



## PREEMPTIVE SPAM Policy

### SUMMARY

PREEMPTIVE's SPAM policy can be summarized as follows:

- Unsolicited commercial electronic messages must not be sent through the PREEMPTIVE system.
- Messages sent through the PREEMPTIVE system must include information about the individual or organization who authorized the sending of the message.
- Messages sent through the PREEMPTIVE system must contain a functional "unsubscribe" facility.
- Electronic address lists resulting from "address-harvesting" software must not be supplied, acquired, or used on the PREEMPTIVE system.
- PREEMPTIVE prohibits the use of the PREEMPTIVE system for the transmission of illegal material.

PREEMPTIVE may use its discretion to refuse to process any job which falls into any of these categories.

### Unsolicited commercial electronic messages must not be sent

Unsolicited messages are those which a party has not consented to be sent to them. To send messages through the PREEMPTIVE system, you must have the consent of the recipient to send the information. This can be through the express consent of the recipient or through consent which has reasonably been inferred such as obtaining the address from a public source (e.g. a company's web) where the contact has been conspicuously published, and no statement that the addressee does not want to receive unsolicited commercial information appears. (In addition, your message must apply to the work-related business, functions, duties of the employee, director, officer, partner, office-holder or self-employed individual to whom you are directing the message.) If the recipient of your message does not fit one of these two categories, then PREEMPTIVE prohibits you from sending the information to that recipient. In particular, messages which fit any of the following purposes MUST have the consent of the recipient:

- to offer to supply goods, services or real property; or
- to advertise or promote goods, services or real property; or
- to advertise or promote a supplier, or prospective supplier, of goods, services or real property; or
- to offer to provide a business opportunity or investment opportunity; or
- to advertise or promote a business opportunity or investment opportunity; or

- to advertise or promote a provider, or prospective provider, of a business opportunity or investment opportunity.

You must comply with the SPAM Act (2003), which prohibit the transmission of certain unsolicited messages.

### **Identification of who is sending the message**

Your message must clearly and accurately identify the individual or organization that authorized the sending of the message. This includes:

- their name, logo (optional) and contact details; and
- accurate information about how the recipient can readily contact the individual or organization.

This information should be valid for at least 30 days after the message is sent.

### **Unsubscribe facility**

Messages sent through the PREEMPTIVE system must contain a functional unsubscribe facility. This means that the message must have a statement that the recipient of the message may use an electronic address set out in the message to send an "unsubscribe message" to the individual or organization who authorized the sending of the first message. An "unsubscribe message" is a message to the effect that the relevant electronic account-holder does not want to receive any further commercial electronic messages from or authorized by that individual or organization.

In addition, PREEMPTIVE offers its own unsubscribe facility. A recipient of a message may also contact PREEMPTIVE to block any further messages being sent to that recipient through the PREEMPTIVE system.

### **Do Not Call Register**

The Australian Do Not Call Register (DNCR) has been set up to stop tele-marketing calls or faxes to numbers which appear on the DNCR. You are required to comply with the Do Not Call Register Act 2006, and as amended in 2010. If you are sending tele-marketing voice or fax messages using numbers which you supply to PREEMPTIVE, then your list may need to be "washed" against the DNCR before you send your messages.

Key points of the legislation:

- You must not contact numbers that appear on the DNCR, unless you have permission (explicit or implicit) to use the numbers.
- There are limited exceptions, such as charities.
- You must not make calls outside of established hours.
- Businesses or Individuals who breach the Act can incur pecuniary penalties.
- A web site is available to "wash" your lists against the DNCR. You must register with the Australian Communications and Media Authority to perform washing of lists. Fees may apply based on the volume of your data.

See the following URLs for more information regarding the Act and your responsibilities:

- <http://www.acma.gov.au/WEB/STANDARD/>
- <https://www.donotcall.gov.au/dncrtelem/index.cfm>

### **Address harvesting**

Electronic address lists resulting from "address-harvesting software" must not be supplied, acquired or used on the PREEMPTIVE system. "Address-harvesting software" means software that is specifically designed or marketed for use for:

- Searching the Internet for electronic addresses; and
- Collecting, compiling, capturing or otherwise harvesting those electronic addresses.

Address lists compiled through such means are almost always done without the concurrence of the addressee. Use of these addresses is one of the major contributors to "spamming" and is prohibited by PREEMPTIVE.

### **Illegal Material**

You may not transmit messages through the PREEMPTIVE system which contravene any Federal, State, or other applicable law.