



Consumer Privacy: eMessaging Best Practices

In a previous white paper, I introduced you to our eMessaging service and how you can use it to market to your clients using pre-direct mailing and post- direct mailing methodologies. However, e-mail sent without permission and consideration of consumer privacy is Spam.

Washington is one of 14 states to adopt anti-Spam laws, but what does the legislation cover? Washington law prohibits a false sender name or routing information from being used in any e-mail generating from within state borders. The law also prohibits false and/or misleading information in the header. Furthermore, it allows the recipient to sue the marketer for civil damages and even for attorney's fees, and allows the Internet Service Provider to sue the marketer.

Many e-centric marketers have interpreted these laws deeming it acceptable to send e-mail marketing messages to those they have established relationships with via other avenues. Washington State has amended its law through Senate Bill 6568 to allow for this. It is recommended, however, that you only send to those individuals who have expressly requested to receive such news, information, and solicitous materials via email. Even better, you should obtain double opt-in authorization from your recipients.

How is *double opt-in* defined in relation to *opt-in* or *confirmed opt-in*? Opt-in is commonly defined as: subscribers to a list who have chosen to receive promotional messages from designated sites or companies and/or within selected categories. In other words, opt-in means they have given permission before receiving a solicitation. Once a person has registered, it is recommended that you send an email to the registered address, asking that person to confirm that he or she did, indeed, sign up.

In order to understand the concept better, let's look at a real life example. You go to your favorite clothing store and the salesperson asks you if you want to receive sale coupons or discount information via e-mail. You say "yes!" At this point you have opted-in. When you get e-mail from the store regarding a sales promotion, etc. they give you an option in the e-mail to continue receiving these types of messages. If you click the link to receive more in the future, that is double opt-in or confirm opt-in. If you choose not to receive anymore at this point, you have opted out. The reason it's called double opt-in is because, you said yes at the store (or perhaps online), and they sent you a confirmation later asking you to say yes again. This double opt-in confirmation solidifies the fact that you want to receive messages of this type from that particular company.



When asking for email addresses it is crucial to let them know why you want it. You must give them notice of your intent to broadcast and what those broadcasts will consist of. This notice does not have to be overly complicated. It can simply be a blurb on the web page where you are capturing the e-mail address. A link to a more thorough description of the email marketing practices within the privacy policy should be placed near the point of opt-in, or clearly labeled in your privacy policy. If you intend to do more than stated in these policies you must again obtain consent.

Review your e-mail marketing practices with your legal counsel and determine the level of risk you are comfortable with. Make sure you are operating within the law and building trust and loyalty with your customers to maximize the effectiveness of your marketing program.