

## Formal Warning

### Compliance with the *Spam Act 2003*

**To:** IPF Digital Australia Pty Ltd (ACN 130 894 405)  
**Of:** Level 1, 61-63 Buckingham Street, Redfern, Sydney NSW 2016

I, Jeremy Fenton, delegate of the Australian Communications and Media Authority (ACMA), being satisfied that IPF Digital Australia Pty Ltd (ACN 130 894 405) t/a Credit24 (Credi24) has contravened subsection 16(1) of the *Spam Act 2003* (Spam Act);

**HEREBY** issue Credit24 with a formal warning under section 41 of the Spam Act to comply with subsection 16(1) of the Spam Act.

#### Obligations under subsection 16(1) of the Spam Act

Subsection 16(1) of the Spam Act provides that:

A person must not send or cause to be sent, a commercial electronic message that:

- (a) has an Australian Link; and
- (b) is not a designated commercial electronic message.

Subsection 16(2) provides that subsection 16(1) does not apply if the relevant electronic account-holder consented to the sending of the message.

'Commercial electronic message' is defined in section 6 of the Spam Act.

'Australian link' is defined in section 7 of the Spam Act.

'Designated commercial electronic message' is defined in Schedule 1 to the Spam Act.

'Consent' is defined in Schedule 2 of the Spam Act.

#### Investigation

The ACMA commenced an investigation into Credit24 on 26 November 2020, following complaints alleging commercial electronic messages had been sent without consent.

#### Details of the contraventions

The ACMA found that:

- (a) Credit24 sent or caused to be sent 1 commercial electronic message to an electronic address on 10 December 2020;
- (b) the message was not a 'designated' commercial electronic message;
- (c) the message had an Australian link as it was sent or caused to be sent by Credit24, an organisation based in Australia; and
- (d) the message was sent without the consent of the relevant account-holder.

Dated this 17th of June 2021.



**Jeremy Fenton**  
Delegate of the Australian Communications and Media Authority