



Email and direct marketing **under the GDPR**

EU ANTI-SPAM RULES

Many of the requirements regarding sending emails in the EU are tied into the GDPR, ePrivacy and consumer protection rules. In general, you're required to:

- get the user's **informed, unambiguous, freely given** consent before sending emails (with the exception of transactional emails);
- provide an **unsubscribe link** in all of your emails. The withdrawal option must be clear, visible and should make it **as easy to opt-out as it was to opt-in**;
- clearly indicate the **identity of the sender** and include a **physical company address**;
- clearly identify and specify the **nature of the message** (e.g. promotional or not);
- **avoid the use of false or deceptive expressions** in your text.

WHAT YOU NEED TO DO

It's always best practice to either simply follow the most robust legislations or to check the local anti-spam requirements specific to where your recipients are based.

In regards to the newsletter process, compliance under the GDPR at the very least requires that you put into practice the guidelines listed in the following pages.



INFORM YOUR USERS

Meet your disclosure obligations by comprehensively informing your users of necessary details in a legally compliant way. **Be sure to link to your Privacy Policy to inform them about:**

- **your services;**
- **the data you collect;**
- **the purposes for collection;**
- **the specific types of communications you may send;**
- **your method of delivery;**
- **any third-party providers involved in your newsletter management process – including links to their privacy documents;**
- **their rights in regards to their data (including the right to withdraw consent).**

If using Direct Email Marketing (DEM) for the German market, you must add a statement to your Privacy Policy that specifies the companies, and type of goods and services that will be promoted through the newsletter.



OBTAIN PRIOR CONSENT

You must obtain prior consent from your users before sending any newsletters.

Prior consent must be:

- **freely given** – the user must not be coerced in any way;
- based on a **clear affirmative action** – e.g. clicking a checkbox such as those used in site registration or newsletter forms (mechanisms such as pre-selected checkboxes are **forbidden**);
- **specific** – the consent should be specific to a particular purpose (no blanket consent to multiple purposes allowed); and
- **informed** – the user should have access to legal disclosures regarding how their data is processed, why and their rights in this regard.

Also, provide a **means of withdrawing consent** that is available in the newsletter itself, easy to see/understand and simple.



KEEP VALID CONSENT RECORDS

Under the GDPR, you must have and maintain valid proof of your consents.

Without these records, the consent you collect is considered invalid.

Your records of consent should include:

- **who** provided the consent;
- **when and how** consent was acquired from the individual user;
- the consent **collection form** they were presented with at the time of the collection;
- which **conditions and legal documents** were applicable at the time that the consent was acquired.

ABOUT IUBENDA

iubenda is the most **simple**, **complete** and **professional** way to comply with international regulations & privacy laws

iubenda adopts a comprehensive approach to legal compliance.

More than 65,000 companies worldwide trust our solutions for compliance with the GDPR, EU Cookie Law, California's CCPA and other global privacy laws.

We offer a complete set of SaaS solutions which allows you to easily manage cookies, create consent records and generate customized Privacy Policies, Cookie Policies and Terms and Conditions.

IUBENDA PRIVACY & COOKIE POLICY GENERATOR

The solution to **draft**, **update** and **maintain** your Privacy and Cookie Policy

✓ FOR GDPR

✓ FOR CCPA

Easily generate and manage a Privacy and Cookie Policy that is professional, self-updating and customizable from 1,000+ clauses, available in 8 languages, drafted by an international legal team and up to date with the main international legislations.



IUBENDA CONSENT SOLUTION

Easily collect **GDPR consent**, document opt-ins and **CCPA opt-outs**

✓ FOR GDPR

✓ FOR CCPA

Record and manage GDPR consent, document opt-ins and CCPA opt-outs for each of your users. It smoothly integrates with your consent collection forms, syncs with your legal documents and includes a user-friendly dashboard for reviewing consent records of your activities.





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