

# Understanding the Data (Use and Access) Act 2025

## Your guide to the UK's new data protection legislation

- See how the Act impacts the UK GDPR
- Take advantage of new opportunities to grow
- Start preparing with expert help from Paragon

# Now's the time to review and reinvigorate your customer communications

**For the past few years, businesses who use personally identifiable information have had a lot to keep up with. Now, the Data (Use and Access) Act 2025 ("DUA Act") provides the clarity we've been seeking.**

Continuing the journey we've been on since GDPR, the new Act reflects a different tone in data legislation - one that's focused on how the economy can benefit when everyone can unlock the value in data in a way that's respectful and responsible.

For marketers, the DUA Act includes illustrative examples of legitimate interests in its main text, one of which is direct marketing. This may mean opportunities to conduct some types of direct marketing without consent, providing none is required under the Privacy and Electronic Communications Regulation (PECR), which remains in effect.

At the same time, the Act speaks to a bright future for people across marketing and communications. These new provisions will help data to be shared in innovative new ways, collaboration to be driven by a shared Code of Conduct, and technology like AI and Automated Decision Making to create new experiences.

For businesses that are well prepared, the opportunity remains significant: a chance to restart powerful practices like direct mail with more legal certainty. As ever, Paragon will be on hand to help you navigate these changes and make the most of every part of your customer communications toolkit.



**Stephen Lester**  
Chief Technology Officer  
Paragon UK, Ireland & Luxembourg



# What is the DUA Act 2025?

The DUA Act clarifies and replaces elements of the UK GDPR, the Privacy and Electronic Communications Regulation (PECR) and the Data Protection Act (2018).

While many of the same best practices associated with GDPR remain, the all-important provision for legitimate interest direct mail has been strengthened.



## Notable changes in the DUA Act

### Legitimate interest

Greater certainty around processing data without consent (for example, direct mail) with illustrative examples in the Act itself.

### Soft opt-in

Expanded allowances for charities to send communications on a related subject without specific consent.

### Cookie requirements

Simplified cookie consent exemptions for strictly necessary cookies and internal statistical analysis.

### Duties to protect children

Further requirements to account for the 'higher protection matters' of children's data.

### Codes of conduct

Permission to establish a code of conduct for the data and marketing industry, effectively implementing co-regulation.

### Smart data schemes

Provisions to enable data sharing with authorised third parties to enhance market competition and innovation.



## What's staying the same?

The DUA Act retains some key ideas from existing data protection legislation.

- The existing test of 'manifestly unfounded or excessive' to allow organisations to refuse Data Subject Access Requests
- Obligations to create a Data Protection Officer role and, for non-UK businesses, to have a UK representative
- Exhaustive record keeping requirements, not limited to high-risk use

# Key changes in the DUA Act

If you're meeting the standards set by existing legislation, there are just a few changes to be aware of.

GDPR & PECR	DUA Act	Why it matters
All data must be processed on a lawful basis and balancing tests required when using legitimate interest	Illustrative examples of legitimate interest in the main act	More confidence around what is lawful
Exemptions for the use of personal data in scientific research	Similar exemptions with the explicit inclusion of commercial and non-commercial research	More readiness to use data in AI and innovation
Robust restrictions on Automated Decision Making (profiling)	More flexibility for Automated Decision Making where no special category data is used	New opportunities to adopt Automated Decision Making with confidence
High consent standards which must be applied to digital identity authenticators	A structured, unified approach to digital identity, overseen by the Secretary of State	Secure, standardised identity verification
Restrictions on using cookies without explicit consent	Expanded exemptions to the use of cookies, from web analytics to preferences	Freedom to collect first-party data to improve digital experiences and evaluation
The ability for organisations to market related commercial products and services without the need to re-obtain consent	An expanded exemption of this 'soft opt-in' to include charities	More ways for charities to reach supporters and raise funds

# The impact of the DUA Act on your organisation

The DUA Act adds increased clarity and legal certainty to UK GDPR and PECR.



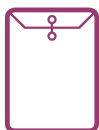
## Legal certainty around legitimate interest

Before DUA, UK GDPR and PECR created a great deal of caution around direct marketing. Now, the DUA Act increases clarity by including direct marketing as an illustrative legitimate interest. For some types of marketing, this may mean more freedom to send marketing messages without consent.

### What you need to know:

- Direct mail was always possible under GDPR
- DUA includes examples of legitimate use in its main text
- While PECR remains with its own consent requirements, some activities (like marketing to generic businesses) may be conducted without consent

## This increased clarity means you can:



### Restart your direct mail

With legal certainty around legitimate interest, take advantage of the unique power of print. Direct mail is widely read, more memorable than social media, and a vital bridge to digital for less digitally inclined audiences.



