

## Annex B – Affiliate direct marketing guidelines

This document provides key guidelines with respect to serving commercial communications (i.e. content that advertises or promotes a commercial product or service, including content on a website operated for a commercial purpose; hereinafter "**Communications**") through live calls, texts and emails.

### CONSENT

#### OBTAIN CONSENT

In text messages and emails

1. **The promotion the Communication is subject to the fulfillment of either of the following conditions (a) or (b):**
  - a. Opt-in consent: the recipient has provided a freely given, specific, informed and affirmative consent to receive the Communication from the sender (for example, by ticking a box paired with the following prominent message "I agree to receive promotional emails from the \*NAME OF SENDER\*"):
    - i. Directly to the sender; **or**
    - ii. Indirectly (to a third party), provided that the sender was specifically named.
  - b. Soft opt-in consent: all of the following conditions have been met:
    - i. The recipient's contact details were obtained directly by the sender in the course of a sale (or negotiations for a sale) of a product or service to the recipient; **and**
    - ii. The Communication promotes the sender's similar products or services; **and**
    - iii. The recipient has been given a simple opportunity to refuse or opt out of the marketing when first collecting the contact details and in all Communications.

In live calls

2. **Telephone numbers must be screened against the applicable national Do Not Call ("DNC") or Telephone Preference Service ("TPS") registries prior to the delivery of Communication** – live marketing calls must not be made to any number registered with the DNC/TPS unless the recipient has specifically consented to receiving the marketing calls, directly from the sender.

#### RECORD AND MANAGE CONSENT

Maintain an effective audit trail of how and when consent was given, including:

1. Keeping a record of when and how consent was obtained from the individual – such as by using an appropriate cryptographic hash function to support data integrity.
2. The record should demonstrate the following:

- a. **Who consented:** the name or other identifier of the individual (e.g., online user name, session ID, etc.).
  - b. **When they consented:** online records that include a timestamp;
  - c. **What they were told at the time:** data capture form containing the consent statement in use at that time, along with any separate privacy policy, including version numbers and dates matching the date consent was given. If consent was given online, the records should include the data submitted as well as a timestamp to link it to the relevant version of the data capture form.
  - d. **Whether they have withdrawn consent:** and if so, when.
3. **Managing consent** – consents should be regularly reviewed to check that the relationship, the processing and the purposes have not changed (e.g. refreshing consent at appropriate intervals, using privacy dashboards or other preference management tools, acting on withdrawals of consent as soon as we can, not penalizing individuals who wish to withdraw consent, etc.).

## NOTICE

Maintain a publicly available, accessible and intelligible privacy policy, clearly explaining your data processing activities, including the collection of contact details for the purpose marketing purposes and the right of the individual to object to receiving direct marketing at any time, including the methods to exercise such right.

## OPT OUT

**The Communication must include an opt-out mechanism** – the Communications must contain a clear and conspicuous notice of the opportunity to opt out of receiving future Communications, in an easy manner, through all of the following means: (1) responding directly to the Communication; (2) clicking on a clear and conspicuous notice of the opportunity to opt out of receiving future Communications noticeable (e.g. "unsubscribe" button).

The opt-out mechanism should not require the recipient to take any step other than sending a reply (via text message or email, or responding verbally) or visiting a single page on an Internet website as a condition for honoring an opt-out request.

Opt-out requests should be respected as soon as feasible.

The email must not be promoted to a recipient who communicated to the sender its choice not to receive future emails.