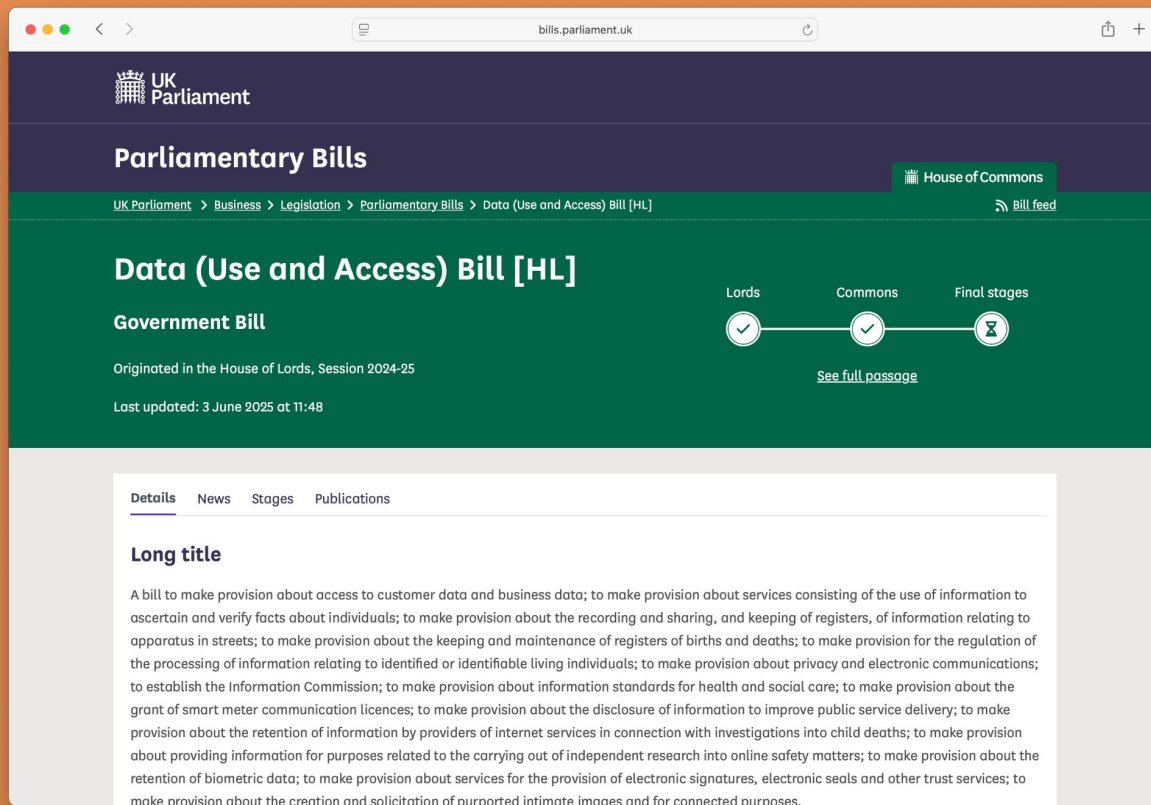
Our training and consultancy gives teams the skills and tools to confidently navigate the digital landscape and deliver powerful results.

Talk to us

04 Innovation and Diversification

Ready to experiment with new channels, tactics and creative ideas? We'll help you stay ahead of the curve and future proof your fundraising.

Inject some fresh thinking



Parliamentary Bills

House of Commons

UK Parliament > Business > Legislation > Parliamentary Bills > Data (Use and Access) Bill [HL]

Bill feed

Data (Use and Access) Bill

Government Bill

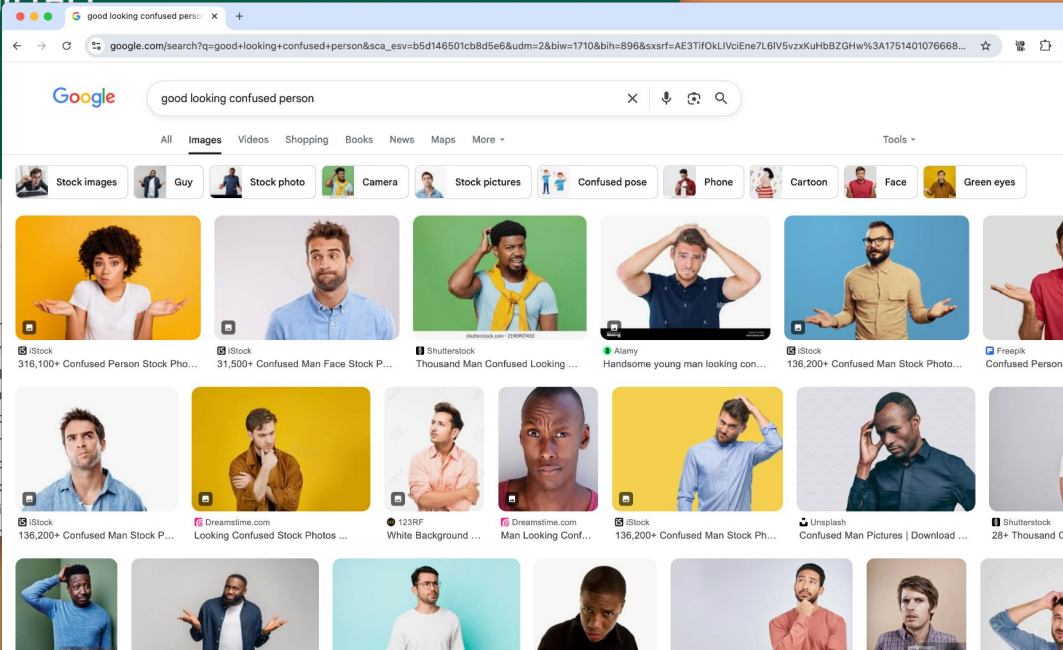
Originated in the House of Lords, Session 2024-25

