

International Compliance Requirements for Commercial Email Marketers

Email Sender & Provide	ler Coalitio	on		Market	ng Se	rvices	8														
				_ 、									- 10	Consumer Choice						Email Content	
Country	ä	ËΑ	NPEC	MEA	VorAm	.atAm	Carrib	VestEur	astEur	Mideterr	Viideast	Africa	š/E Asia	Opt-in	Opt-Out	Time to Honor Opt-Out	Do-not-email list	Pre-Checked Boxes	Refer-A-Friend	Subject	Body
Andorra				o				0						Yes. Prior consent required in some situations.				Unknown	Possible		
Argentina						o								Yes. Prior written or equivalent consent required, unless: 1. Obtained from public sources w/ unrestricted access. 2.1s part of a contractual, professional or similar relationship There is no explicit anti-spam regulation in Argentina. Instead, existing data protection and case law aim to prevent its proliferation. Argentinian courts use DPA to punish spammers.	Yes. Per case law, senders must honor opt-out requests.		Every private or public database that contains personal information, whether in electronic or hard-copy format, must be registered in the DNPDP National Database Registry (the Registry). The Register is free and available to the public for consultation.	Possible	Possible		
Australia			x	0										Yes. Prior express (opt-in) consent required unless consent can be inferred from a pre-existing business relationship. Pre-checked boxes do not satisfy prior express consent.	Yes. Messages must contain a functional electronic "unsubscribe facility" that is functional for 30 days.	5 business days.		Not allowed	Possible		
Austria	×	х		•				o						Yes. For consumers: prior opt-in required, unless 1. Address acquired during a sales. 2. Marketing similar products. 3. Clear, distinct, free opportunity to opt out.	Yes. For non-consumers: always opt- out.		Yes. Per address, or by domain.	Not recommended	Brand responsible for end-recipient's prior consent, for checking against unsub list, and for providing opt-out notice	as advertisements	Messages must be clearly identified as advertisements.
Bahamas							o								Yes. By written request. Data controller must send the subject written notification of the deletion.	As soon as possible, and within 40 days.		Unclear	Possible		
Barbados							o											Unclear	Possible		

Belgium	x	×	0				o			Yes Prior consent required, unless: 1. Address acquired during a sales. 2. Marketing similar products. 3. Clear, distinct, prominent, free opportunity to opt out.	Yes. Messages must contain an address for opt-out that is available electronically.		Not recommended	Brand responsible for end-recipient's prior consent, for checking against unsub list, and for providing opt-out notice		
Bermuda						o				Yes. Intermediaries and e-commerce providers are prohibited from engaging in "abusive usage," whi includes sending bulk unsolicited e-mails. Persons may consent to receive such e-mails. (Intermediaries have a further responsibility to prevent their services from being used to send bu unsolicited emails, and seek unauthorized access other people's systems or seek to interrupt other people's use of electronic communications, or enable others to do so.	k 0		Unclear	Possible		
Canada			•	o	0					Yes. Canada's Anti-Spam Law [REGS INCOMPLETE / NOT IN FORCE] amends PIPEDA and provides coverage for all commercial electronic communications. Canadian Radio-Television Communications and interpretive guidance on CASL's express consent requirements. CRTC interprets 'express consent reauirements. CRTC interprets 'express consent and specifically porhibits pre-checked boxes. CASL grants a 36 month grace period for consent obtained under PIPEDA. Otherwise, marketers wi have 24 months from the enforcement date (TBD to convert implied consent to express consent. Verbal consent is possible but senders have burde of proof of consent.	contain a functional and easy to use unsubscribe mechanism.	Must be "readily performed", implying expedient or immediate processing as feasible.	Yes under PIPEDA; No under CASL	Possible		CRTC Regulations: 1) Name of the person or entity requesting consent, or the entity on whose behalf consent is being requested. 2) A statement indicating the sending relationship if the commercial message is sent on behalf of another person. E.g., Refer-A-Friend. 3) Sender's postal address plus one of the following: telephone number, emails address, or website address. 4) A statement informing the consumer that consent may be withdrawn at any time.
Chile			ō	0	ć	o					Yes Must include valid contact address for opt-out.		Yes	Possible		
China			O	0						Yes.	Yes. Must include valid contact address for opt-out.		Not recommended	Possible	"AD", or Chinese character equivalent.	

