

West Virginia Executive Branch Privacy Policy: Consent

Opt-ins and Opt-outs

QUESTION:

What does it mean to Opt-in? Opt-out?

ANSWER:

People often use the words “opt-in” and “opt-out” incorrectly to describe the choices made about private information (PI).

- ✓ A person opts-in to a program when she expressly says “YES, you may use my PI for this reason.” For example, a person opts-in when she physically checks a box on a form or website to agree to receive marketing communications.
- ✓ A person opts-out of a program when she expressly says “NO, you may not use my PI for this reason.” For example, a person opts-out when she physically un-checks a pre-checked box on a form. Or if she checks a box that says “check here if you do not want to receive marketing communications.”

The easiest way to understand opt-in and opt-out is to think about what happens if the person does nothing. Imagine a website registration. If I do nothing, the website site uses my PI, and I will get marketing emails. This is an opt-out regime.

If my PI is only used after I do something (like give permission), this is opt-in regime.

Don't be fooled by the words on the website! The website may say “I opt-in to receiving messages” – but if the box is pre-checked, it is an opt-out regime! You only have true opt-in consent if the people have to actually check the box themselves.