

THE POWER OF PERMISSION: Why Consent Matters in PERSONAL DATA PROCESSING



We've all done it - accepted terms and conditions without a second thought. But behind that one click of "I agree" lies a powerful legal concept that determines who controls your personal data and how it's used: **consent**.

In a world where personal information is constantly collected, tracked, and analyzed, consent is not just a polite request - it's the cornerstone of data rights and digital trust. For businesses, it's not a box to check off. And for individuals, it's not something to give away lightly.

Both the new Law of Georgia on Personal Data Protection (Georgian PDP Law) and the EU's General Data Protection Regulation (GDPR) treat consent as a non-negotiable legal requirement - one that must be clear, informed, and tied to a specific purpose. Too broad, too vague, or bundled consent? That's not only unfair - it's illegal.

Consent Must Be Clear, Not Vague

Under the Georgian PDP Law, consent is defined as a freely and clearly expressed will by the data subject, given either in writing (including electronically), orally, or through another active action, following adequate information about the data processing purpose. The law even distinguishes between general consent and written consent - the latter required in more sensitive contexts such as direct marketing or when processing special categories of personal data (e.g., health, biometric, or religious data). The GDPR takes a similar but more elaborate approach: consent must be freely given, specific, informed, and unambiguous, expressed by a clear affirmative action. Crucially, both Georgian and EU laws reject broad or blanket consents that do not relate to a defined and legitimate processing purpose.

Broad or Generic Consent Is Not Valid

Businesses must understand that consent cannot be assumed, nor can it be collected "just in case" for any future use. Consent must be tied to a clearly communicated and limited purpose, and if the purpose changes, new consent must be obtained. Vague references to "marketing purposes," "research," or "service improvements" are not sufficient.

Article 4 of the Georgian PDP Law reinforces this through its core principles: (a) lawfulness, fairness, and transparency and (b) purpose limitation and data minimization. These require that data subjects know exactly what they are consenting to and that only the data necessary to fulfill that specific purpose be processed. This mirrors the GDPR's own prohibition of "bundled consent" and underscores the obligation to design consent mechanisms that are narrow and transparent.

Consent Is Not Forever

Consent is not a one-time event. Both Georgian and EU law uphold the data subject's right to withdraw consent at any time, without explanation and in the same form it was given. The Georgian PDP Law requires controllers to cease processing and delete data within ten business days of withdrawal, unless another valid legal basis exists for continuing data processing.

Likewise, the GDPR mandates that withdrawing consent must be as easy as giving it and that data be erased unless it is legally required to retain it.

What This Means for Businesses and Clients

For businesses, consent is not a checkbox exercise - it's a legal and operational responsibility. A "catch-all" clause buried in terms and conditions will not protect you from regulatory scrutiny or reputational harm. Clients should also be cautious when asked to give sweeping consents that may open the door to misuse.

At BLC, we help clients navigate the complexities of data protection laws in Georgia and beyond, ensuring that their consent practices are not only compliant, but strategically sound. To meet legal standards, businesses must ensure that:

- Each processing activity is linked to a specific, legitimate purpose

- Consent forms and notices are written in plain, understandable language

- Individuals are informed of their right to withdraw consent easily and without penalties

- There is a reliable system to track and document consent and withdrawal

By embracing this approach, businesses not only comply with the law but also build trust, transparency, and long-term loyalty. Getting consent right is not just about compliance - it's about building relationships with users and customers that will last.



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