Colombia				o	o					Yes.		Possible	Possible		
Costa Rica				o	o				Yes. For consumers: prior opt-in required, unless 1. Address acquired during a sale. 2. Marketing similar products. 3. Must provide email address where consumer may opt-out.			Possible	Possible		
Denmark	x	×	0			o			Yes. For consumers: prior opt-in required, unless 1. Address acquired during a sales. 2. Marketing similar products. 3. Clear, distinct, free opportunity to opt out.	Yes.	Yes. See: <u>www.cpr.dk/cpr/</u>	Not recommended	Brand responsible for end-recipient's prior consent, for checking against unsub list, and for providing opt-out notice	as advertisements.	Messages must be clearly identified as advertisements. Must not be misleading.
Ecuador				o						Yes. Must notify consumer of right to opt-out.		Possible	Possible		
Faroe Islands			0			o				Yes.		Possible	Possible		
Finland	×	x	0			o			Yes. For consumers: opt-in w/out prior relationship. B2B is opt-out.	Yes. Messages must contain an address for opt-out.		Not recommended	Brand responsible for end-recipient's prior consent, for checking against unsub list, and for providing opt-out notice	as advertisements	Messages must be clearly identified as advertisements. Must contain clear and understandable opt out instructions.
France	x	x	0			o			Yes. For consumers: prior opt-in required, unless 1. Address acquired during a sale. 2. Marketing similar products. 3. Clear, distinct, free opportunity to opt out.	Yes. Messages must contain an address for opt-out.		Not recommended	Brand responsible for end-recipient's prior consent, for checking against unsub list, and for providing opt-out notice		Must contain clear and understandable opt out instructions.
Germany	×	×	•			o			Yes, As of September 1, 2009, all personal data may only be processed and used for marketing purpos (including address trading) with the express opticonsent of the affected individuals. For data sets (including emails) collected and used for advertising purposes under the old law, express/explicit opt-in consent must have been obtained or renewed by September 1, 2012. Som exceptions apply	retention required for legal or similar purposes, in which case data must be "blocked". See Chapter 2 of the Federal Data Protection Act.	https://www.robinsonliste.de/	Not allowed	Burden of proof of adequate consent on brand		Must contain legal information about the sender (at least a link).

Gibraltar	o	o	•			o							Yes. Controller must inform consumer of right to opt-out. Opt-out must be in writing.		Unclear	Unclear		
Greece	o	0	0					o				Yes. Opt-in, unless: Acquired during a sales transaction. Marketing similar products. Easy and free way to opt-out at the time of collection, and in each subsequent communication	Yes.		Possible	Possible		
Guatamala					0										Unknown	Possible		
Guernsey			0			0						Yes. For consumers: prior opt-in required, unless 1. Address acquired during a sale, 2. Marketing similar products, and 3. Clear, distinct, free opportunity to opt out.			Unclear	Possible		
Hong Kong			0	•							0	Yes. Processing or transfer of PI for direct marketing requires (i) information in an easy-to- read and understandable format, (ii) a consent mechanism, and (iii) consent from the individual to the intended use or provision. Valid consent is interpreted to be express and separate from other T&Cs, meaning consumer must explicitly indicate they do not object to direct marketing and non- action by the consumer would not suffice. Oral notice and consent is acceptable for 1st party marketing only.	Yes. Messages must contain an opt out mechanism that is free, convenient, readily available, ad- free, and in Chinese and English.	10 business days	Possible	Possible		Must contain accurate sender info, including: name, address, telephone, email.
Hungary	x	x	0				o					Yes. Express prior consent is required. Advertisers must maintain a registry of opted-in consumers.	Yes. Consent may be withdrawn, at any time, free of charge. Messages must contain a valid opt out email address.		Unclear	Unclear	Must state that it is an electronic advertisement.	
Ireland	×	×	0			o						Yes. For consumers: prior opt-in required, unless 1. Address acquired during a sale w/in past 12 mos. 2. Marketing similar products. 3. Clear, distinct, free opportunity to opt out. B2B is opt-out			Possible	Possible		
Isle of Man			o			o						Yes. For consumers: prior opt-in required, unless 1. Address acquired during a sale, 2. Marketing similar products, and 3. Clear, distinct, free opportunity			Unclear	Unclear		Valid opt-out e-mail address must be provided.
Israel			•						o	'		Yes. For consumers: prior opt-in required, except for pre-existing business relationship. B2B: One message allowed to solicit permission.	Yes. Must include an opt-out mechanism.		Possible	Possible	Commercial email must be labeled in the subject.	Must contain contact info for the advertiser.
Italy	x	×	•					o				Yes. For consumers: prior opt-in required, unless 1. Address acquired during a sale. 2. Marketing similar products. 3. Clear, distinct, free opportunity to opt out.	Yes.		Not recommended	Brand responsible for end-recipient's prior consent, for checking against unsub list, and for providing opt-out notice		
Japan			o	0								Yes. Opt-in except for: 1. preexisting business relationship 2. individuals engaged in for- profit activities whose email addresses are provisioned	Yes. Message must contain a valid opt out email address.		Not allowed	Possible	Clear indication the message is unsolicited.	Must contain the sender's name, address, and email address.

Jersey			•			c	,						Yes.	Within a reasonable time.	Possible	Possible		
Kyrgyz Republic							0				ı	Jnknown	Unknown		Unknown	Unknown		
Lebanon			0						o		ı	Jnknown	Unknown		Unknown	Unknown		
Luxembourg	×	x	0								F 1 2	fes. For consumers: prior opt-in required, unless Address acquired during a sales. Address acquired forming a sales.	Yes.		Not recommended	Possible		Must contain legal information about the sender (at least a link).
Macau		o	•	0							o		Yes. Must provide opt-out (right to object) "for direct marketing or any other form of commercial research.		Possible	Possible		
Malaysia		o	,	0							o		Yes. Under the Voluntary Code, IASPs should include anti-spam provisions in their contracts with customers, including provisions that require the customer to provide consumers with an optout to spam messages.		Possible	Possible	IASP contracts with customers should include provision that requires the customer to provide clear labeling of the message as a commercial communciation (e.g., ADVERTISEMENT). IASP contracts with customers should include provisions that require the customer to include a valid return email address and disclose the identity of the sender	IASP contracts with customers should include provisions that require the customer to include a valid return email address and disclose the identity of the sender.
Mauritius			0							o			Yes	28 business days.	Possible	Possible		
Mexico		o	,	0	0								Yes. Unsolicited messages must contain an opt-out mechanism.		Possible	Possible		Must contain the sender's name, address, and email address. Must contain clear and adequate descriptions of the products advertised.