Last updated: 3 June 2025 at 11:48

Details News Stages Publications

Long title

A bill to make provision about access to customer data or to ascertain and verify facts about individuals; to make provision about the keeping of apparatus in streets; to make provision about the processing of information relating to identified or identifiable individuals; to make provision about the grant of smart meter communication licences; to make provision about the retention of information by providers of services; to make provision about the retention of biometric data; to make provision about the creation and solicitation of purposes...





What is a “soft opt in” anyway?

If you want to email a supporter, you need explicit consent...right?

* Required

Do you want us to keep you posted?*


Subscribe to our emails to receive updates on how to get involved through petitions, campaigning, volunteering and donating.

☐ Yes

☐ No

Sign the pact

If you want to email a supporter, you need explicit consent...right?



Form fields and text:

- Input field: `this_is_a_fake_email@hyntmail.com.au`
- Input field: Postcode
- Input field: Phone
- * Re
- Do not consent to
- Submit the form to get involved through
- petition or volunteering and donating.
- ☐ Yes
- ☐ No
- Sign the pact

A bill was passed in June that will allow charities in the UK to claim legitimate interest for email, but only if:

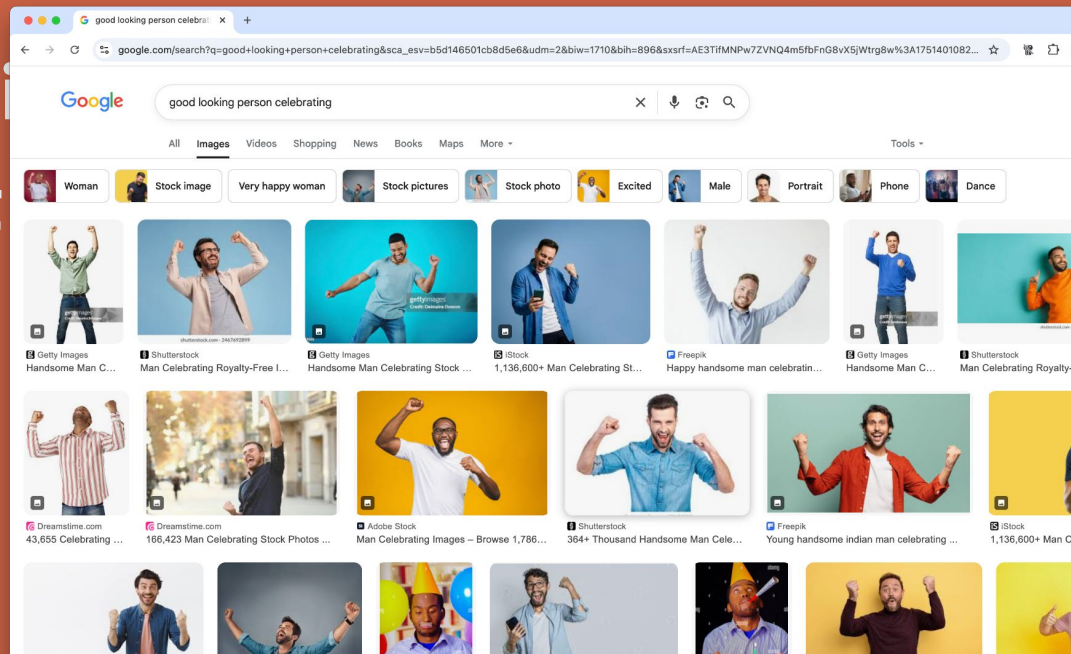
- They are a registered charity
- The direct marketing must aim to further the charity's charitable purposes
- Data was collected in the process of expressing interest in, offering support for, or providing support to the charity
- Individuals are given a simple way to opt out of marketing emails at the point of sign up, and in each subsequent communication

“It allows you to market your own similar products or services to existing customers without requiring a separate, explicit consent.”

Email Soft Opt-in will fundamentally
change the charity marketing landscape.

Email Soft Opt-
change the charit

hynt.



