

Pre-DUA GDPR vs Post-DUA GDPR

Five differences you need to know

The Data (Use and Access) Act 2025 ('DUA Act') is now law, marking the next chapter of data protection and privacy in the UK - one that will create new opportunities for businesses and non-profits.

The new Act builds on and works alongside the EU GDPR, UK GDPR, and the Privacy and Electronic Communications Regulations (PECR). However, the new Act also adds more specificity and clarity, especially around areas like direct marketing.

As a result, it gives legal certainty to valuable parts of your marketing mix and more ways to engage consumers and supporters.

£4.3 billion *estimated efficiency boost* to the UK economy in the next decade.
Source: Gov.uk

1 More clarity around legitimate interest



Pre-DUA GDPR

All data must be processed on a lawful basis with balancing tests used to assess legitimate interest – a definition that's open to ambiguity.

DUA Act

Includes direct marketing as an illustrative example of legitimate interest in its main text, increasing clarity.

THE IMPACT

Some activities that don't require consent under PECR (like marketing to generic businesses) are now clearly defined as a legitimate interest.



30%

reduction in direct mail in the period following GDPR.

Source: Decision Marketing

2 More space for innovation



Pre-DUA GDPR

Limited exemptions for the use of personal information to support scientific research and innovation. Broad rights for data subjects to opt out from automated decision making and profiling.

DUA Act

Specific wording to exempt the use of personal information, even when scientific research is carried out for commercial purposes. In general, the DUA Act creates a more permissive framework, albeit with similar rights and protections.

THE IMPACT

Widened exemptions that encourage innovation and the responsible use of personal data to develop the next generation of AI and ad tech.



50%

of marketers identify ad targeting as a key application of AI and personal data.

Source: Statista

3 Increased clarity around DSARs



Pre-DUA GDPR

A one-month timeframe for responding to Subject Data Access Requests.

DUA Act

Legislation clearly defines when controllers can 'stop the clock' due to requiring additional information.

THE IMPACT

Less guesswork around how DSARs should be handled and when you might drift out of compliance.



83%

of businesses say they would need at least one week to respond to a Subject Data Access Request under GDPR.

Source: Gartner

4 Opportunities to improve digital experiences



Pre-DUA GDPR

The advent of complex cookie preference pop-ups and widespread user fatigue.

DUA Act

Exemptions that don't require opt-in, including essential functionality and first-party analytics (opt-out options still required).

THE IMPACT

An expanded ability to analyse and improve digital experiences, providing your customers are in the UK.



53%

of UK consumers say they would be more likely to read more concise cookie pop-ups and policies.

Source: ICO

5 Bringing the soft opt-in to charities



Pre-DUA GDPR

Organisations can conduct relevant marketing using data captured when a customer made a purchase or expressed interest, without the need to re-obtain consent – this is limited to commercial products and services.

DUA Act

This 'soft opt-in' rule is extended to include charities, with no restriction to marketing commercial products and services.

THE IMPACT

New ways for charities to engage supporters and volunteers, getting more from existing fundraising to address rising costs.



42%

of UK charities identify rising costs as a major challenge for the next three years.

Source: The Status of UK Fundraising 2023 Benchmark Report



Need more support to prepare for the Data (Use and Access) Act? Contact our expert team at uk.paragon.world/contact-us