

Spam Checklist

An email is only spam if it fits both of these criteria:

Is your email commercial? Commercial means marketing or promoting goods, services or land, or directing the recipient to a location where a commercial transaction can take place (such as a website).

Is your email unsolicited? An unsolicited message is one that the recipient has not consented to receive.

There are three steps to follow:

Step 1 — Consent

You need the consent of the email recipient in order to send them email messages.

Express — Direct indication that it is okay to send messages. Can be gained by: filling in a paper form, ticking a box on a website, a phone or face-to-face conversation. Businesses should keep a record of consent. It is advisable to verify that consent has come from the holder of the electronic address. This can be done by requesting recipient reply to confirm (double opt-in).

Inferred — The person you wish to contact has not directly instructed you to send them a message, but it is still clear that there is a reasonable expectation that messages will be sent (i.e. address holder provided their email address when purchasing goods and services in the general expectation there will be follow-up communication, or swapping business cards).

Deemed — Someone conspicuously publishes their work-related electronic address or mobile number (i.e. on a website, brochure or magazine). If the publication includes statement that the person does not want to receive spam at that address, consent cannot be deemed.

REMEMBER: The onus is on you as the sender to prove consent.

Step 2 — Identify

Commercial emails must always clearly identify the business responsible for sending the message and how they can be contacted.

- Identify you as the sender;
- Identify how you can be contacted;
- Details must be likely to be accurate for 30 days.

Step 3 — Unsubscribe

Commercial emails must contain a functioning unsubscribe facility.

- Free of charge
- Clear and conspicuous
- Functional for at least 30 days
- Able to be sent using the same method of communication
- Actioned within five working days