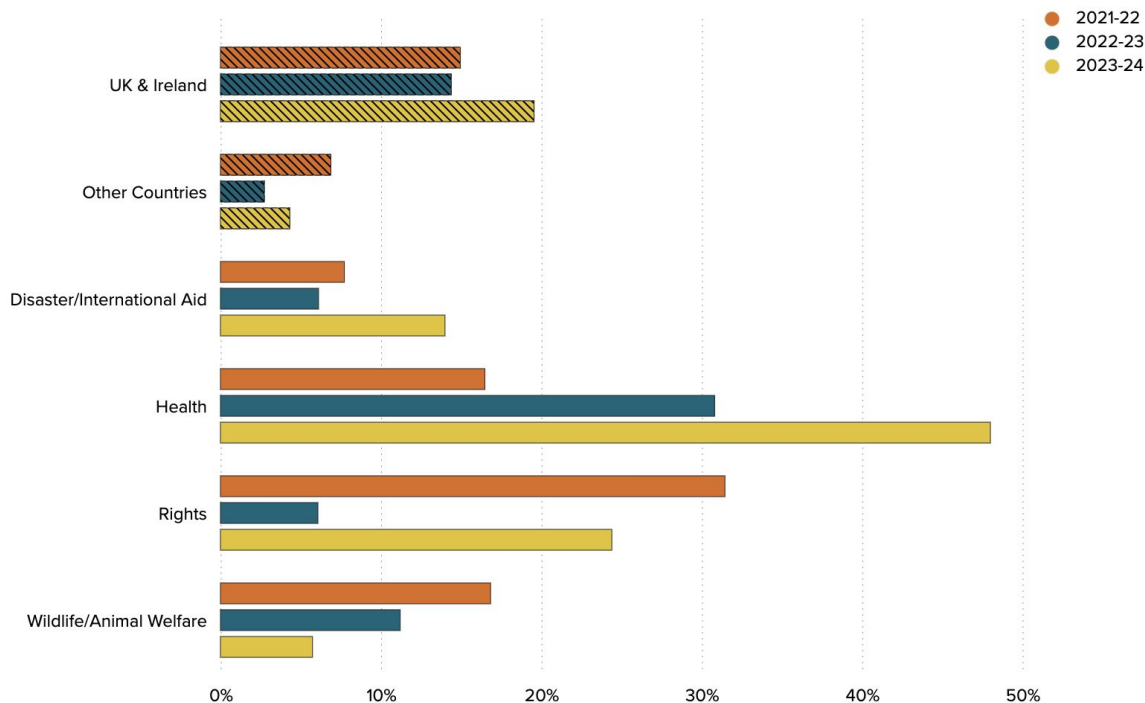


Oh! But what does it mean for me?

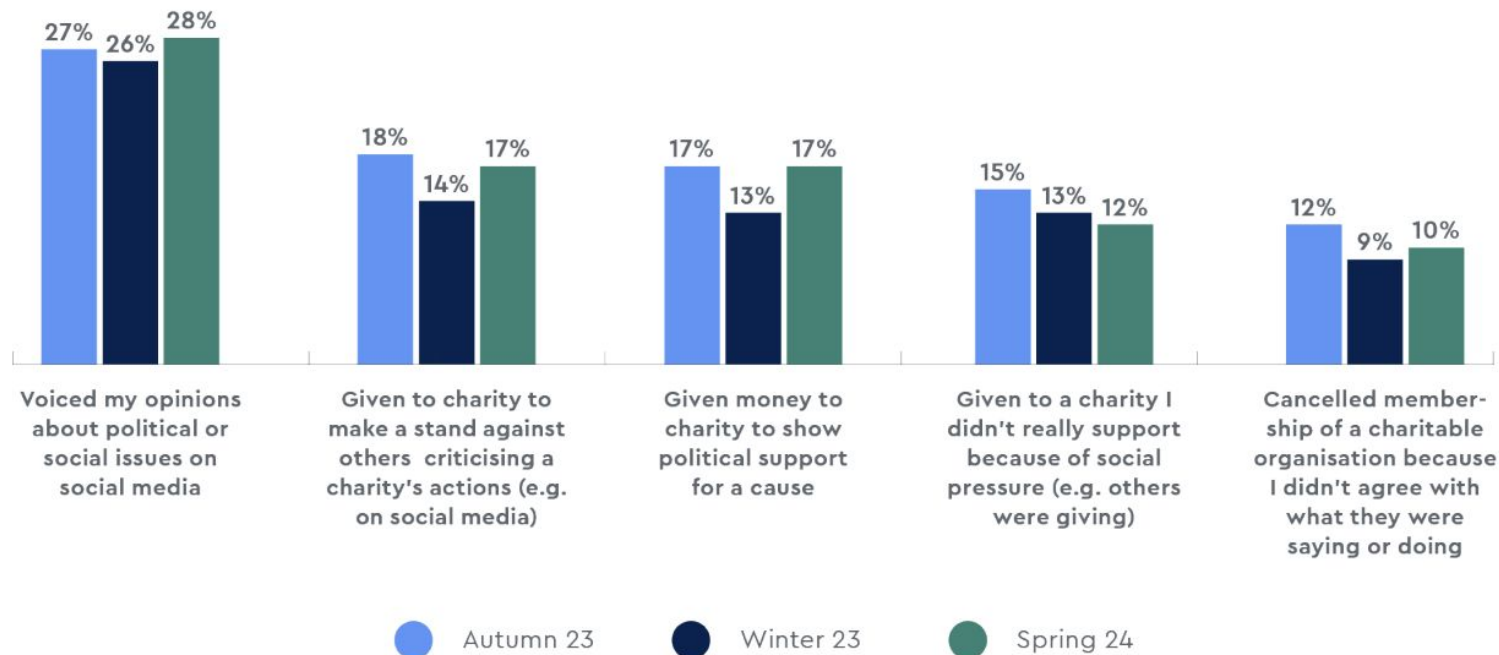
This is a huge opportunity, but a huge responsibility

- “The Data and Marketing Association (DMA) estimates that the new rule could increase annual donations to charities by an £290m a year.”
- “The Information Commissioner’s Office (ICO) has stressed that fundraisers will need to think carefully about how they balance the right to contact people against the public’s rights and freedoms.”

