



4I's Consulting

PECR

What's Changing and What You Need to Know in 2026

PECR stands for the '**Privacy and Electronic Communications Regulations**'. They sit alongside UK GDPR and set the rules for electronic marketing, cookies, and the privacy of communications. If you send marketing emails, run alumni newsletters, use website analytics, or manage consent in a CRM, PECR is the law you're working with.

The Data (Use and Access) Act 2025 is now coming into force in stages through early 2026, and while PECR itself hasn't been rewritten, the Act directly affects how organisations approach cookies, direct marketing and consent. The ICO has confirmed that all PECR guidance is under review, so expectations are tightening even before new guidance lands.

Here's what matters:

1. Direct marketing now sits under 'Recognised Legitimate Interests'

The DUAA introduced a new category of *Recognised Legitimate Interests*, which includes direct marketing and network security.

- This simplifies your UK GDPR justification for marketing activity.
- But PECR rules still apply meaning you still need consent for email/SMS marketing unless you meet the soft opt-in.

Bottom line: Your lawful basis may be easier to articulate, but your marketing practices must still meet PECR's stricter rules.

2. ICO PECR guidance is being rewritten

The ICO has confirmed that, following the DUAA becoming law, all PECR guidance is being reviewed, including cookies, analytics and direct marketing.

- Expect updated guidance during 2026.
- Enforcement is already tightening, especially around cookie banners and tracking.

Bottom line: Don't wait for the new guidance to fix known issues.

3. Cookie compliance is under sharper scrutiny

Although no new cookie exemptions have been introduced yet, the ICO is signalling:

- Stricter enforcement of consent banners
- Closer attention to analytics tools
- Higher expectations for transparency and user control

Bottom line: If your cookie banner is still 'Accept All' with a buried 'Manage Settings', it's time to update.

4. Consent evidence and audit trails matter more than ever

Across both UK GDPR and PECR, the ICO is emphasising:

- Clear, provable consent
- Easy withdrawal
- Accurate, up-to-date marketing lists
- Strong governance around third-party tools

Bottom line: If you can't *prove* consent, you don't have it.

What your organisation should do now

1. Review your cookie banner and tracking tools

Make sure:

- Consent is genuinely optional
- Your cookie policy matches what's actually happening

2. Reassess your direct marketing approach

- Update your internal lawful basis documentation
- Reconfirm your soft opt-in processes
- Tighten your unsubscribe and preference-centre experience

3. Strengthen your consent records

- Ensure you can evidence who consented, when, how, and to what
- Check your CRM and email platform are aligned

4. Prepare for updated ICO guidance

- Expect changes to cookie rules
- Expect clearer expectations for analytics
- Expect more sector-specific examples