



YOUR BUSINESS • MARCH 2019

Can I grant a discount coupon for subscribing to my newsletter?

What you need to know.

The use of personal data must always rest on one of the legal bases defined in the GDPR. When you give persons the possibility to subscribe to your newsletter via your website, the processing of their contact details is based on their consent.

Under the GDPR, the conditions for validly giving consent are quite strict. For example, the consent must be "freely given". According to [guidance](#) from the authorities, this essentially means that individuals should have a real choice as to whether or not to give their consent and the possibility to withdraw their consent *without detriment*.

On the basis of these guidelines, there presently seems to be a certain maneuvering room for companies to grant a discount coupon for subscribing to their newsletter.

What you need to do.

You have to give people a real choice regarding whether or not to subscribe to your newsletter. Therefore, it is recommended to:

- keep the discount modest; and
- propose receiving a discount coupon merely as an *incentive* for subscribing to your newsletter and not propose subscribing to your newsletter as a *condition* for receiving a discount coupon.

You must give people the opportunity to unsubscribe without detriment. Therefore, it is recommended to:

• • • contrast

- immediately send a confirmation e-mail to persons who have subscribed to your newsletter, giving them the opportunity to unsubscribe; and
- ensure that even immediate unsubscription does not mean that the person will not receive or can no longer use the coupon.