List growth is a focus for most of the sector, and it's growing year-on-year

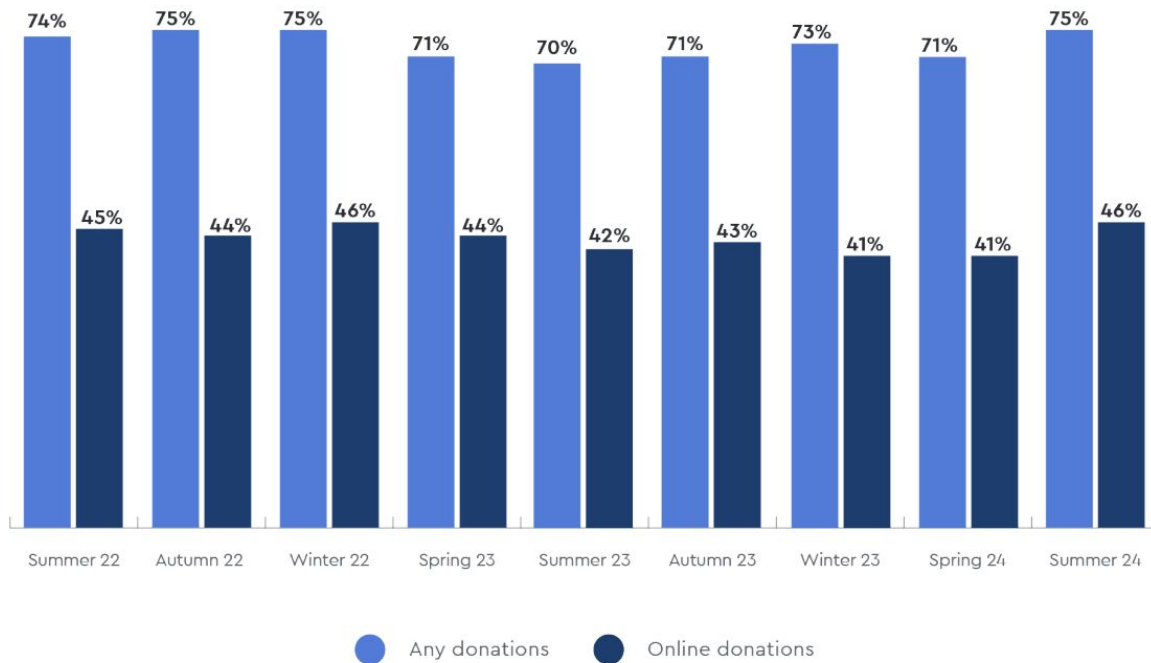


Being given the chance to show that they care about a social issue can motivate donors to give



61% of all donations in the last three months were made online

Figure 3: Percentage donating online in last three months



Building a list of First Party Data is a big focus area for all organisations

- It's two fold in terms of increasing your prospect base for donors (as well as legators, community fundraisers, volunteers, customers and active members of your community)
- And also driving up income – it can critically reduce CPAs for Cash and RG donors
- **It means you own the data, and you can control the messaging your audience sees**



Ahh I see. So, when can I use it?

Current version of the Bill

Data (Use and Access) Act 2025 (c. 18)

Get File ▾

19 June 2025

Bill passage



Bill started in the House of Lords



1st reading



2nd reading



Committee stage



Report stage



3rd reading



Bill in the House of Commons



1st reading



2nd reading



Committee stage



Report stage



3rd reading



Final stages



Consideration of amendments



Royal Assent

Key



Complete



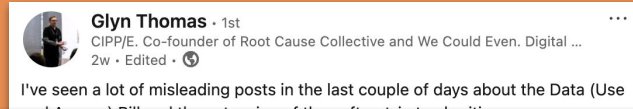
In progress



Not applicable



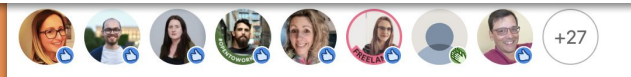
Not yet reached



Royal Assent and beyond

A bill that has been passed by both Houses becomes law once it has been given Royal Assent and this has been signified to Parliament. It will then become an act. Even then the act may not have any practical effect until later on. Most provisions in an act will either come into operation within a set period after Royal Assent (commonly two months later) or at a time fixed by the government. This gives the government and those people who are directly affected by the act time to plan accordingly. The government may need to fill in some of the details of the new scheme by making regulations or orders under powers contained in the act, for example to deal with procedural matters.

Three to five years after a bill has been passed, the department responsible for the act resulting from it should review how it has worked in practice and submit an assessment of this to the relevant Commons departmental committee. The committee will then decide whether it wants to carry out a fuller post-legislative enquiry into the act.



We recommend:

- Don't claim legitimate interest on your email file yet!
- Stay tuned – follow resources from Hynt, Fundraising Everywhere and other digital partners
- Join the Hynt mailing list:





Oh, that's a surprise!

Let's talk about deliverability, because it's related to opt-in:

- “Email deliverability is the ability to deliver emails to subscribers' inboxes.”
- “It is what some marketers use to gauge the likelihood of their email campaigns reaching their subscribers' inboxes.”
- “Install a double opt-in signup method to help validate your new contacts. This is when a user submits their email address and they get an email in return asking them to confirm it.”

