

Email and SMS unsubscribe rules

Are you sending the right message?

Fact sheet

Marketing email and SMS can help you reach potential customers. But, you *must* unsubscribe people from marketing when they ask.

The rules

The spam laws apply to commercial electronic messages, such as SMS and email marketing. If your message offers, advertises or promotes a product or service, it must comply with spam laws. Sometimes, this might be just one part of the message, but it is still commercial.

Marketing messages must generally include a way for the recipient to unsubscribe or opt-out of being sent more messages.

Australia's spam laws are set out in the [Spam Act 2003](#).

How to get it right

1 Have the consent of each person who will be sent a message

This includes if another business is sending messages on your behalf. You must be able to produce the evidence of consent if asked by the ACMA.

2 Include a way to unsubscribe

Commercial messages must generally include an unsubscribe, 'opt-out' or 'stop' option that:

- > has clear instructions on how to unsubscribe
- > is actioned within 5 working days
- > does not charge a fee
- > does not cost more than usual for the recipient to send (for example, the cost of sending an SMS)
- > works for at least 30 days after the message was sent
- > does not require the person to create or log in to an account, or provide additional personal information.

3 Review your processes regularly and check your outsourced providers are following the rules

Don't assume your processes are correct or your third-party providers are doing the right thing. Your business is liable, and you cannot outsource your risk. Make sure you have good oversight and quality assurance in place.