ESPC Best Practices Guide

Updated: February 2016

I. Introduction

Email is an excellent channel for mailers to establish and maintain valuable relationships with their subscribers. There are multiple stages of such a relationship, and in order to maximize the value of the relationship, mailers should be attentive to the application of best practices.
By following the ESPC Best Practices Guide, mailers will improve their relationship with recipients, which in turn will reduce complaints and increase subscriber response. Equally as important, adoption of the best practices shows member support of the ESPC's efforts to be at the forefront of industry best practices.

II. The ESPC Pledge

The ESPC Pledge establishes that Commercial email (email messages, the primary purpose of which is the commercial advertisement or promotion of a product or service) must not be sent to an individual's e-mail address unless the prior, affirmative consent of the individual has been obtained.

- Opt-in: At the point of email address collection, a person has given prior, affirmative, express consent to be included on an email list to receive commercial email.
- Confirmed (closed loop) Opt-in: Following an opt-in request, a confirmation email is subsequently sent to the person notifying them that some action is necessary before their email address will be added to the list. The person must respond or take other equivalent action to be considered "confirmed." Confirmed opt-in is a best practice.

Best Practice for Opt-In Consent:

The best practice is to immediately notify the person that their request has processed and their email address has been added to the sender's email list.
In capturing opt-in consent, the best practice is to differentiate between consent that is Direct and Indirect:
- Direct: A person has requested to be included on a company or communication-specific list.
- Indirect: A person has requested to be included on a list that is not company or communication-specific, such as with affiliate programs, list rentals or other third parties. When using indirect opt-in consent, senders should capture this information in their database and seek to upgrade Indirect to Direct opt-in consent as soon as possible.

III. <u>Best Practices for Address Collection</u>

The process by which subscriber email addresses are collected sets the stage for a mailer's relationship with recipients. In this initial phase, senders should focus on the following three areas:

- Make the Consent Process Memorable
- Set Subscriber Expectations
- Ensure Brand Recognition

<u>Make the Consent Process Memorable</u>

Mailers should have a clearly and conspicuously posted privacy policy and provide information or a link to that policy near the point of consent. If subscribers are permitting their data to be shared with third parties through the act of joining, be sure to provide information about the nature of the information that is to be shared (e.g., individually identifiable information including email address, name, and age), in addition to addressing any third party relationships, and the conditions for how third parties are allowed to use the data.

Ensure that your subscribers have a clear sense of what they are consenting to receive. Provide information about the nature of the mail in a location that a typical subscriber would be sure to see it, rather than in places viewers may not reach. An example would be to place the information proximate to, and unavoidable before the "submit" button in a web signup form rather than in an area of text that requires scrolling down. Use of font and colors can aid in drawing attention to the information and making it more readable.

The permission level recommended by the ESPC is affirmative, express opt-in at a minimum, and confirmed opt-in as a best practice. Confirmed opt-in can reduce erroneous mailings due to typo or forgery, and protects good will toward your company/brand. Senders may want to pursue opportunities to upgrade permission levels and to manage preferences.

When collecting subscription information, record the IP address, date, and time of the initial consent and/or the level of permission granted at subscription. This facilitates research and resolution about the user's subscription.

<u>Set Subscriber Expectations</u>

To set the right expectations, make sure your subscribers understand the scope of your mailings. What type of mail should they expect to receive from you? How frequently will they receive each type of mail from you?

- If your subscribers will only get a one-time mailing from you, then say so. This may get people to subscribe who wouldn't want to get any further messages. Of course, honor that commitment.

- If your subscribers are signing up for on-going mailings, tell them or allow them to choose how frequently they will get your messages - daily, weekly, monthly, etc.

Ensure Brand Recognition

Consistently use standard From Addresses, From Names, and clear Subject Lines to increase recognition. This enhances the subscriber's ability to recognize your brand and messages. It is recommended that during the registration process, you inform your subscriber of the standard address from which you send and recommend that they add the address to their Address Book. Adherence to these practices also reduces the likelihood that subscribers will be susceptible to phishing attacks using your brand.