**And you still need to offer people a way
to opt-out (just like with direct mail)**

If people actually want to receive
your emails, they'll be more likely to
respond to them.

**Switching to soft opt-ins will mean
some people won't realise how they
got on to your list.**

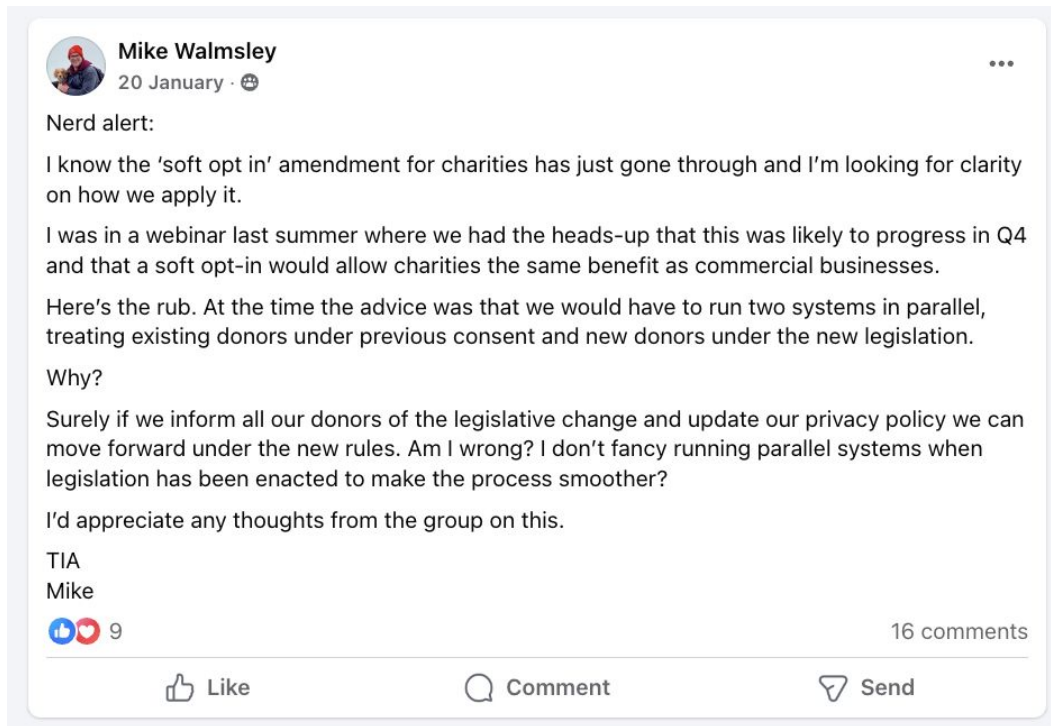
It will not be possible for charities to offer the opt-out to people already on their database.

It cannot be applied retrospectively.

**This is not exclusively a technical or
data decision...**

**...this will have huge implications on
income generation, supporter
experience and engagement.**

Charity leaders are deciding how to approach this new regulation



Charity leaders are deciding how to approach this new regulation



Mike Walmsley

20 January · 🌐

Nerd alert:

I know the 'soft opt in' amendment for charities has just gone through and I'm looking for clarity on how we apply it



Louisa Marie Turner

9 October 2024 · 🌐

****Soft opt in law changes****

Hi all I've just received the below from a brand, and I wondered if the rules have changed yet on how we can contact people after they make a donation.

Is it still one rule for commercial and another for charity?

Thanks

We are changing the legal basis that we are using for opt-ins, meaning that when a customer shops with us, we will assume they want to hear from us, unless they opt out by unticking a tick box for email, post or SMS (known as a 'soft opt in'). We will always be transparent and clear (so no tricky double negatives). Your current opt-in status has not been changed.



1

14 comments



Like



Comment



Send

re we had the heads-up that this was likely to progress in Q4 charities the same benefit as commercial businesses.

re was that we would have to run two systems in parallel, ous consent and new donors under the new legislation.

the legislative change and update our privacy policy we can Am I wrong? I don't fancy running parallel systems when re the process smoother?

a group on this.



Like



Comment



Send

16 comments

Charity leaders are deciding how to approach this new regulation



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Send



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Sophie Jones

Businesses are able to use soft opt in under existing legislation. So likely this company is just changing to that and deciding to tell you. As far as I know, the Bill hasn't been passed yet which will extend soft opt in to charities (boooo) but hopefully will soon!!!!

33w

Like

Reply



4



Louise Tait Top contributor

Charities can already do this for a customer - ie someone who makes a purchase.

<https://ico.org.uk/.../how-do-we-comply-with-the-rules.../>

ICO.ORG.UK

How do we comply with the rules on sending marketing by electronic mail?

33w

Like

Reply



Ruth Johnson Top contributor

This is really helpful and something I am trying to get my head around atm.

So currently we still cannot market to corporates even under the 'PECR corporate subscriber' soft opt in?

We still need their consent? **Marina Stedman Bruce Warman Clare Donachie**

Does this apply if they have signed up to be a sponsor at one of our events? Still need to ask for consent?

