

## Legal Compliance and ExactTarget

Implemented in January of 2004, the CAN-SPAM Act has brought about new requirements and challenges that can seem overwhelming to any organization sending outbound email. What does your organization really need to know? And how can you ensure that your email efforts remain successful and fully compliant? Understanding the basic requirements of the Act is the first step.

### CAN-SPAM Act Requirements

#### **All Commercial Email Must Contain a Valid Unsubscribe Mechanism**

All recipients of your emails must have the opportunity to unsubscribe via a link that is labeled clearly and conspicuously within each email. A generic opt-out from all communications is required; a specific opt-out from certain lists is not required, but is recommended.

#### **Opt-out Requests Must Be Honored Within 10 Business Days**

You must make full name removal requests within the required ten business days. The FTC is scheduled to reevaluate this time frame and may make adjustments in the future.

#### **Sender Must Include their Valid Physical Postal Address**

You must include your physical postal address within each email. When possible, a street address is preferred, as it is not certain whether a post-office or similar postal address will satisfy the requirements of the Act. More clarity should come from the FTC in the near future.

#### **Commercial Email Must Provide a Clear Notice that it is an Advertisement**

Although this requirement is vague due to no specific language recommendations on how to position this "notice," it still mandates labeling for commercial mail. The exception is for permission-based emails, which do not need labeling.\* The FTC plans to review and make revisions to this requirement.

#### **Email Must Provide an Operative Return Address**

To permit a recipient to opt-out, a valid return address or comparable other Internet-based communications technology must be provided for at least 30 days from the transmission of the message. The Act provides leniency for temporary outages.

#### **Senders Must Avoid Deceptive or Misleading Email Transmission Info or Subject Lines**

This requirement focuses on the deceptive practices often used by spammers to avoid filters and encourage recipients to open a message and respond to an offer or scam. Emails that contain an accurate identification of the message's initiator are not false or misleading.

### Ensure Compliance with ExactTarget

From proper handling of unsubscribe requests, to company identification within each email, aligning your organization's email efforts in a way that is compliant with the above requirements can be difficult. How can you possibly ensure compliance across multiple sales channels, franchises, and departments? Or ensure that all unsubscribe requests are effectively honored?

\*ExactTarget requires that all emails sent via its system be permission-based, where subscribers have provided you with their affirmative consent to receive your email messages.

ExactTarget has the answers. Early in the development of our software, we created "hands-off" solutions to keep your enterprise CAN-SPAM compliant and confident in its email efforts. Highlights of the ExactTarget system include:

### **Easily Gather Permission-Based Addresses**

ExactTarget is a long-time believer in the power of permission-based email. All emails sent via our system must be permission-based, and we have developed an effective method to help our clients gather affirmative consent. Our Web Collect feature is an easy way to gather subscribers who would like to receive your communications directly from your website and into our database. An added bonus is that when affirmative consent is obtained, commercial labeling requirements may be bypassed.

### **Manage Multiple Suppression Lists**

Under the Act, organizations must be ready to maintain potentially several lists of recipients who prefer not to receive commercial email. Every email sent via the ExactTarget system provides a link to a subscriber profile, which gives subscribers the option to opt-out of specific communications or all communications sent by your organization.



The screenshot shows a web form for a subscriber profile. At the top left is the ExactTarget logo with the tagline "email solutions". The form contains the following elements: a text input field for "Email Address" with the value "abc@abc.com"; a dropdown menu for "Email Type" set to "HTML"; a note stating "\* indicates fields that must contain information"; two checkboxes: "I wish to unsubscribe from this publication." and "I would like to unsubscribe from all publications."; and a "Submit" button. A copyright notice "Copyright © 2004 ExactTarget All rights reserved." is visible at the bottom right of the form area.

Example : Subscriber Profile

### **Differentiate Specific Opt-outs and Universal Opt-outs**

With ExactTarget, subscribers who opt-out of all communications are hosted on a "Master Unsubscribe List." Those who choose to opt-out of only some communications are marked unsubscribed for only those specific lists. This ensures compliance among all departments and segments of your enterprise.

### **Automatically Update Removals**

As mandated by the FTC, removal requests must be honored within ten (10) business days. All unsubscribes and removal requests are immediately updated into ExactTarget's system. The information is then stored in the database to prevent future mailings to these subscribers.

### **Automatically Insert Physical Mailing Address**

The Act mandates proper identification of the sending party via a physical mailing address in each email. Every email sent via our system contains the client's physical mailing address in the footer. An address must be input only once-the system handles the rest behind the scenes.

#### **Want to learn more?**

contact us at  
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or email us at  
info@exacttarget.com.

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