IV. Best Practices for Initial and Ongoing Communication with Subscribers

After the collection phase, it is equally as important to apply best practices to ongoing communication with subscribers. With initial and ongoing communication, senders should focus on the following areas:

- Timeliness;
- Maximize Recognition;
- Confirm Relationship and Scope;
- Upgrade Permission and the Recipient Address Book;
- Provide Content Consistent with Subscriber Expectations;
- Provide a Functional Unsubscribe;
- Message Content; and
- Timeliness

Ideally, you should send new subscribers a "welcome" message immediately after consent or confirmation. Timely notice of subscription confirmation aids in reaffirming your relationship with your subscriber. This is particularly important for confirmation messages, welcome messages, or the initial communication. If you wait too long before communication with a new subscriber, they might not recall giving their consent, and subsequently tag your message as spam.

Maximize Recognition

Consistently use standard and recognizable From addresses, From names, and clear subject lines. Use subject lines that are descriptive and recognizable. Leverage your brand and logo to increase recognition in the body and also use the name in the From and/or Subject line. Avoid vague or potentially misleading information in headers that isn't reflective of the content. For

example, a From address that says only "Customer Service" is less recognizable than "[Company Name] Customer Service."

A more focused subject usually increases response and reduces complaints. For example, a Subject Line about purchasing an engagement ring or around a theme such as exercise is better than a less focused subject like offers from random or unfamiliar third parties.

Confirm Relationship and Scope

Remind your subscribers why they are receiving mail from you. For example, reiterate to the subscriber that they asked to be added to your list on your Web site (or elsewhere, as appropriate) at the time of making a purchase or inquiry, or that the communication is confirming a transaction about an account. You may also wish to include the IP/date/time of the request in your communication to subscribers.

Remind your subscribers about the scope of your mailings in order to reinforce the expectations that you set during collection.

Make basic information such as "how to unsubscribe" prominent, and include the physical postal address as required for commercial email under the CAN-SPAM Act. Senders may further want to include the address the recipient is subscribed under in order to reduce frustration resulting from trying to unsubscribe the wrong address.

Upgrade Permission, the Recipient Address Book

Encourage your subscribers to confirm their subscription if they haven't already done so, and remind them to add your From Address to their address book to protect against accidental keyword-based filtering by ISPs. While this can increase delivery to the Inbox with on-going communication, it is particularly important at the point of collection and in the initial mailing to the subscriber.

Provide Content in line with Subscriber Expectations

Senders' content should be consistent with the expectations set at the time of consent. Be sure to provide information that reminds subscribers that they are getting the information because they requested it and reassures them that they can unsubscribe easily at any time.

Send content that is relevant to the subscriber's relationship with you and that keeps the subscriber engaged in their relationship with you.

Provide a Functional Unsubscribe

Always make it easier to unsubscribe than to "report spam." If your content is particularly lengthy, put the unsubscribe higher up in the message.

Commercial email messages must clearly explain that the recipient may opt out of receiving future commercial messages from the Sender, including an email address or other online mechanism that he/she may use to do so. Do not require the recipient to do anything more than reply to the email or visit a single web page in order to opt out. Do not require the recipient to make any payment or submit any personal information (other than email address) in order to opt out. This prohibition includes submission of account information. The Sender may include a menu of opt-out options, as long as one is the option to opt out of all commercial messages from the Sender. Honor all opt-out requests within 10 business days. The opt-out mechanism must work for at least 30 days after the commercial email is sent. Opt-out requests do not expire. They are trumped only by the person's subsequent express (opt-in) request to receive email.

Minimize unnecessary barriers to unsubscribing; avoid charging any fees to unsubscribe.

Higher security situations, such as modifying brokerage account mailing preferences or other sensitive financial relationships, may require additional measures, such as passwords, to authenticate the user. Provide an acknowledgement to reassure that the request was processed. If you choose not to provide a way to unsubscribe from transactional e-mail, provide information about how to update their account preferences.

Again, senders that operate more than one list should offer a mechanism for subscribers to opt-out of all the lists operated by that sender. Emailers are also encouraged to offer unsubscribe instructions and an option to opt-out within the sender's website privacy policy.