31w

Like

Reply

Edited

View 1 reply

16 comments

Chc
this



Beth Upton Top contributor

If someone has previously actively opted out then that will still stand. And if they have actively opted in that will still stand. But if you have their email address without any clear consent one way or the other then you will be able to use your legitimate interests to contact them based on the outcome of your rights balancing exercise and legitimate interest assessment.

I would use date of last contact as a key metric in the assessment - if you haven't been in touch for (say) 2 years then should you add them to a mailing list?

19w Like Reply



Beth Upton Top contributor

You are right that you will need to change your privacy policy to be able to use this change in rules. And that would probably be a big enough change to mean you need to communicate it. But communicating the change doesn't necessarily mean contacting everyone on your database and it wouldn't negate anyone's previously stated consent/non-consent.

19w Like Reply



Louisa Marie
9 October 2024

**Soft opt in law character
Hi all I've just received
how we can contact people
Is it still one rule for charities
Thanks

We are changing
customer shops with
by unticking a tick box
transparent and clear



1



Like



Chloe Smith
F

18w Like Reply



Lorraine E-c
F

18w Like Reply



Nic Jay

I am curious how other charities are lining up for this significant change! Also all the suppliers we use.... it seems like there hasn't been as much chatter about this, despite how significant it could be

16w Like Reply Edited



Laura Perratt Top contributor

I'd love to see a webinar on this to give charities a chance to ask questions - do we know of anything in the pipeline?

19w Like Reply



Christina Comber

I agree that you shouldn't need to run parallel processes. To be completely sure, and to reassure any colleagues, I recommend using the ICO's chat function. When I last

how to approach



Sophie Jones

Businesses are able to use soft opt in under existing legislation. So likely this company is just changing to that and deciding to tell you. As far as I know, the Bill hasn't been passed yet which will extend soft opt in to charities (boooo) but hopefully will soon!!!!

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31w Like Reply Edited

View 1 reply

16 comments



Send

hynt

Some charities will choose not to progress with the new regulation, but they may fall behind



[REDACTED]
If (big if) the law changes that doesn't mean we have to change our data processing.

If it ain't broke ...

2y Like Reply

**Your organisation can decide how it
approaches email soft opt-in...**

**Your organisation can decide how it
approaches email soft opt-in...**

but the landscape will move on anyway



Ok I'm ready to get started



Are you ready for soft opt-ins?

Your checklist for success

1

Understand the change,
and make a plan



4

Enhance supporter
journeys



6

Be ready to adjust
your plan



5

Watch the data



3

Update your data capture
forms



2

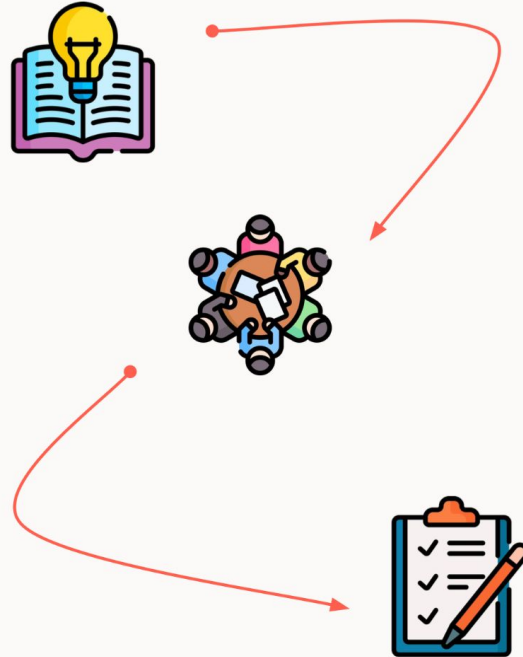
Get your CRM ready



CHECKLIST FOR SUCCESS

1. Understand the change, and make a plan

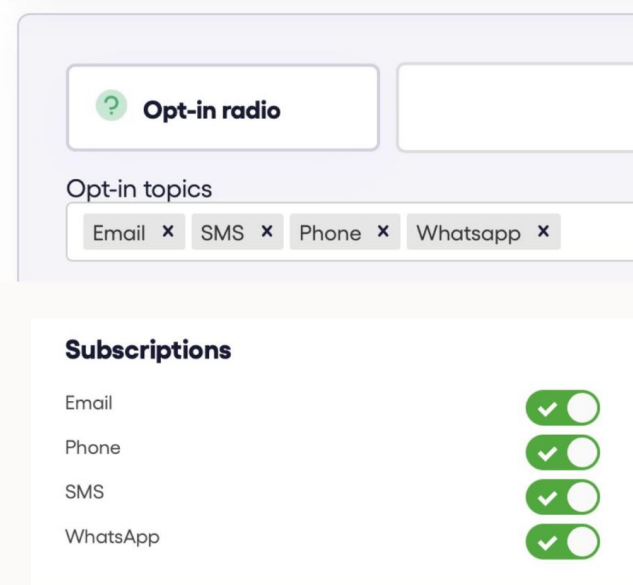
- * Share resources like this one, or [our webinar on the topic](#).
- * Create a project team with reps from compliance, data, supporter facing teams, marketing
- * Map out your options and agree the plan your org will follow.