Netherlands	х	х	o			0			Yes. (B2B/B2C) For consumers: prior express (opt-in) consent required, unless 1. Address acquired during a sale. 2. Marketing similar products or services. 3. Clear, distinct, free opportunity to opt out at the point of collection. Pre-checked boxes do not satisfy prior express consent.	Commercial messages must contain a valid opt-out address, and notification of the right to opt out. Opt-out requests must be processed immediately.	Maximum of 30 days but expectation for electronic communications is immediate optout.	Not allowed	Incentivization not allowed	May not disguise purpose of the email	Advertising by email has to be clearly identifiable as such. A recognizable combination of sender's address and subject line is obligatory. The advertiser shall identify himself in the email in such a way that he is easily and actually accessible to the recipient. (This is included in the Dutch DMA (DDMA) Email Code of Practice)
New Zealand			ć	•				d	Yes. Prior consent required.	Yes. Messages must contain an opt out mechanism.		Not recommended	Burden of proof of adequate consent on brand		
Norway		x	0			o			Yes. 1. Address acquired during a sales. 2. Marketing similar products. 3. Clear, distinct, free opportunity to opt out.	Yes.		Not recommended	Possible		
Peru		o	ó	•	o				No. Prior express consent not required.	Yes. Message must contain a valid email address, or other internet- based mechanism for opt-out valid for minimum 30 days after transmission	2 business days	Possible	Possible	Must contain "Publicidad ("Publicity", or "Advertising").	Must include name, complete address, and contact information of the sender.
Philippines		o	,	٥				c	Yes. Processing of personal data is permitted only if at least one of the following conditions is met: 1) the data subject gives his or her unambiguous consent 2) the data processing results from contractual obligations of the subject; 3) the data processing is necessary to permit the data controller to perform its lawful obligations; or 4) the data processing is necessary to protect vital interests (life, health) of the subject.	Yes. A data subject has a right to object—in writing, orally, or any other form—to the processing of his or her data for commercial purposes.		Unclear	Possible		

Poland	•	0	٥				0			1	Yes. The processing of data is permitted only if: 1) the data subject has given his or her consent; 2) processing is necessary for the life/health of the subject, and mable to consent; 3) processing is necessary for a exercising legal rights or obligations; 4) processing is necessary for a contract to which the data subject is a party, or at the request of the subject prior to a contract, 5) processing is necessary for lawful tasks carried out in the public interest; or 6) processing is necessary for pursuing legitimate interests of the data controllers, provided the rights of the subject are not violated.			Possible	Possible		
Portugal	x	×	0			0				:	Yes. For consumers: opt-in unless: 1. Previous transaction. 2. Opportunity to opt out at that time. 3. Related products. B2B is opt-out.	Yes.		Not recommended	Possible		
Romania	x	x	0				o			:	Yes. For consumers: prior opt-in required, unless 1. Address acquired during a sale. 2. Marketing similar products. 3. Clear, distinct, free opportunity to opt out.	Yes.		Possible	Possible		
Russia			•				o				No electronic communication privacy laws			Possible	Possible		
San Marino		x	٥					0			Unknown	Unknown		Unknown	Unknown		
Singapore		ď	o	•						0		Yes. Opt out requests must be processed w/in 10 days.		Possible	Possible	Must contain "ADV". May not be misleading.	Must contain a valid reply address.
South Africa			0						o			Yes. Must provide the ability to opt out.		Possible	Possible		
South Korea		d	o	•						0		Yes. Messages must provide an opt out mechanism.		Possible	Possible		Must include the name and contact information for the sender.

