

Outsourcing your marketing or buying a marketing list— Do you know the rules?



Did you know that if you buy and use a marketing list from another business, it's your responsibility to make sure telemarketing and spam rules are followed?

If you use a third party to do your marketing for you (such as an email marketing company or a call centre), you're generally responsible for compliance—this means you're also likely to be responsible for any non-compliance and any resulting enforcement action.

Importantly, you'll need to show that you have permission to send messages or make telemarketing calls (especially when the numbers called are on the Do Not Call Register), and that all necessary information can be being provided.

When you buy a list, what kind of problems could you buy in to?

- > Some list providers sell contact information that's publicly available, but it may not meet the rules for permission (consent). Make sure you find out how permission works at acma.gov.au.
- > Lists may include permission that has expired. Permission to make telemarketing calls to a number on the register expires after three months, unless it was given for longer.
- > A list provider might be selling the same list to others. If this happens, you could end up contacting the same people as your competitors, leading to frustrated customers and complaints.

Five quick tips for using a third party

If someone is calling or sending messages on your behalf, make sure:

1. You have a written agreement that includes compliance with Australian spam and telemarketing rules.
2. Processes are in place to ensure that third parties working on your behalf meet rules—for example, they check numbers against the Do Not Call Register and know what to include in messages and during telemarketing calls.
3. They keep records of permission that you can access—or better yet, keep a copy for yourself. Remember, you can't automatically infer permission because a number or email address is published (such as online or in a directory).
4. Any messages you authorise include your business name and contact information—keep checking message templates to make sure all the requirements are met.
5. People can unsubscribe from your marketing if they choose to opt-out and that these requests are actioned quickly.

Find out all your obligations for complying with spam and telemarketing rules at acma.gov.au.