CHECKLIST FOR SUCCESS

2. Get your CRM ready

- * Ensure your CRM can distinguish between different types of consent
- * Create a tagging system for different opt-in variants
- * Set up segmentation capabilities based on supporter consent type
- * Test data flows to prevent potential data management issues



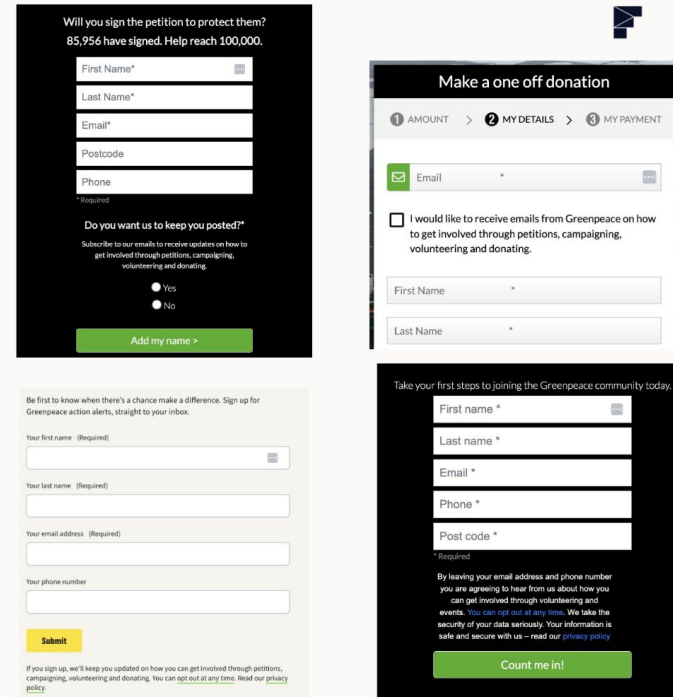
The screenshot shows a user interface for a form builder. At the top right is a logo. Below it is a section titled 'Opt-in radio' with a question mark icon. To the right of this title is an empty rectangular box. Below the title is the text 'Opt-in topics'. Underneath this text are four buttons: 'Email x', 'SMS x', 'Phone x', and 'Whatsapp x'. Below this section is another section titled 'Subscriptions'. This section contains a list of four items: 'Email', 'Phone', 'SMS', and 'WhatsApp'. To the right of each item is a green toggle switch with a white checkmark, indicating that all four subscription options are enabled.

Image: Example of Movement form builder

CHECKLIST FOR SUCCESS

3. Update your data capture forms

- * Audit all your digital and offline points of sign up
- * Make sure digital pages can support different consent options - contact your different platform providers
- * Test new forms to check data flows and tagging works as expected
- * Have clear go-live days, and phase updates if needed, starting with the highest traffic pages



The image displays four examples of sign-up forms from Greenpeace UK's website, arranged in a 2x2 grid. The top-left form is a dark-themed 'Petition Sign-up' with fields for First Name, Last Name, Email, Postcode, and Phone, followed by a consent checkbox and an 'Add my name' button. The top-right form is a light-themed 'Make a one off donation' with a progress bar, email field, consent checkbox, and name fields. The bottom-left form is a light-themed 'Action Alerts Sign-up' with fields for first name, last name, email address, and phone number, followed by a 'Submit' button and a privacy policy link. The bottom-right form is a dark-themed 'Join the Greenpeace community' with fields for first name, last name, email, phone, and post code, followed by a consent checkbox and a 'Count me in!' button.

Petition Sign-up Form:

Will you sign the petition to protect them?
85,956 have signed. Help reach 100,000.

First Name*
Last Name*
Email*
Postcode
Phone
* Required

Do you want us to keep you posted?*

Subscribe to our emails to receive updates on how to get involved through petitions, campaigning, volunteering and donating.

☐ Yes
☐ No

Add my name >

Make a one off donation Form:

1 AMOUNT > 2 MY DETAILS > 3 MY PAYMENT

Email *

☐ I would like to receive emails from Greenpeace on how to get involved through petitions, campaigning, volunteering and donating.

First Name *

Last Name *

Action Alerts Sign-up Form:

Be first to know when there's a chance make a difference. Sign up for Greenpeace action alerts, straight to your inbox.

Your first name (Required)
Your last name (Required)
Your email address (Required)
Your phone number

Submit

If you sign up, we'll keep you updated on how you can get involved through petitions, campaigning, volunteering and donating. You can opt out at any time. Read our [privacy policy](#).

Join the Greenpeace community Form:

Take your first steps to joining the Greenpeace community today.

First name *
Last name *
Email *
Phone *
Post code *
* Required

By leaving your email address and phone number you are agreeing to hear from us about how you can get involved through volunteering and events. You can opt out at any time. We take the security of your data seriously. Your information is safe and secure with us — read our [privacy policy](#).

Count me in!

Image: Examples of different sign-up forms on Greenpeace UK's website

CHECKLIST FOR SUCCESS

4. Enhance supporter journeys

- * Adapt welcome journeys for soft opt-in supporters
- * In first message, explain why they're receiving the communication, and tailor content to the context they provided data
- * Add extra value in early communications to build trust



Image: Example of Movement welcome journey builder

CHECKLIST FOR SUCCESS

5. Watch the data

- * Track and benchmark on-page opt-in/out rates
- * Track and benchmark email/SMS click, action and unsubscribe rates, and spam complaints
- * Compare value of soft opt-in and explicit consent supporters
- * Monitor deliverability scores and inbox placement



Metric	Hard opt-in benchmarks	Soft opt-in benchmarks
Opt-in rate	55-65%	?
Cash fundraising email action rate	0.1% - 0.3%	?
Petition email action rate	5-10%	?
Email unsubscribe rate	0.2-0.4%	?

