



Before you hit “Send”: CAN-SPAM for Non-Profits

**Heather Howdeshell
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To maximize the impact of pro bono engagement by connecting a network of attorneys with nonprofits in need of free business legal services.

Pro Bono Partnership of Atlanta Eligibility & Other Information

- In order to be a client of Pro Bono Partnership of Atlanta, an organization must:
 - ✓ Be a 501(c)(3) nonprofit.
 - ✓ Be located in or serve the greater Atlanta area.
 - ✓ Serve low-income or disadvantaged individuals.
 - ✓ Be unable to afford legal services.
- *Visit us on the web at www.pbpatl.org*
- We host free monthly webinars on legal topics for nonprofits
 - ✓ To view upcoming webinars or workshops, visit the [Workshops Page](#) on our website
 - ✓ Join our mailing list by emailing rla@pbpatl.org

Legal Information:

- ✓ This webinar presents general guidelines for Georgia nonprofit organizations and should not be construed as legal advice. Always consult an attorney to address your particular situation.
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Goals:

1. Utilize your email list efficiently to engage with supporters and volunteers.
2. Determine when an email communication needs to comply with CAN-SPAM and other privacy laws.
3. Ensure compliance with mailing and opt-out requirements

Overview:

1. What is CAN-SPAM, and do I have to comply?
2. Penalties
3. Identifying Marketing Emails
4. Making my emails compliant
5. Unsubscribe/Opt-out
6. Best Practices
7. Odds and Ends

What is CAN-SPAM?

- Controlling the Assault of Non-Solicited Pornography And Marketing Act of 2003
 - ✓ Signed by George W. Bush
 - ✓ Intended to “can,” or limit, spam
- Applies to contact with U.S. residents
- Applies to emails only – other laws apply to telephone and direct mail contact
- Solicitation and marketing
 - ✓ Does not apply to “transactional” emails
- You don’t need permission or consent from the recipient before sending a promotional email (as long as you meet the requirements in this presentation)!
- Penalties: Each separate email in violation of the CAN-SPAM Act is subject to penalties of up to \$16,000

Checklist for Email Solicitations

- Senders of commercial email will be engaging in legal activity, so long as:
 - ✓ The header of the commercial email (indicating the sending source, destination and routing information) doesn't contain materially false or materially misleading information;
 - ✓ The subject line doesn't contain deceptive information;
 - ✓ The email provides "clear and conspicuous" identification that it is an advertisement or solicitation;
 - ✓ The email includes some type of return email address, which can be used to indicate that the recipient no longer wishes to receive spam email from the sender (*i.e.* to "opt-out");
 - ✓ The email contains "clear and conspicuous" notice of the opportunity to opt-out of receiving future emails from the sender;
 - ✓ The email has not been sent after the sender received notice that the recipient no longer wishes to receive email from the sender (*i.e.* has "opted-out"); and
 - ✓ email contains a valid, physical postal address for the sender.

Solicitation vs Transactional

Solicitation	Transaction
Donor Newsletter	Confirmation of Donation
Fundraiser Invitation	Annual Report
Annual Giving Campaign Requests	Confirmation of event attendance
Volunteer requests	

Rule of Thumb: Did the volunteer/donor contact you first? Are you responding to a particular request or confirming participation? It's likely transactional. If you are asking for something, it's likely solicitation.

Crafting a Compliant Email – Subject Lines

- Nonprofit Kids, Inc. wants to contact their mailing list to raise funds for a new summer camp they will provide to low income children this summer. Which of the following is the best subject line?
- A. Join us at our summer event
 - B. Who is watching your children this summer?
 - C. Help low income elementary schoolers in your area
 - D. Information about your recent transaction

Email Body Copy

- Be clear that the message is an advertisement.
- Make the email copy clear and concise. Include any information necessary to make sure the audience doesn't misunderstand what you are offering/requesting.
 - For example, if you are offering a table at a fundraising event, how many seats are included?

Opting Out

- All solicitations must include an unsubscribe or opt-out at the bottom of the email.
- Once a recipient requests opt-out, must comply within 10 days.
- Must give them the option of unsubscribing from all emails from the sender, but can also give option to unsubscribe from particular categories or change frequency of mailings.
- Always include your organization's name, address, and an email address to contact you on your emails.

Other Considerations

- COPPA: Do not accept email addresses from minors under 13 years of age.
- Don't forget about state solicitation registrations, particularly if licensing a leads database. If you are not registered in a state, you should not be soliciting using email in that state.

Best Practices

- Make your emails, “from” addresses, and subject lines clear.
- Keep a master list of unsubscribes, and update frequently.
- Monitor frequency of opt-outs
- Professional email services (Mail Chimp, Cheetah Mail, etc.) will help manage the process, if cost effective.



For More Information:

If you would like more information about the services of Pro Bono Partnership of Atlanta, contact us at:

www.pbpatl.org

info@pbpatl.org

404-407-5088