### Reach more customers

Through direct mail, you can reach a wider range of customers including those who are digitally excluded.



### Use the soft opt-in

The UK PECR included the concept of a 'soft opt-in,' allowing you to market related commercial products and services to existing customers without re-obtaining opt-in. The updated legislation extends this to charities, significantly increasing the options for fundraising.



**88%**  
of partially  
addressed mail is  
opened, read, filed,  
or set aside for later

Source: JICMAIL data

**6%**  
of mail sent in Q3  
2023 prompted  
a purchase

Source: JICMAIL data

Mail is remembered  
**35%**  
more than social  
media and  
**49%**  
more than email

Source: Royal Mail

# The impact of the DUA Act on customer experience

The changes introduced with DUA will also underpin more seamless, personalised and relevant customer experiences.



## Connected omnichannel journeys

True omnichannel marketing means using every channel together, including direct mail. Increased legal certainty allows you to resume direct mail and, with QR codes and links, make print the starting point for your wider digital journeys.



## The best digital-first impression

The new Act simplifies cookie consent for strictly necessary activities. This helps streamline the user experience and starts digital journeys with less friction.



## Constantly improving experiences

With more freedom to conduct analytics, organisations can go further to refine, personalise and optimise digital journeys based on data. That's good for businesses and consumers alike.



All while giving customers the privacy and data protection they've come to expect from existing legislation.



“The Data and Marketing Association welcomes the Data (Use and Access) Bill as a balanced and forward-looking piece of legislation. The government has clearly listened to industry, and we're pleased to have played a constructive role in shaping reforms that support both innovation and privacy. Key changes — such as greater clarity on legitimate interest, the extension of soft opt-in to charities, and sensible cookie reform — will make it easier for organisations to grow responsibly and build trusted customer relationships. The Bill reflects modern data practices while safeguarding individual rights. It positions the UK as a competitive, pragmatic leader in the global data economy. With clear guidance and a proportionate approach, we're confident businesses will implement these changes successfully.”



Chris Combemale  
Director of Policy and  
Public Affairs, DMA



# How to prepare for the DUA Act

While implementation and enforcement will continue to be clarified as the newly formed Information Commission assembles, you can start preparing your compliance efforts now.

## 1 Communicate with your teams

While the new Act and existing legislation have similarities, now is the perfect time to refresh everyone's knowledge of what's expected, the small-but-important changes, and how to handle personal information.

## 3 Review your current compliance

Take stock of your compliance policies, public-facing privacy statements, and internal procedures as they stand today. DUA may provide opportunities to streamline some of this admin work.

## 5 Consider where your customers are

For some organisations, it'll be worth tailoring processes for UK and EU audiences. Start by building your knowledge of where your customers are coming from.

## 2 Check your direct mail capability

Your capacity for direct mail may have diminished since GDPR. Experts like Paragon can help you build back the skills you need, while taking advantage of recent innovations and personalisation to help you cut through.

## 4 Communicate with your supply chain

Take the lead in starting the conversation with your ad tech, data brokers, and marketing vendors. The way they're reacting to the changes may open up new opportunities.

## 6 Get support from partners

As implementation continues, trust Paragon to keep everyone updated with our perspective as things evolve.

“The clarity that the DUA bill brings to how customer data can be used to prospect for new business could not have come at a better time for marketers. Acquisition mail response rates increased by 24% year on year in 2024 at a time when performance marketers are generally finding it hard to stimulate response from potential customers as efficiently as they once did. The highly trusted, targetable, creative and tactile nature of mail comms are key contributing factors and are just some of the many reasons we refer to mail as a Super Touchpoint channel.”



**Ian Gibbs**  
Director of Data  
Leadership and  
Learning, Jicmail



# Stay up to date with the Data (Use and Access) Act and other industry news



**Need more support to prepare for the DUA Act?**

**Contact our expert team at [uk.paragon.world](https://uk.paragon.world)**

## About Paragon

We help clients strengthen their brands, grow revenue and reduce costs by transforming key business processes and improving customer engagement. Our expertise spans customer communications, digital customer experience, marketing and creative services, business process services and workplace solutions where we offer intelligent outsourcing that enables our clients to focus on their core priorities.

We create lasting value by helping businesses connect more effectively with their customers and operate more efficiently. Whether it's reengineering complex processes, managing customer journeys or delivering smart, scalable solutions, we work as a trusted partner to drive measurable results. With global reach and deep local insight, we deliver the flexibility, responsiveness and domain expertise clients need to succeed in a rapidly evolving landscape.

Made in partnership with



# PARAGON

