

New regulations which affect the way that companies will be able to market themselves digitally come into force on Thursday 11th December 2003. These regulations are called the Privacy and Electronic Communications (EC Directive) Regulations 2003.

There is considerable confusion about these regulations. Sign-Up.to has produced this quick guide to help you understand the implications.

### A Simple Overview:

- 1 If you have had no prior commercial relationship with a person you will have to obtain their permission to communicate with them by email or SMS text message.
- 2 You cannot obtain this consent via sending an email or SMS message to ask for it (i.e. you can't email people on a non opt-in list and ask if they want to receive more emails from you).
- 3 Permission has to be actively and knowledgeably given – i.e. the user must tick a box or actively opt-in by performing a specific action, you cannot require them to perform an action to not be added to your mailing list so having a pre-ticked 'send me your newsletter' box is out.
- 4 In a dispute you may be required to prove that someone on your list opted in to it – simply storing their details is not sufficient, you will need to record dates, times and IP addresses.
- 5 If you have had a previous trading relationship you may be able to communicate with them about a similar product or service without getting further consent. It's that little word similar that gets the lawyers salivating. Because English law is largely determined by case law and precedent it will be some time before the definition of similar is determined, very expensively, in court.
- 6 You must clearly identify the sender of each message you send.
- 7 You must provide a valid reply address for each message.
- 8 You must make it easy for recipients to unsubscribe from future communications.

### Penalties:

Those who fail to follow these regulations face prosecution and could be fined up to £5,000 in a Magistrates Court or, an **unlimited fine** if the prosecution is pursued in the Crown Court.

### Summary:

These regulations will ultimately benefit companies who are using email and SMS marketing responsibly as they will help to stem the flow of unsolicited communications which are decreasing consumer confidence in digital marketing. The key thing is to ensure that you have proven, opt-in permission from everyone on your mailing list.

### About Sign-Up.to:

Sign-Up.to is an email and SMS marketing platform which enables clients to easily comply with all data protection and marketing legislation whilst running highly effective campaigns. With Sign-Up.to you can create online and mobile campaigns in minutes and manage everything from capturing data online and via SMS, through to campaign creation, delivery and tracking.

Sign-Up.to is available as a self-service system, or as a fully managed service. Pricing is based on a simple, affordable, monthly fee.

If you have any questions about e-marketing or would like to find out more about Sign-Up.to please call Matt McNeill on 0845 665 3221 or email [matt@sign-up.to](mailto:matt@sign-up.to)



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