Spain	x	x	0		o			Yes. In accordance with article 21 LSSI, express conse is needed in order to send emails. Exceptions to this express consent are the following cases: 1. Have in place a contractual relation with your client 2. You can send emails to your clients about similal products that are already contracted. Take into account that the addressee can revoke the consent at any moment. If it's a commercial email you also need to comply with article 20.1 LSSI (include word "pulicity", include identification data of the name of the company who is sending the email, you have to include a valid email address to that the addresse can exercise its rights) Consent is needed to collect cookies in accordance with article 22.2.	Yes. The email must contain a simple and free mechanism to revoke the consent and therefore cancel. In order to do so you must include a valid email address. In accordance with data protection regulation there are 10 days to mak efective the deletion. You must also check the suppression list of FECEMD (list of people that don't want to receive commercial comunications)	Yes. www. listarobinson.es	Not recommended	Not allowed	Must contain the word "publicity" when sending commercial emails.	If you include links to other pages of other companies you must make sure that when the consumer clicks knows really that he is going to another company (so you have to include information text if it is not clear)
Sweden	×	x	o		o			Yes. For consumers: prior opt-in required, unless 1. Address acquired during a sales. 2. Marketing similar products. 3. Clear, distinct, free opportunity to opt out.			Not recommended	Possible		
Turkey			0			o			Yes. Senders must offer a simple, free means to opt out.		Possible	Possible		Must include the identity of the sender.
United Kingdom	x	×	0		o			Yes. For consumers: prior opt-in required, unless 1. Address acquired during a sales. 2. Marketing similar products. 3. Clear, distinct, free opportunity to opt out.	Yes.		Possible	Possible		Must include the identity of the sender, including physical address, email and/or telephone, as well as EU or UK commercial registration information if applicable.
Venezuela				o					Yes. Must provide a clear opt out mechanism.		Possible	Possible		

European Union countries are subject to the following directives, relevant to commercial email:

1. Directive 2006/24/EC: http://eur-

lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006L0024:EN:HTML

2. Directive 2002/58/EC: http://eur-

lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32002L0058:EN:HTML
3. Directive 2000/31/EC: http://eur-

lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0031:EN:HTML

4. Directive 95/46/EC: http://eur-

lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995L0046:EN:HTML

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regarding its accuracy or completeness. Furthermore, note that we make no

representations concerning the specific legal effect or

applicability of the provisions cited. You should always consult knowledgeable legal counsel before making decisions or engaging in

activities that could expose you to legal liability.

		Data Practices					
Headers	Marketer Identity	Collection Limitations	Sharing Limitations	Digital Tracking (Cookies/Beacons)	Marketing Practices	Applicable Laws	Resource/Contact
		Collection only for specified purposes. Right of erasure.	Limits on international transfer			Qualified Law 15/2003, of 18 December, of personal data protection	Andorran Data Protection Agency, <u>www.apda.ad</u>
		Under the DPA, the data subject must specifically consent to his/her data being collected and processed. This consent must be: • given freely; • based on information provided to the data subject in advance; and • expressed in writing or an equivalent form. Personal data cannot be collected through dishonest, fraudulent or illegal means. There are specific rules for the treatment of sensitive data.	Prohibits transfer outside of Argentina unless data importer meets adequate levels of data protection (Section 12, PDPL)		Consent, explicit or implied, and use depends on the circumstances under which data was collected.		http://www.protecciondedatos.com.ar/english.ht m
Must be accurate.	Must contain information about who authorized the sending of the message.	No harvesting. Lists containing harvested messages may not be supplied, acquired, or used.			Additional uses of data allowed with restrictions. See: http://www.acma.gov.au/scripts/nc.dll?WEB/STANDARD/1001/pc=PC_3	SPAM Act of 2003 SPAM Regulations of 2004	The Australia Communications and Media Authority SPAM Team: http://www.acma.gov.au/WEB/STANDARD/pc=PC 310 369
	Must not conceal the identity of the sender.			End-user's informed consent is required for the use of cookies. Browser settings-based consent may not be sufficient in some circumstances.		Sect. 107 Telekommunikationsgesetz 2003 (TKG 2003), BGBI. I Nr. 70/2003 E-Commerce Act, Austrian Federal Law Gazette I No. 152/2001	Website of the Austrian Data Protection Commission http://www.dsk.gv.at/site/6248/default.aspx
		Collection only for specified purposes. Right of access.	Limits on international transfer.			Data Protection (Privacy of Personal Information) Act, 2003	Office of the Data Protection Commissioner, www.bahamas.gov.bs/dataprotection

Must contain accurate header and return-path information.	May not disguise or conceal the identity of the sender.			End-user's informed consent is required for the use of cookies. Browser settings-based consent may not be sufficient in some circumstances.		Law on Legal Aspects of the Services of the Information Society (Law of 11 March 2003)	http://www.privacycommission.be/en/
						Electronic Transactions Act 1999; Standard for Electronic Transactions (1999)	http://www.bermudalaws.bm/Laws/Annual%20La ws/1999/Acts/Electronic%20Transactions%20Act% 201999.pdf
Must contain accurate transmission data	May not disguise or conceal the identity of the sender.	CASL requires express consent for each use of personal information, including email and phone number. Also applies to installations on a computer system, including cookles.	PIPEDA requires:fair and lawful means, with consumer's consent, and only for purposes that are stated and reasonable.		Allowed, with restrictions and express consent requirements.	Until CASL comes into force the Personal Information Protection and Electronic Documents Act (PIPEDA) is the applicable privacy law in Canada. PIPEDA offers a flexible approach to consent so long as "an opportunity to express nonagreement to an identified purpose" before a collection, use or disclosure takes place. The individual must be "clearly informed that the failure to opt out will mear that (the individuals) is consenting to the proposed use or disclosure of the information."	Canada's Anti-Spam Law (full text): http://lois- laws.justice.gc.ca/eng/AnnualStatutes/2010 23/Ful IText.html
		Collection and use require consent, and disclosure. Subjects must be given access.	Sharing with third parties requires consent.			Three acts make up Chile's Consumer Protection law: 0Ley 19.496 0Ley 19.628 0Ley 19.955	http://www.sernac.cl/sernac2011/
		Harvesting, or selling harvested addresses is prohibited.				China enacted an anti-spam law in 2006. To date, we have not found a reliable English translation. The law is administered by the Ministry of Information Industry (MIII), in conjunction with an industry group, the Internet Society of China(ISC). The machine translation [linked to in the Resources section of the country brief] is of marginal value. The compliance notes are gleaned from various unofficial sources, the most authoritative being the ISC web site.	http://www.gov.cn/english/2005- 10/02/content_74175.htm

