West Virginia Executive Branch
Privacy Tip

Consent Policy – What does it mean?

The consent policy says that departments will give an individual a reasonable opportunity to object to the collection, use or disclosure of their Personally Identifiable Information (PII). Departments will not collect, use or disclose PII in a manner inconsistent with its notice, unless the individual has given additional consent, if required by law.

To comply with this policy, each department must:

1. Obtain any legally-required consent prior to the collection, use or disclosure or PII, or
2. If consent isn't legally required, use reasonable efforts to address any concerns of an individual as to the collection or use of their PII.

Consent is written permission contained in a document, which may be on a department's website in electronic or downloadable form, that gives a department the right to collect, use or disclose the individual's PII limited to the purposes specified.

Some laws require true consent, meaning that the individual MUST agree to the collection, use or disclosure of their PII.

In many cases, laws don't require consent. A department may collect and process PII unless the individual objects. The Consent Policy requires the department to consider the objection and, if possible, reasonably address the concern. If it cannot be reasonably addressed, the policy allows the department to either collect and use the PII despite the objection, or to deny the individual the opportunity to participate in the transaction.

To view the Consent Policy, click here.

Note: Your agency/bureau/department/division may have specific requirements – always check your policies and procedures. If you have questions, contact your Privacy Officer.