



## CAN-SPAM Compliance Checklist for CMAA Chapters

### What is CAN-SPAM?

The CAN-SPAM Act applies to almost all businesses in the US that use e-mail, and provides recipients of commercial emails with the right to opt-out of these messages, and have their opt-out (or unsubscribe) request acted upon. Under the CAN-SPAM Act of 2003, permission of the e-mail recipient is not required prior to sending out the e-mails, however email senders must comply with a series of requirements prior to sending and after the email is sent. Each separate email in violation of the CAN-SPAM Act is subject to penalties of up to \$41,484, so you don't want to mess it up.

**If you just follow these simple steps, you'll be OK.**

### Step 1 – Be Who You Say You Are

- Your "From," "To," and "Reply-To," MUST be accurate and identify the person, business or organization who initiated the message.

### Step 2 – Be Creative, but Honest, in Your Subject Lines

- Your subject line MUST reflect what's referenced in the email. You can't be deceptive here.

### Step 3 – You Need to Tell Them Where You Are Located

- Your email MUST include a physical mailing address for you, the sender. This can be your current street address, a post office box you've registered with the U.S. Postal Service, or a private mailbox you've registered with a commercial mail receiving agency established under Postal Service regulations.

### Step 4 – Every Email Needs an Easy Way to Unsubscribe

- All emails MUST include a clear and conspicuous explanation of how the recipient can opt out of getting email from you in the future. This can include an automatic online opt-out feature or an email address where a recipient can unsubscribe and specific instructions on how to unsubscribe. Most commercial email services (ConstantContact, ExactTarget, etc) ensure compliance.

### Step 5 - When People Want Off Your Email List, You Have to Take Them Off

- You MUST honor a recipient's opt-out request within 10 business days. You can't charge a fee, require the recipient to give you any personally identifying information beyond an email address, or make the recipient take any step other than sending a reply email or visiting a single page on an Internet website as a condition for honoring an opt-out request.
- Once people have told you they don't want to receive more messages from you, you can't sell or transfer their email addresses, even in the form of a mailing list.

### Step 6 – Ignorance is No Defense... Monitor What Your Agents are Doing for You

- If you hire a person or administrator to manage your emails and or your distribution lists, the Chapter will still be held responsible if they break any of these rules.

### Additional Resources

Federal Trade Commission

[www.ftc.gov/tips-advice/business-center/guidance/can-spam-act-compliance-guide-business](http://www.ftc.gov/tips-advice/business-center/guidance/can-spam-act-compliance-guide-business)