		Citizens have extensive rights concerning collection and use of data about them.				Colombia has no specific law governing commercial email, but the Right of Habeas Data, under the Colombian Constitution of 1991, and associated jurisprudence, gives people a right to control data about them.	http://www.secretariasenado.gov.co/senado/base doc/ley/2008/ley_1266_2008.html
	May not disguise or conceal the identity of the sender.		Must obtain prior consent before sharing with third parties.			Law No. 8968 on the Protection of the Person concerning the Treatment of Personal Data and General Telecommunications Law (No. 8642)	Agency for the Protection of Data of the Inhabitants ("Prodhab"), within the Ministry of Justice, http://www.poder-judicial.go.cr/
				End-user's informed consent is required for the use of cookies. Browser settings-based consent may not be sufficient in some circumstances.		Marketing Practices Act (Act No. 1389 of 21 December 2005) Marketing Practices Act (Act No. 1389 of 21 December 2005)	http://www.datatilsynet.dk/english/
	Sender's identity must be clear.					Electronic Commerce, Electronic Signature and Data Message Law (Law 2002-67) and Executive Decree No. 3496 (modifying Law 2002-67)	
			Disclosure of personal data to a third party for the purpose of marketing (or use on behalf of a third party for marketing) is prohibited without the consumer's explicit consent. Consent may be withdrawn at any time.			Data Protection Act, 2001	Faroese Data Protection Agency, http://www.datueftirlitid.fo/default.asp?sida=2878
	May not disguise or conceal the identity of the sender.	Data collection and use is allowed unless the subject objects.		End-user's informed consent is required for the use of cookies. Browser settings-based consent may not be sufficient in some circumstances.		The Finnish Act on Protection of Privacy in Electronic Communications (516/2004)	http://www.tietosuoja.fi/1560.htm
	May not disguise or conceal the identity of the sender.	E-mail addresses collected for marketing purposes require notification at the time of collection of the planned use, and consumers have the right to object.		End-user's informed consent is required for the use of cookies. Browser settings-based consent may not be sufficient in some circumstances.		Law on Confidence in the Digital Economy (LECN)	http://www.cnil.fr
May not disguise or conceal the identity of the sender.	May not disguise or conceal the identity of the sender.	May use data for commercial purposes if there is no indication that the data subject would object.	PI cannot be shared with third parties for marketing purposes without the express consent of the data subject. Export of data outside of the EU requires express consent, Safe Harbor certification, or contract clauses. Use for marketing purposes may require additional disclosures and consent of the data subject.	End-user's informed consent is required for the use of cookies. Browser settings-based consent may not be sufficient in some circumstances.	Under the revised law, the processing and use of personal data for the purposes of selling addresses and using contact details for marketing will be permitted only if the individual has expressly consented to such use.	German Civil Code (BGB) Act Against Unfair Competition (gesetz gegen den unlauteren Wettbewerb) (UWG) Telemedia Act (TMG) Federal Data Protection Act of 2006	http://www.bfdi.bund.de/EN/Home/homepage_no_de.html

