

A black and white photograph of a hand holding a chess piece, likely a king, over a chessboard. The image is overlaid with green and purple binary code (0s and 1s).

Consumer Consent in 2026

LEGAL CONSENT VS REAL CHOICE LAW CRUMBS

The Digital Personal Data Protection Act, 2023 establishes consent as the legal basis for processing personal data. It requires consent to be free, specific, informed, unconditional and capable of being withdrawn. While the framework strengthens consumer rights, its practical application depends upon whether consumers are able to exercise those rights meaningfully.

Only **16%** of Indian consumers report understanding the Digital Personal Data Protection Act,

while **56%** remain unaware of their rights over personal data.

THE GAP BETWEEN LEGAL CONSENT AND CONSUMER BEHAVIOUR



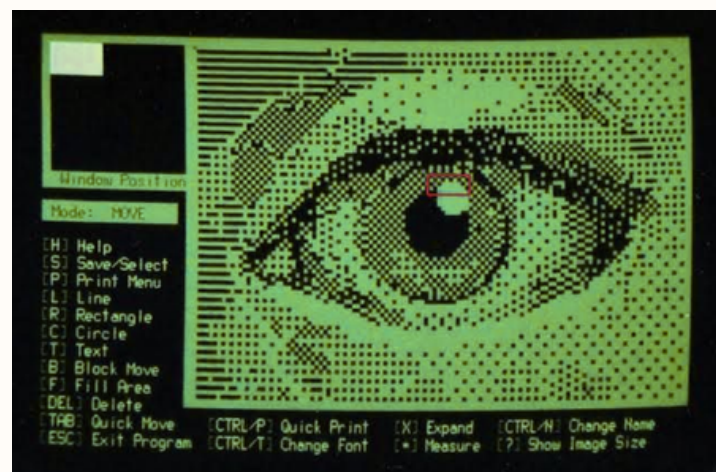
Consumer consent is increasingly influenced by the manner in which digital platforms seek and obtain it.

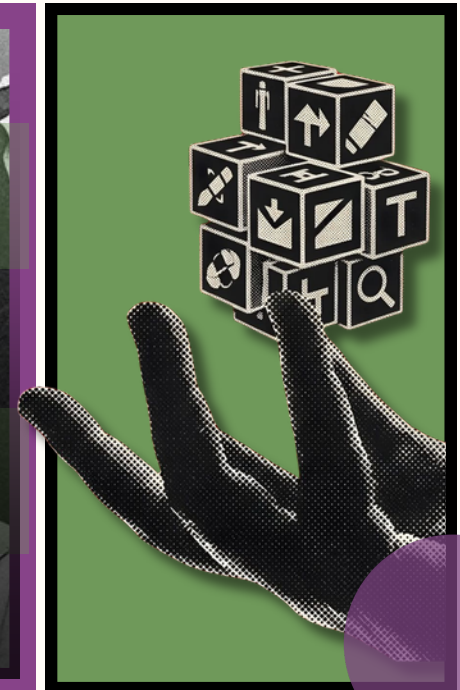


The Act recognises consent as an informed exercise of individual autonomy. However, digital interactions are frequently characterised by lengthy privacy notices, bundled permissions, interface-driven acceptance mechanisms and default settings that encourage immediate acceptance. These practices satisfy procedural requirements while limiting informed consumer engagement.

Digital platforms have become the primary interface for banking, digital payments, employment systems, e-commerce and public services. As access to these services increasingly depends upon accepting data processing terms, the ability to refuse consent becomes substantially constrained. In such circumstances, consent operates as a condition for participation rather than an independently negotiated choice.

WHEN CONSENT BECOMES A CONDITION OF ACCESS





Consent Can Be Withdrawn

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Purpose

Privacy Fatigue Weakens Meaningful Consent

Repeated consent requests, complex privacy notices and interface-led decision making often result in consumers accepting terms without evaluating their implications. This phenomenon, commonly described as privacy fatigue, reduces the effectiveness of informed consent even where statutory compliance has been achieved.