

Email and SMS Compliance

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What You'll Learn in This Article:

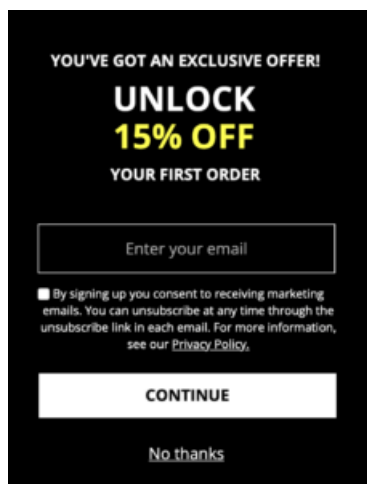
- Compliance best practices for US and EU audiences.

Campaign Design

- Make sure to collect email and phone numbers on separate pages. To do this, you need to create a multi-step campaign that collects email and phone in separate steps.
- Make sure the text on your campaign is readable
 - Digioh recommends a high contrast from the background and a large enough font with visible color. For example, if your campaign background is white and you're using light grey for text, it won't be readable for many users and, therefore, not compliant.
- It's also required that the disclaimers be placed above the CTA button. Some countries, such as the EU countries, require a checkbox opt-in. The opt-in checkbox should be next to the disclaimer; under the mobile phone field and above the submit button. It could say something like this:

By submitting this form, you agree to receive recurring automated promotional and personalized marketing text messages (e.g. cart reminders) at the cell number used when signing up. Consent is not a condition of any purchase. Reply HELP for help and STOP to cancel. Msg frequency varies. Msg and data rates may apply. View Terms & Privacy.

Here is an example of a compliant campaign design:



YOU'VE GOT AN EXCLUSIVE OFFER!

UNLOCK
15% OFF
YOUR FIRST ORDER

Enter your email

By signing up you consent to receiving marketing emails. You can unsubscribe at any time through the unsubscribe link in each email. For more information, see our [Privacy Policy](#).

CONTINUE

[No thanks](#)

Email and SMS Collection

For **email collection**, you may need a checkbox or disclaimer for capturing emails on your pop-up, depending on your location and the regulations you must comply with:

- **CAN-SPAM Act (U.S.):** While explicit consent is not required, you must clearly identify the purpose of the email (e.g., promotional), include an opt-out mechanism, and avoid misleading information.

- **CCPA (California):** Transparency about how personal information is used is crucial. While explicit opt-in may not be required, you should provide clear disclosures about email usage and allow users to opt out of data sharing.
- **GDPR (EU):** Explicit consent is mandatory. You must use an opt-in checkbox that is not pre-checked, clearly explain how the email will be used, and link to your privacy policy. A double opt-in system is also recommended to ensure compliance.

For **SMS collection**, you need a checkbox or a clear opt-in mechanism to capture phone numbers. Here are key points:

- **Separate Consent:** SMS consent must be collected separately from email or other marketing channels, often via a dedicated checkbox or multi-step pop-up.
- **Disclosure:** Include clear language explaining what users are opting into, such as message types, frequency, and terms of service.
- **Optional Fields:** The SMS field must not be mandatory, and users should be able to dismiss the pop-up at any time.
- **Double Opt-In:** For certain campaigns (e.g., cart abandonment), double opt-in is recommended or required by carriers. This is also recommended as best practice in some EU countries (e.g., Germany, Austria) to ensure consent is valid and properly documented
- **Opt-Out Option:** Provide an easy, free opt-out mechanism in every SMS message (e.g., replying "STOP"). Include instructions in the recipient's local language. This is mandatory under GDPR.
- **Explicit Consent:** Obtain clear, explicit, and informed consent from recipients before sending SMS messages. This is mandatory under GDPR and the ePrivacy Directive.

An important point to keep in mind is that if you don't have geo-specific targeting and if you don't know 100% where your subscribers are coming in from, it's best to follow more strict EU laws to ensure global compliance.

NOTE: An alternative solution to following EU laws for a campaign is to use conditions and build 2 campaigns: One with a disclaimer for *Country Does NOT Equal United States* and one without for *Country Equals United States*.

The image shows two examples of rule configuration interfaces. The top example shows a rule with the condition 'Country Does NOT equal United States'. The bottom example shows a rule with the condition 'Country Equals United States'. Both screenshots include 'Make Rule' and 'Add New Rule' buttons.