



# The Soft Opt-In For Charities

## How Will It Change Your Fundraising?

20th May 2026

Mark Burnett  
Founder & CEO  
Hope & May

International Data Protection Officer and  
Practitioner

**The UK has reformed its approach to data protection with a new law called the Data Use and Access Act 2025 (DUAA). There are a number of changes you need to consider.**

**The Soft Opt-In for charities provides a new means to send electronic communications to supporters without the use of Consent.**

# The Lawful Bases



# Good News

## Opinion<sup>1</sup>:

**This is good news for the sector. It levels the playing field with commercial organisations who have always had this option.**

## **Opinion<sup>2</sup>:**

**However, there are some complexities. Unlike other sectors, charities have two Soft Opt-In options to consider, potentially at the same time.**

# Not Sure?

## Opinion<sup>3</sup>:

**Some of you are unsure and worry this will create confusion. As this applies to your future fundraising, consider testing the Soft Opt-In with a group of new supporters or customers**

# Expectation

- The Soft Opt-In relies upon an **‘Expression of Interest’**
- The definition is broad...
- The guidance suggests almost any **‘direct interaction’**
- The personal data must be **collected directly** from the individual
- Use of the data must be **solely for the furtherance of your cause**
- Only applies to **new donors**
- Individuals must be able to **refuse from the very beginning**

# There are two options

- **There are two versions of the Soft Opt-In:**
- **The Commercial Soft Opt-In** (For the sale of Goods and Services)
- **The Charity Soft Opt-In** (For the furtherance of your cause)

# Clear boundaries

Data gathered using the commercial Opt-In (Good & Services) cannot be used to promote the charity's cause (Only the Charity Soft Opt-In can be used for that)

**Data cannot be shared from a charity's trading company to the registered charity or vice versa.**

# Confused?

This may lead to some confusion.

**‘When someone buys something from you, it usually means you will use the commercial Opt-In, right?’**

# Confusing?

However, the guidance says:

**‘Some purchases are clearly understood [by the buyer] as a way to support the charitable purpose. These may include, membership, sponsorship, raffle or event’**

# Yes, confusing!

**In other words, the Charity Soft Opt-In (Rather than the commercial version) may apply to promoting your cause by selling products and services if the individual believes it is a way to support your cause.**

**The interaction MUST be directly with the charity.**

# Using both Opt-In options

**It is possible to use both options at the same time: Guidance suggests:**

‘Someone buys an entry ticket to visit a historic mill operated by a heritage preservation charity. The charity is satisfied that the person has bought a product or service **and also** provided support for the charity’s heritage preservation work’.

# Question

**The supporter makes a regular monthly donation. You currently rely upon their Consent.**

**When they make their next donation have they expressed an interest in your cause?**

# Make a plan

- **Decide which Soft Opt-In applies to your purpose**
- **Undertake a Legitimate Interest Assessment (LIA)**
- **Update your policy making a clear case for each Opt-In**
- **Update your privacy notice and be clear with your audience**
- **Train your team, ensure everyone is clear about these changes and how to explain them**

# Segmenting your audience

- **Manage your data by audience type:**
- **Existing donors (May be unchanged)**
- **New donors (Charity Soft Opt-In)**
- **Customers (Good & Services)**
- **Consent (Where neither Opt-In applies)**

# Foot Note

**Don't rely upon 'Refer a Friend'  
But, if the new donor sends you their details  
directly, the Soft Opt-In can apply**

**Data gathered by third party platforms does not  
apply to the Soft Opt-In (Must be direct interaction).  
However, third party Consent may apply (be careful,  
check third party wording, re-confirm Consent  
ASAP)**

# Foot Note

- **Ways to gather the Soft Opt-In may include:**
- **Pre-ticked Yes box (Can be unticked)**
- **Mandatory options Yes/No**
- **(Not best practice but all you can do for now) Statement with a clear way to opt-out (Contact details)**

# Foot Note

- **Another change brought about by the DUAA is the new complaints arrangement**
- **Make sure this is clear. Welcome complaints about your fundraising**

# Time for Questions & Answers

**We are here to help you navigate these  
changes with advice and guidance,  
policy development and training**

**[Info@hope-may.com](mailto:Info@hope-may.com)**

**0330 111 0013**