

## **Email Marketing Law**

**Email marketing can be very useful, especially for small businesses because it is a low cost way of potentially reaching a lot of customers.**

**However, spam (the unsolicited sending of emails) and legislation is in place to deal with email marketing.**

### **The Law**

**The law is governed by the Data Protection Act 1998 and the Privacy & Electronic Communications Regulations 2003. Under this legislation, consumers must have opted-in to receive emails from you before you are able to send marketing emails to them. If collecting email details on your website you should have a privacy policy.**

**The main rules are as follows...**

- **The sender of the email must not hide their identity and must provide a valid address for the opt-out of future emails.**
- **The sender must not send marketing emails without the recipients prior consent to do so. The consent should be in the form of an opt-in or an extremely explicit opt-out. The law does waiver when it comes to contact details collected through the course of a sale or in sale negotiations whether those details can also be used for marketing purposes. In these circumstances emails can be sent if emails relate to similar products or services and when the address was collected the recipient was given the opportunity to opt-out.**

**Breaking the law is serious and can result in fines of up to £5,000.**

### **Buying Email Lists**

**There are many providers of email lists where you can select potential customer email data for sending of emails to them. Such lists can also provide other useful marketing data.**

**It is important to ensure that the data you purchase has been acquired in accordance with the law. You should check how the data was collected and if consent was given by the individual. If not, not only is the law being broken but the list is probably also a waste of money.**

### **SMS Marketing**

**The same form of rules apply to those businesses who carry out SMS marketing.**

### **How We Can Help You**

**For further advice on help with growing your business, please contact us.**