

	FMCA POLICIES AND PROCEDURES	INDEX NO. 2001	APPROVAL LEVEL EB
	SUBJECT CAN-SPAM Act Compliance	EFFECTIVE 3/2023	SUPERSEDES 5/22
	SPECIAL DISTRIBUTION		

POLICY

Communication between FMCA, Areas, Chapters and members is essential to the purpose of FMCA.

All **email** communications from FMCA, FMCA areas, and FMCA chapters must be deployed in a manner compliant with the Controlling the Assault of Non-Solicited Pornography And Marketing Act (CAN-SPAM).

Background

1. Most written communications between Areas, Chapters and members is done via email.
2. The CAN-SPAM Act is a federal law passed in 2003. It establishes standards for the sending of **commercial e-mail**. The Federal Trade Commission is responsible for enforcing the Act. Fines can be levied for entities that do not comply with the Act.
3. FMCA’s attorney has determined that all emails that contain advertising or request money (dues notice, rally advertising, etc.) from FMCA, the Areas and Chapters must comply with the Act.
4. There are three basic types of compliance to be followed in the Act: unsubscribe, content, and sending behavior:

Unsubscribe compliance

- A visible and operable unsubscribe mechanism must be present in all emails.
- Consumer opt-out requests are honored within 10 business days.
- Opt-out lists, are used only for compliance purposes.
- Where a person has opt-out choices, one option must allow a complete opt-out of all commercial messages.
- Should not ask the person unsubscribing for any additional information other than the recipient’s e-mail address and opt-out preferences.

Content compliance

- Accurate "From" lines which states the individual or organization sending the email.
- Relevant subject lines (relative to offer and not deceptive)
- A legitimate physical address of the publisher is present. Post Office box addresses are acceptable.



Sending behavior compliance

- A message cannot contain a false header
- A message must contain at least one sentence.
- A message must contain an unsubscribe option.
- Unsubscribe option should be below the message.

5. Companies found to be in non-compliance of the Act can face fines for every non-compliant email.

Procedure

1. FMCA shall have a CAN-SPAM compliant email system.
2. Areas and chapters may deploy their own email communications if they are done in compliance with the CAN-SPAM Act. The following is recommended to ensure compliance:
 - A. Obtain an email service or software that complies.
 - B. Make the ability to unsubscribe clear in all emails.
 - C. The “From” line in the email must be accurate. It is recommended that areas and chapters establish email addresses that include the name of the area or chapter, along with FMCA.
 - D. A legitimate physical address must be included in the email.
 - E. The subject line must clearly identify the intent of the email.
 - F. The address field shall not contain the email address of any other recipient.
3. Areas and chapters may also have the FMCA staff deploy the email on their behalf.
 - A. Area or chapter provides wording for email subject.
 - B. Area or chapter provides wording for email content.
 - C. Area or chapter determines who will receive the email and provides either an email list or identifies the intended audience. **Anyone who has opted out of emails on FMCA’s system, will not receive the email.**
 - D. Area or chapter will provide a desired distribution date. The date will provide a minimum of three working days for chapter emails and five working days for Area emails for FMCA staff to prepare the email.
 - E. FMCA staff will prepare the email which will clearly identify that the email is from the Area or Chapter rather than from FMCA. If the Area or chapter provides a customized header, FMCA will use that header.
 - F. FMCA staff may make spelling and punctuation changes to chapter emails. Any other suggested editorial changes must be approved by the chapter.
 - G. FMCA staff will proofread and provide editorial recommendations for Area emails. Any suggested editorial changes must be approved by the Area.
 - H. FMCA staff will pull a list of recipients, or use the list provided by the requestor.
 - I. FMCA staff will deploy the email.
4. Area newsletters will be posted on FMCA’s Web site.
5. Area newsletters may be printed and distributed via standard mail by FMCA at the Area’s request and expense.