Email and SMS Compliance

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Important: This article reflects general best practices, not legal advice. Privacy and marketing consent laws vary by region and change frequently. Consult your legal counsel to confirm what applies to your business before you launch a campaign.

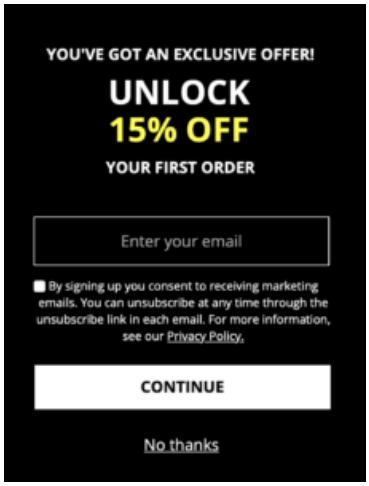
What You'll Learn in This Article:

- Compliance best practices for US and EU audiences.

Campaign Design

- Collect email and phone numbers on separate pages. Build a multi-step Campaign that collects email in one step and phone number in another.
- Place disclaimers above the CTA button. Some countries, including EU member states, also require an opt-in checkbox. Place the checkbox next to the disclaimer, below the phone number field and above the submit button.
    - Example compliance copy: *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.*
- Use readable text. Choose a font color with strong contrast against your background, and a font size that's easy to read. Light grey text on a white background, for example, fails both readability and compliance.
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        - 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.

Here is an example of a compliant campaign design:



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.

Tip: If you don't use geo-targeting and can't confirm where your subscribers are located, follow the stricter EU requirements across the board. It's the simplest way to stay compliant everywhere.

Note: You can also build two versions of a Campaign using Display Rules: one with a disclaimer for Country Does Not Equal United States, and one without for Country Equals United States.

Compliance requirements change often and vary by region, so treat this article as a starting point. Talk to your legal counsel to confirm what's required for your audience, and reach out to support@digioh.com if you have questions about setting this up in Digioh.