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Rules, regulations and laws governing data privacy can vary greatly from country to country, and trying to adapt to each is not only time-consuming, it's a minefield of error, too. So how to tackle the challenge?

There is no single ordinance for global data privacy or anti-spam legislation, and it is unlikely there ever will be. The upshot for marketers is that email campaigns which touch consumers in multiple territories and legal jurisdictions, have to ensure compliance with a very wide variety of regulations, legislation and ordinances. Many organisations, both large and small, clearly do not understand the impact that ignorance of this key issue can have on their relationships with local consumers. Some organizations with North American HQs even go as far to say that as long as they are CAN-SPAM compliant "then everything's OK - right"? That's not just ignorant, it's arrogant, and nothing could not be further from the truth.

Managing your data and campaigns across multiple privacy policies and permission rules is impractical, prone to error and extremely inefficient. However as a global marketer there is a far more practical way to tackle this compliance issue - take the lowest common denominator and follow the moral and legal high road.

Across the Asia Pacific region the opt-in vs opt-out debate has been raging for as long as email has been used as a marketing channel. Japan, Korea and Australia have all taken a firm stance and enacted legislation requiring an affirmative confirmation of consent or an opt-in; Singapore and Hong Kong, on the other hand, have taken a softer approach by allowing opt-out but with a clearly defined framework for ongoing consent.

To manage these regional consent requirements independently would be onerous; the simple solution is to go to 100% opt-in.

I have seen many short-sighted marketers gasp at such a suggestion when there is no legal imperative that forces them to do so. They normally segue straight into cries of concern over list attrition and falling revenues. But our own research regularly shows that opt-in lists perform better across all metrics of engagement, such as delivery, open and click rates, as well as at the transactional level. And why wouldn't they when everyone on your list has given their affirmative consent to hear from you?

The question of permission aside, here are 3 more practical tips to guarantee that

you are laying the foundations for a long, harmonious and legally compliant relationship with your customers:

- 1) **NOTICE:** At the point of registration, which of course should only be opt-in, it is important to be clear about what a consumer will actually be signing up for – whether a company newsletter, product updates, special offers or even third party emails - or even all of the above. What is important is to state up-front exactly what kind of conversation and relationship you will be having; this also carries important legal implications pertaining to use of personal data that are included in many data privacy ordinances.
- 2) **TRANSPARENCY:** Say what you do and do what you say! If at the point of registration you give notice to the consumer that you will be sending them a weekly newsletter and occasional product updates, do not start emailing them every day. If you want to communicate more frequently, ask the consumer if they want it first, and make sure there is a clearly articulated value to the request. Respect the basis on which the relationship was started – that way it will last far longer.
- 3) **CHOICE:** Always give the consumer the right to choose – to choose whether to continue the relationship with your organisation or whether to opt-out. Make it front and centre, visible in the preview pane at minimum, and ideally at various points in the email. Choice builds trust and trust builds loyalty to your brand. And contrary to what many may think, the more frequently and more conspicuously you do this, the healthier your list will be and the greater your long returns.

Remember that behind every email address and every data record is a consumer – a human being. Look to the personal side of permission and privacy and work hard to build a relationship on the foundations of trust and respect - and that can only start with affirmative opt-in. ■

For more information on privacy and spam legislation around the globe and how you can ensure compliance please contact us [here](#).