

# A Guide to The Unsolicited Electronic Messages Act 2007

Law on 5 September 2007  
Covers Commercial Emails, SMS & Txts - ie  
promoting goods or services (marketing & selling)

Must Have	What This Means	Action
<b>(1) Consent - 3 types</b>	(i) Express Consent - Opt-in	Gain permission from your customers & prospects and record this on your database
	(ii) Inferred Consent  Would be relevant information - industry specific Sending to a past customer Already have a prior business relationship	Ensure you have a prior, relevant relationship with the people you are sending emails to - record on your database
	(iii) Deemed Consent  An electronic address that has been conspicuously published by a person in a business or official capacity - ie on a company Website.  Note: Must still be relevant (Inferred Consent) and not have a "Please don't email me" clause	Record where you sourced the email address from - ie Website  Make sure you also pass the "inferred consent" test
<b>(2) Unsubscribe</b>	(i) Obvious and working (for 30 days)	Never send out a commercial email without an Unsubscribe - use Email Software that automatically Unsubscribes
	(ii) 5 working days to action	Have processes in place to remove the person from receiving emails within 5 days
	(iii) Potential fine of up to \$10,000 if you don't action	Don't forget the UNSUBSCRIBE
<b>(3) Harvested Addresses</b>	Don't use Harvested Addresses - software that trawls the internet stripping out email addresses	Check the source of the data you are using
<b>(4) Sender Details</b>	All messages must have a clear "From", "Subject Line" and senders contact details	Be transparent - don't try to hide who you are and how they can contact you - also doesn't make marketing sense
<b>(5) Proof</b>	(i) Must be able to prove Consent	When, how - record
	(ii) Must be able to prove you are not using Harvested Lists	Record source
	(iii) If you sent an email by mistake and use this as a defense = must prove	Who sent, why a mistake
<b>Reference Sources:</b>	<a href="http://www.legislation.govt.nz">http://www.legislation.govt.nz</a>	Statutes and choose U for Act
	<a href="http://www.marketing.org.nz/cms/Important_Notice/3627">http://www.marketing.org.nz/cms/Important_Notice/3627</a>	Legal commentary on the Marketing Association Website
	<a href="http://www.parliament.nz/en-NZ/PB/Legislation/Bills/1/d/f/1df7f2d2edc64dffba3500feec167939.htm">http://www.parliament.nz/en-NZ/PB/Legislation/Bills/1/d/f/1df7f2d2edc64dffba3500feec167939.htm</a>	Useful explanatory notes on Act
	<a href="http://www.marketing.org.nz/cms/lib/333.pdf">http://www.marketing.org.nz/cms/lib/333.pdf</a>	Marketing Association Email Guidelines
<b>Prepared by:</b>	Brent Martin, Director, Martin Consultants T/A Martins <b>Business List Owners &amp; Email Marketing Services</b>	Member of Marketing Association, Executive Member of DAN (Data Advisory Network), 18 Years Direct Marketing experience, , 5 yrs Email Marketing, presenter at DAN Dialogues discussing the implications of the Act