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May not disguise or conceal the identity of the sender.				End-user's informed consent is required for the use of cookies. Browser settings-based consent may not be sufficient in some circumstances.		Data Protection Act, 2004	Data Protection Commissioner, Gibraltar Regulatory Authority, http://www.gra.gi/index.php?site=dataprotection
May not disguise or conceal the identity of the sender.				End-user's informed consent is required for the use of cookies. Browser settings-based consent may not be sufficient in some circumstances.		Law 2472/1997 on the Protection of Individuals with Regard to the Processing of Personal Data	http://www.dpa.gr/portal/page?_pageid=33,40911 &_dad=portal&_schema=PORTAL
						Article 24 of the Constitution of the Republic of Guatemala	http://www.congreso.gob.gt/index.php
						Privacy and Electronic Communications Regulations 2003	UK Information Commissioner's Office, http://www.ico.gov.uk/
		Harvesting is prohibited. Automated email generation is prohibited.				Unsolicited Electronic Messages Ordinance 2007 CAP 593 Unsolicited Electronic Messages Regulation (CAP 593A)	http://www.cedb.gov.hk/ctb/eng/new/index.htm
	Not concealed.			End-user's informed consent is required for the use of cookies. Browser settings-based consent may not be sufficient in some circumstances.		Act CVIII of 2001 on Electronic Commerce (as amended in 2003) Act C of 2003 on Electronic Communications	http://www.naih.hu/general-information.html
		Data retained for marketing purposes must be deleted within 40, at the request of the subject.		End-user's informed consent is required for the use of cookies. Browser settings-based consent may not be sufficient in some circumstances.		Data Protection Act of 1998 European Communities (Electronic Communications Networks and Services) (Data Protection and Privacy) Regulations 2003 (Statutory Instrument No. 535 of 2003) Data Protection Act of 2003 (amending Data Protection Act of 1988)	http://www.dataprotection.ie/docs/Home/4.htm
						Unsolicited Communmications Order 2005; Unsolicited Communications Regulations 2005	Data Protection Supervisor, <u>www.gov.im/odps/</u>
						Amendment 40 to the Communications Law.	http://www.moc.gov.il/142-en/MOC.aspx
	May not disguise or conceal the identity of the sender.	Data collectors must inform subjects the purpose for which the data will be used, whether providing the data is required, and any possibly 3rd party recipients of the data.		End-user's informed consent is required for the use of cookies. Browser settings-based consent may not be sufficient in some circumstances.		Data Protection Act of 1998 Personal Data Protection Code: Legislative Decree no. 196/2003	http://www.garanteprivacy.it/garante/navig/jsp/index
		May not send to randomly, or automatically generated email addresses.			No sending blank or disguised emails. May not send emails purportedly from a friend of the recipient.	Act of regulation of Transmission of Specified Electronic Mail 2002, and 2008 amendments.	http://www.soumu.go.jp/english/
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						Data Protection (Jersey) Law 2005 The Law of the Kyrgyz Republic on Personal Data	Office of the Data Protection Commissioner, http://www.dataprotection.gov.je/cms/default.ht m
						None.	Ministry of Economy and Trade, http://www.economy.gov.lb/index.php/home/2
May not disguise or conceal the identity of the sender.	May not disguise or conceal the identity of the sender.		PI cannot be shared with third parties for marketing purposes without the express consent of the data subject. Export of data outside of the EU requires express consent, Safe Harbor certification, or contract clauses. Use for marketing purposes may require additional disclosures and consent of the data subject.	Consent is needed for the use of cookies unless the cookie is strictly necessary for the provision of a service to that subscriber or user. The ECA expressly refers to the use of browser settings as a means to obtain consent. There is an express requirement for consent to be "prior" to the use of a cookie.		The law of 30 May 2005 relating to specific provisions concerning the processing of personal data and the protection of privacy in the electronic communications sector, modifying provisions 88-2 and 88-4 of the Criminal Instruction Code and modifying the DPA (the "ECA"), has implemented Article 13 of the Privacy and Electronic Communications Directive.	http://www.cnpd.public.lu/fr/legislation/droit-lux/index.html
May not disguise or conceal the identity of the sender.		Data subject must give their consent prior to the processing of personal data, with limited exceptions. Data controller must provide the data subject with: the identity of the controller; purpose of the processing; recipients; whether replies are necessary; and existence and conditions of the right to access and the right to rectify.	Limits on the right to transfer (destination must ensure adequate level of protection).				Office For Personal Data Protection, http://www.gpdp.gov.mo/en/
May not disguise or conceal the identity of the sender.	IASP contracts with customers should include provision that requires the customer to disclose the identity of the sender.					The ECA was amended on 28 July 2011 to implement the amendments to the Privacy and Electronic Communications Directive made by the Citizens' Rights Directive.	Malaysian Communications and Multimedia Commission, http://www.skmm.gov.my/index.php?c=public&v main
						Data Protection Act 2004	Ministry of Information and Communication Technology, http://www.gov.mu/portal/site/telcomit; Data Protection Commissioner, http://www.gov.mu/portal/site/dataprotection/n nuite m.079dc52bbf696f8858c64510a0208a0c/
			Consumers may dictate that their information not be shared with third parties.		New (Jan 2013) 'Privacy Notice Guidelines' require heightened notice and opt-out requirements for cookies/beacons. Guidelines also require new/additional content to be added to privacy policies.	Mexico does not have a specific anti-SPAM law; however, recent amendments to the Federal Consumer Protection Law, in force since 2004, protect consumers from receiving unsolicited email.	http://www.profeco.gob.mx/english.htm

