

Is Your Business Anti-Spam?

5 Key Tips To Ensure You Comply With The Unsolicited Electronic Messages Act 2007

The Unsolicited Electronic Messages Act 2007 calls spam “commercial electronic messages.” Therefore, if part of your business marketing involves email then you need to be aware of the rules against spam.

The following 5 key tips will help your business comply:

1. Ensure electronic messages are sent only to customers or contacts who have consented to receiving them.

There are three types of consent:

- a. *Express Consent* – where someone specifically agrees that you can send them the message;
- b. *Inferred Consent* – where consent is inferred from an existing business relationship (this usually applies to existing clients/customers and contacts);
- c. *Deemed Consent* – where a person’s contact details are publicly available and there is no corresponding express request to not receive e-messages. For this to be “consent” the information provided must be relevant to the person’s role and they must be able to refuse to receive future information either via an unsubscribe button or by contacting the provider of the information

2. Include a functional unsubscribe button in your electronic messages – this is an almost full-proof way to avoid issues of non-compliance

This is self-explanatory, but we stress the fact that the button must actually unsubscribe the recipient from future correspondence, if chosen.

3. Similarly, on all correspondence, whether a single email or extensive marketing material, ensure that the recipient can easily choose not to receive future correspondence

This may include a functioning unsubscribe button, but it is most easily achieved by making sure the contact details of an identifiable person in your organisation are included in the message.

4. Keep the material you send within the scope of both your business and the recipient's role

This is also self explanatory. Do not send information about a dog walking to the receptionist of an accounting firm, particularly if your business is to provide computer services.

5. Do not forward material to contacts who have publicly requested that no unsolicited messages be sent

If you obtain contact details from a website or other publicly available sources, make sure that there is no corresponding request to refrain from sending unsolicited e-messages to that contact.

For more information visit www.antispam.govt.nz and/or obtain professional advice or phone us on (04) 473 6850.