

## FULL ESPC PLEDGE

### Email Marketing Pledge

#### 1. Unsolicited Commercial Email

**Unsolicited commercial email** must not be sent.

#### 2. Commercial Email

- a. **Commercial email** must not be sent to an individual's e-mail address unless one of the following situations exists:
  - i. Prior **affirmative consent** of the individual has been obtained, as defined by the CAN SPAM Act of 2003; or
  - ii. Prior **consent** of the individual has been obtained or a prior business relationship exists as defined by the European Commission Privacy and Electronic Communications Directive

#### 3. Content of Commercial Email

- a. Every commercial email must include an opportunity for the recipient to **unsubscribe** from receiving such email in the future. Such requests to unsubscribe must be processed promptly and the recipient should be informed of the length of time required for processing.
- b. Commercial email must not include "from address" fields, subject lines and message bodies that are misleading, false, or deceptive. Subject lines must not mislead as to the content and purpose of the message.

#### 4. Gathering of Email Addresses

- a. Email addresses must not be gathered through surreptitious methods (e.g., scraping or harvesting).

### Definitions:

**Affirmative Consent** (as defined by the U.S. CAN SPAM Act of 2003): The recipient expressly consented to receive the message, either in response to a clear and conspicuous request for such consent or at the recipient's own initiative; and if the message is from a party other than the party to which the recipient communicated such consent, the recipient was given clear and conspicuous notice at the time the consent was communicated that the recipient's electronic mail address could be transferred to such other party for the purpose of initiating commercial electronic mail messages.

**Consent** (as defined by the European Commission Privacy and Electronic Communications Directive): Consent shall mean any freely given specific and informed indication of his wishes by which the data subject signifies his agreement to personal data relating to him being processed.\* Furthermore, within the context of an existing customer relationship (where a natural or legal person obtains from its customers their electronic contact details for electronic mail, in the context of the sale of a product or a service), it is reasonable to allow the use of electronic contact details for the offering of similar products or services, but only by the same company that has obtained the electronic contact details in accordance with Directive 95/46/EC\*. When electronic contact details are obtained, the customer should be informed about their further use for direct marketing in a clear and distinct manner, and be given the opportunity to refuse such usage. This opportunity should continue to be offered with each subsequent direct marketing message, free of charge, except for any costs for the transmission of this refusal.

*\*From Directive 95/46/EC*

**Commercial Email:** email messages, sent in volume, the primary purpose of which is the commercial advertisement or promotion of a product or service.

**Unsubscribe:** A mechanism through which an individual may request that he or she no longer receive commercial email.

**Unsolicited Commercial Email:** Commercial Email sent without prior consent.