May not disguise or conceal the identity of the sender	May not disguise or conceal the identity of the sender. The name of the company — not an alias, email address as well as the postal address and/or telephone number of the advertiser should be specified in the email.		Notice is required if data is to be shared with a third party for marketing purposes.	End-user's informed consent is required for the use of cookies. Browser settings-based consent may not be sufficient in some circumstances.	Dutch courts ruled in 2008 that RAF is allowable when such forwarding is not incentivized, the sender does so at their own initiative, and the website does not store the recipient's address. The endrecipient must give their consent to receive any further marketing messages from the referred brand.	Telecommunications Act Personal Data Protection Act	http://www.dutchdpa.nl/
No false or misleading headers.		Harvesting and similar means are prohibited.				Unsolicited Electronic Messages Act 2007; Privacy Act 1993	http://www.dia.govt.nz/DIAwebsite.nsf
			Must not conceal or disguise sender's identity.			The Marketing Control Act Personal Data Act	http://www.forbrukerombudet.no/id/490.0
No false or misleading headers.	May not disguise or conceal the identity of the sender. The name of the company — not an alias, email address as well as the postal address and/or telephone number of the advertiser should be specified in the email.	Harvesting and similar means are prohibited.				Ley que regula el Uso del Correo Electrónico Comercial No Solicitado (Law No. 28493)	http://aplicaciones.indecopi.gob.pe/antispam/reglamento- antispam.html
		Processing of personal data is permitted only if at least one of the following conditions is met: 1) the data subject gives his or her unambiguous consent; 2) the data processing results from contractual obligations of the subject; 3) the data processing is necessary to permit the data controller to perform its lawful obligations; or 4) the data processing is necessary to protect vital interests (life, health) of the subject. Data may be stored only as long as necessary to achieve the purpose for which it was processed. The data subject may request a description of: 1) the data being processed; 2) the purpose of the processing; and 3) the potential recipients to whom the data may be disclosed. The data subject may also request information about the data controller (e.g., name and address of the controller, method of processing, source of the data, etc.).			A data subject has a right to object—in writing, orally, or any other form—to the processing of his or her data for commercial purposes.	Department of Trade and Industry Administrative Order No. 08, Series of 2006 (Prescribing Guidelines for the Protection of Personal Data in Information and Communications System in the Private Sector)	Department of Trade and Industry, http://www.dti.gov.ph/splash.php

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	The processing of data is permitted only if: 1) the data subject has given his or her consent; 2) processing is necessary for the life/health of the subject, and the subject is unable to consent; 3) processing is necessary for exercising legal rights/obligations; 4) processing is necessary for acentrate to which the data subject is a party; 5) processing is necessary for lawful tasks carried out in the public interest; or 6) processing is necessary for pursuing legitimate interests of the data controllers, provided the rights of the subject are not violated. When the personal data is collected, the data collector must provide: 1) its full name and address; 2) the purpose of the collection; 3) recipients of the data; 4) the data subject's right of access to the data; 5) whether the data provision by the subject lof personal data is obligatory or voluntary (along with information about the legal basis for the obligation, if applicable).		End-user's informed consent is required for the use of cookies. Browser settings-based consent may not be sufficient in some circumstances.	Act on the Protection of Personal Data (1997); Amendments to the Act on the Protection of Personal Data (2010)	Bureau of the Inspector General for the Protection of Personal Data, http://www.giodo.gov.pl/168/i/en/
			End-user's informed consent is required for the use of cookles. Browser settings-based consent may not be sufficient in some circumstances.	2000/31/EC; Decree-Law 7/2004 (Art. 22)	http://www.cnpd.pt/english/index_en.htm
May not disguise or conceal the identity of the sender.			End-user's informed consent is required for the use of cookies. Browser settings-based consent may not be sufficient in some circumstances.	Law no. 506/2004	National Supervisory Authority for Personal Data Processing, http://www.dataprotection.ro/index.jsp?page=ho me⟨=en
	Concrete, informed, conscious and confirmed consent that may be revoked at any time is required to process Personal Data. Notice is required where requested, or where Personal Data is collected from a third party. Personal Data must be processed in accordance with the purpose stated at the time of collection, in good faith. Access and Correction Rights must be provided. Must notify Roscomnadzor of intent to process Personal Data. Data must be destroyed when	Operators and Third Parties must ensure the confidentiality of Personal Data contractually. Limited Cross-Border transfer rights (require sufficient protection).		Federal Law of 27 July 2006 No. 152-FZ on Personal Data Federal Law on Information, Informatization, and the Protection of Information No. 24-FZ	Roscomnadzor, Operators and Third Parties http://pd.rsoc.ru/
				Law No. 70 of May 23, 1995 Regulating Computerized Collection of Personal Data	Guarantor of the Proctection of Confidential and Personal Data
	Harvesting is prohibited.			Singapore SPAM Control Act of 2007	http://www.spamcontrol.org.sg/
	Upon request, sender must identify the source of a consumer's personal information.			Electronic Communications and Transactions Act of 2002, Section 45	http://www.gov.za/
				Act on Promotion of Information and Communication Network Utilization and Information Protection	http://www.kisa.or.kr/eng/main.jsp