Forward Action benchmarks for full-list emails where subscribers were recruited using a hard opt-in, for comparison with future soft opt-in benchmarks.

CHECKLIST FOR SUCCESS

6. Be ready to adjust your plan

- * AB test different framings and ux for opt-in/out statements
- * Optimise welcome journeys by changing content, timings or CTAs of emails/SMS
- * Weigh up all the evidence before making decisions

Image: Examples of variants used in AB opt-in test for Dignity in Dying in partnership with Forward Action. Both are best practice framings, but 'close to winning' proved a strong motivation.



Version A

27% increase in opt in rate

We're so close to winning a new assisted dying law - but we may need to take further campaign actions together. Can we email you updates and vital actions?

- Yes
- No

Are you sure?

If you select 'No', you won't receive any updates on what you can do to help legalise assisted dying. If you select 'Yes', you can still unsubscribe at any time.

Version B

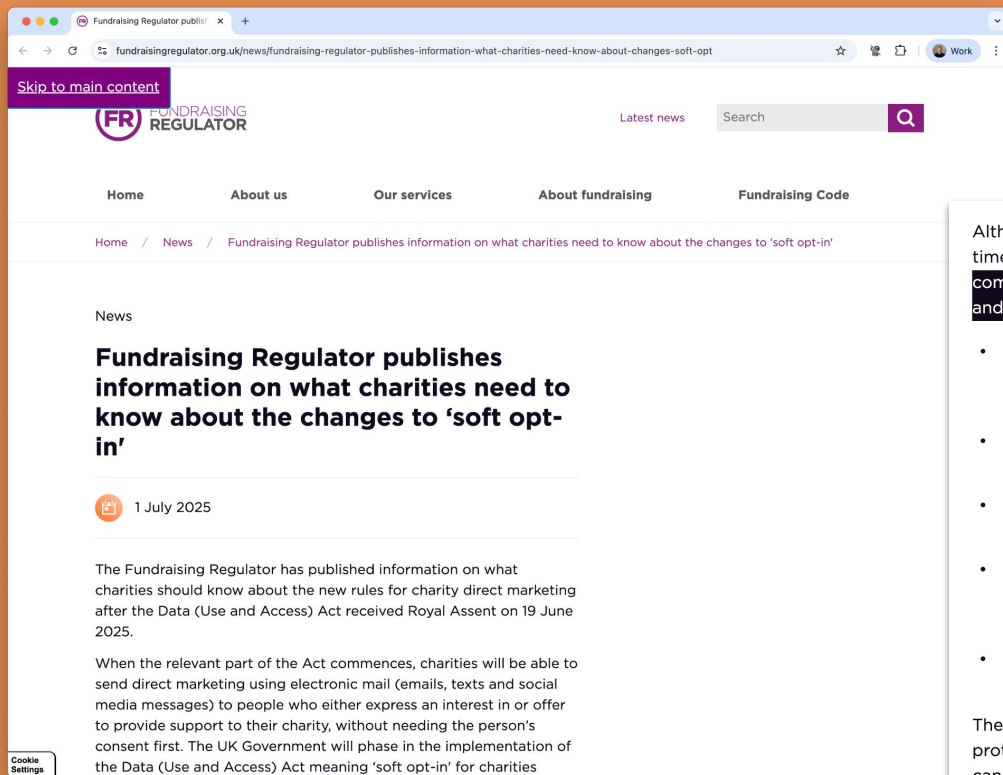
Want to hear about the next big win? Sign up for emails and we'll keep you posted about campaign successes and how you can help. Can we send you updates and vital actions?

- Yes
- No

Are you sure?

If you choose 'No', we can't tell you when we make a breakthrough in the campaign for assisted dying. If you choose 'Yes', you can still unsubscribe at any time.

What is the Fundraising Regulator saying?



Although 'soft opt-in' for charities hasn't yet started, now is a good time to start planning ahead. Charities are encouraged to use the coming months to think about whether 'soft opt-in' is right for them, and if so, they should start to prepare by:

- Reviewing their existing electronic mail marketing processes and make sure they can accurately record a person's marketing preferences.
- Carrying out a legitimate interests assessment to help decide whether 'soft opt-in' would be appropriate for their charity.
- Making plans to train relevant staff, volunteers and contractors so they are all prepared for 'soft opt-in', if it is to be used.
- Keeping up to date with the **ICO** and Fundraising Regulator's websites, where guidance will be available soon to support charities wishing to use 'soft opt-in'.
- **Signing up to our newsletter** to also keep up to date when we issue this guidance.

The Information Commissioner's Office (ICO), which is the UK's data protection regulator, supports the information shared here. Charities can find details about **the Data Use and Access Act 2025 and when to expect guidance on the ICO's website.**

How will we know WHEN the new regulation is rolled out and ready to use?

- Subscribe to the Fundraising Regulator mailing list
- Subscribe to the Fundraising Everywhere mailing list
- Subscribe to the Hynt mailing list
- **The Regulator seems to be making this a focus area, and will share details as they come out from the ICO**

Now it's your turn: scan here to join our mailing list
and stay up-to-date >>



(Or get in touch: hello@hynt.studio)

hynt.