

## Guidelines on sending commercial email

*Approved by the Head of Technology and Infrastructure – July 2004*

The *Spam Act 2003* (the Act) received royal assent on 12<sup>th</sup> December 2003 and the sections relating to commercial e-mail took effect on 10<sup>th</sup> April 2004. These Guidelines seek to outline the impact the Act has on AFTRS business and the procedures which must be followed by AFTRS staff and contractors.

### Who is covered?

The Act applies to all organisations (including government and educational) who send commercial email to or from Australia.

An electronic message is a message sent using an Internet carriage or any other listed carriage service to an email, instant messaging, telephone or any similar account.

A commercial electronic message includes any message where one of the purposes is to:

- advertise or offer to supply goods or services;
- advertise or promote a supplier of goods or services, or
- advertise or offer to supply a business or investment opportunity.

The Act covers any electronic message sent by AFTRS.

### What does the Act say?

1. Unsolicited commercial electronic messages must not be sent.
2. Commercial electronic messages must include information about the individual or organisation who authorised the sending of the message.
3. Commercial electronic messages must contain a functional unsubscribe facility.
4. Address-harvesting software must not be supplied, acquired or used.
5. An electronic address list produced using address-harvesting software must not be supplied, acquired or used.
6. Breaches of the Act may result in civil penalties and injunctions.

### What does AFTRS need to do?

#### Existing relationship

The Act allows for “inferred consent”. This is where there is an existing business relationship between AFTRS and the recipient and the recipient has provided an electronic address knowing it will be used for commercial purposes. If this is clearly the case no further consent needs to be acquired.

#### New or unclear existing relationship

Where a request to add an electronic address is received, or if an existing relationship is unclear, it is recommended that an electronic message be sent to the recipient requesting confirmation that messages should be sent to that address in the

future be supplied within 14 days. The electronic address should only be added to a mailing list once positive confirmation has been received.

## **What identifying information needs to be included in an electronic message?**

The message will need to:

- clearly and accurately identify AFTRS as authorising the sending of the message;
- include information on how the recipient can readily contact AFTRS, and
- be sure that the information provided is reasonably likely to be valid for at least 30 days after the message is sent.

## **What is address-harvesting software?**

This is software that is specifically designed or marketed to search the Internet for electronic addresses and collect, compile, capture or otherwise harness those electronic addresses. These, and the lists produced by them, must not be supplied, acquired or used.

## **What should be included in electronic messages?**

Each electronic message sent based on a mailing list should include the following at the bottom.

### **A functional unsubscribe message**

A functional unsubscribe message is an option to advise AFTRS automatically that the recipient wants to be removed from the mailing list. This should be included on all messages sent to a mailing list. Two examples are:

*To unsubscribe click on the following link:*

*Mailto: \_\_\_\_\_*

or

*Top unsubscribe return to sender with “unsubscribe” in the Subject field.*

The unsubscribe must take effect within 5 working days.

## **A Privacy Statement**

*Please note that as a subscriber to this list, your email address is known to the Australian Film Television and Radio School, a Commonwealth Statutory Authority. The purpose of this list is to advise subscribers of (insert purpose e.g. upcoming events of interest). Your email address or any other personal information collected will only be used for the purpose for which it was collected and will not be disclosed to any person, body or agency except as required or authorised by law. If you have received this transmission in error please notify us immediately by return email and delete all copies.*

## **If I have questions who should I talk to?**

In the first instance queries should be referred to the AFTRS Privacy Contact Officer, currently the Human Resources Manager.