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End-user's informed consent is required for the use of cookies. Browser settings-based consent may not be sufficient in some circumstances. 1982-204 Swedish Code of Statutes, STS 1995-850) Personal Data Ordinance (Supplementary Regulators, STS 1995-810); 2007 Amendments to the Personal Data Act 1982-204 Swedish Code of Statutes, STS 1995-850) Personal Data Ordinance (Supplementary Regulators, STS 1995-810); 2007 Amendments to the Personal Data Act 1982-204 Swedish Code of Statutes, STS 1995-850) Personal Data Ordinance (Supplementary Regulators, STS 1995-810); 2007 Amendments to the Personal Data Act 1982-204 Swedish Code of Statutes, STS 1995-810); 2007 Amendments to the Personal Data Act 1982-204 Swedish Code of Statutes, STS 1995-810); 2007 Amendments to the Personal Data Ordinance (Supplementary Regulators, STS 1995-810); 2007 Amendments to the Personal Data Act 1982-204 Swedish Code of Statutes, STS 1995-810); 2007 Amendments to the Personal Data Ordinance (Supplementary Regulators, STS 1995-810); 2007 Amendments to the Personal Data Ordinance (Supplementary Regulators, STS 1995-810); 2007 Amendments to the Personal Data Ordinance (Supplementary Regulators, STS 1995-810); 2007 Amendments to the Personal Data Act 1982-204 Swedish Code of Statutes, STS 1995-810; 2007 Amendments to the Personal Data Ordinance (Supplementary Regulators, STS 1995-810; 2007 Amendments to the Personal Data Ordinance (Supplementary Regulators, STS 1995-810; 2007 Amendments to the Personal Data Ordinance (Supplementary Regulators, STS 1995-810; 2007 Amendments to the Personal Data Ordinance (Supplementary Regulators, STS 1995-810; 2007 Amendments to the Personal Data Ordinance (Supplementary Regulators, STS 1995-810; 2007 Amendments to the Personal Data Ordinance (Supplementary Regulators, STS 1995-810; 2007 Amendments to the Personal Data Ordinance (Supplementary Regulators, STS 1995-810; 2007 Amendments to the Personal Data Ordinance (Supplementary Regulators, STS 1995-810; 2007 Amendments to the Perso	information of the company who is	marketing. There are 2 penalties sistems applicable to this: the one set up in the Data Protection Law (up to 600,000€) and the one set up in the Law of Society of the information ((up to 600,000€). So for example if you don't have the consent you could potentially have 2 penalties of 50.000€. Also take into account that the consent can be revoked at any moment. Collectors must inform recipients of the intended use, and length of retention, in a clear and comprehensive manner, and give opportunity to refuse. Personal data may not be processed for purposes concerning direct marketing, if the registered person gives notice in writing to the controller of	r Consent is needed in order to share data with third parties	of cookies. Browser settings-based consent may	Commerce Act (34/2002 of 11 July) , Organic Law 15/1999 of Data Protection and Royal Decree	
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May not disguise or conceal the identity of the sender. Statutory Instrument 2003 No. 2426: The Privacy and					Ordinance on Personal Information Processing and Protection of Privacy in The	http://www.iegm.gov.tr/Default.aspx?sayfa=anasa <u>yfa</u>
May not disguise or conceal the Consumers may dictate that their information not Consumer and User Protection Law			marketing purposes without the express consent of the data subject. Export of data outside of the EU requires express consent, Safe Harbor certification, or contract clauses. Use for marketing purposes may require additional disclosures and consent of	of cookies. Browser settings-based consent may not be sufficient in some circumstances but UK CIO issued guidance that Implied Consent may be	Privacy and Electronic Communications (EC	http://www.ico.gov.uk/
			Consumers may dictate that their information not		Consumer and User Protection Law	

Notes
Andorra does not have a specific law dealing with commercial email. However, the Andorran Data Protection Agency and the Article 29 Data Protection Working Party interpret several provisions on Qualified Law 15/2003 as applicable to commercial email.
Argentina does not yet have a law specifically dealing with commercial email. However, section 27 of the Personal Data Protection Act gives Argentineans the right to have their data removed from commercial databases. This has been interpreted by Argentinean courts to include a right to opt-out of receiving commercial email.
Austria's SPAM law includes SMS messages.
A law regulating the collection, use, and transfer of personal inforamtion was introduced in 2005.

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Law No. 8968 was recently published (September 2011). Regulations were due by March 2012, however, as of the date of this update, there were no regulations issued. Dataholder have one year to comply with the Costa Rica regulations, once issued.
On July 3, 2009, the Germany passed comprehensive amendments to the Federal Data Protection Act (the "Federal Act"). The revised law entered into force on September 1, 2009, and granted processors a :
year grace period for use of existing data under the old law. Amendments cover a range of data protection-related issues, including marketing, security breach notification, service provider
contracts and protections for employee data. http://www.hunton.com/files/News/15ba78b0-431d-471e-bf4a- 70cfad51e405/Presentation/NewsAttachment/f99232f3-3579-4140- 822a-
28aa12b1d2ff/germany_adopts_stricter_data_protection_law.pdf

Third party advertisers may be liable for violations.
Third party advertisers may be liable for violations.
Required maintainence of opt-in requests.

Since 2004,	Lebanon has been drafting
	sive legislation to address ecommerce.
ncluded in	
of personal	are provisions addressing data security and the collection data.
Malavsia's	anti-spam approach focuses on self-regulation by the
	ith fallback regulatory standards administered by the
Malaysian (Communications and Multimedia Commission (MCMC or
	particular, Malaysia employs a four-tier regulatory
	spam: 1) selfmanagement by recipients (this includes
	pam technology such as filters); 2) recipient complaints to
	s are responsible for curbing SPAM under the Voluntary
	ecipient complaints to the Consumer Forum of Malaysia; resolved, the matter is escalated to the Malaysian
	ations and Multimedia Commission
	ations and Malainead commission

Dutch DMA Code of Email Conduct

"Operators may not use automatic calling systems such as fax
devices,
electronic mail, short messages that do not require user control as a
means to