

G-Regs™

## Netherlands – Postal Filter Code 2015



Full title	Advertising code for the use of the Postal Filter ( <i>Code voor het gebruik van Postfilter</i> )
Chapter	Section B, Special Advertising Codes, The Dutch Advertising Code ( <i>Nederlandse Reclame Code – NRC</i> )
Introduction	The objective of this special advertising Code is to inform consumers, companies and organizations in a uniformed (sic) way about the use of the National Register of Deceased Persons and the National Postal Register of the Postal Filter Authority.
Article 1	<p>In this Code the following definitions apply:</p> <ol style="list-style-type: none"> <li>1. <u>Postal Filter Authority</u>: this organization is located in Amsterdam; it is responsible to and in control of both the National Register of Deceased Persons and the Postal Register; (further: Postal filter).</li> <li>2. <u>National Register of Deceased Persons</u>: the register in which the personal data of deceased persons is filed.</li> <li>3. <u>National Postal Register</u>: the register where personal data of persons who do not want to be contacted by Direct Mail is filed;</li> <li>4. <u>Advertiser / Client</u>: the legal person or natural person who, acting in the course of his profession or business, distributes Advertising or causes Advertising to be distributed.</li> <li>5. <u>Person</u>: a natural person, not acting in the course of his profession or business.</li> <li>6. <u>Advertising</u>: any public commendation (promotion) of goods, services or ideas (together referred to as: products). The solicitation of services is also considered advertising, with the exception of market research.</li> <li>7. <u>Direct Mail</u>: any unsolicited Advertising, with the exception of market research, which is addressed (with and without initials and / or first name and / or surname) and physically sent by post to a person, which is not an integrated part of another medium, as newspapers and magazines<sup>1</sup>.</li> <li>8. <u>Prospect</u>: a person with whom an Advertiser / Client does not have an existing customer relationship<sup>2</sup> and whose contact data has been used by an Advertiser / Client, either directly or via a third party.</li> </ol>
Article 2	<p>Opt-out via the Register of Deceased Persons</p> <p>Any heir or directly involved person can have the name of a deceased relative entered into the National Register of Deceased Persons in order to prevent an Advertiser / Client from making use of the deceased persons personal data to send advertising material (via <a href="http://www.postfilter.nl">www.postfilter.nl</a>).</p>

<sup>1</sup> Advertisements and advertising supplements that belong to another medium, such as newspapers and magazines, which are sent to a subscriber or existing client / contact together with such other media, fall outside the scope of Postal Filter Authority and this Code.

<sup>2</sup> This means that where reference is made to an (existing) consumer relationship, it is also meant that the personal data has been collected within the scope of a product or service purchased.

The way in which or under what circumstances the person concerned has permitted the Advertiser / Client to record his / her data to be used for Direct Mail may be taken into account, for example within the framework of a gift or a request for information in the past.

URL of source: NL: <https://www.reclamecode.nl/nrc/pagina.asp?paginaID=282%20&deel=2>

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Article 3	<p>Opt-out via the Postal Register</p> <p>Any person who does not want to receive advertising material via Direct Mail can for this purpose enter his name in the Postal Register (via <a href="http://www.postfilter.nl">www.postfilter.nl</a>).</p>
Article 4	<p>Period of Registration</p> <p>4.1. A Person's data is recorded in the National Register of Deceased Persons for a 10-year period.</p> <p>4.2. A Person's data is recorded in the Postal Register for a 5-year period.</p>
Article 5	<p>The Use of personal Data by Advertisers / Clients</p> <p>5.1. An Advertiser / Client should always check the National Register of Deceased Persons before making use of the addresses of Persons (consumers) and / or Prospects in order to send Direct Mail. It is not permitted to contact a Person and / or Prospect whose personal data has been recorded in the National Register of Deceased Persons.</p> <p>5.2. An Advertiser / Client should always check the Postal Register before making use of the addresses of Prospects in order to send Direct Mail. It is not permitted to contact a Prospect whose personal data has been recorded in the Postal Register.</p> <p>5.3. Consultation of the National Register of Deceased Persons and the Postal Register mentioned in the articles 5.1 and 5.2, has to take place no longer than maximum 6 weeks before the Direct Mail is actually sent.</p>
Article 6	<p>Complaints</p> <p>6.1. A Person who thinks that an Advertiser / Client is acting in violation of this Code may submit a complaint in writing or per e-mail, to the Advertiser / Client concerned.</p> <p>6.2. The Advertiser / Client shall investigate the complaint and inform the complainant about the results of the investigation within 2 weeks of receipt of the complaint.</p> <p>6.3. The Complainant who is not notified promptly pursuant to the previous section of this article, or who is not satisfied with the resolution of his complaint may lodge a complaint with the Advertising Code Authority pursuant to the articles and Regulation of this Authority. Should a prompt response by the Advertiser / Client not occur, the complaint shall be submitted by the complainant no later than two weeks after the elapse of the period stipulated in the previous section and in the case of an objection to a given response, within two weeks after receipt of that response, unless the complainant can demonstrate that this could not reasonably have been expected of him.</p> <p>6.4. Should a complaint be allowed, the sanctions referred to in Articles 17 and 18, of the Regulation concerning the Advertising Code Committee and the Board of Appeal shall apply.</p>
Article 7	<p>Legal Right to Object</p> <p>This Code does not prevent the Advertisers/Clients from offering a Person the possibility to not receive Direct Mail. Article 14 of the Letterbox advertising, Door-to-Door Sampling and Direct Response Advertising Code applies in this case.</p>
Article 8	<p>Coming into force and Evaluation and / or Amendment of the Code</p> <p>This code became operative on 1st January 2011 and has been modified on 1st January 2015.</p> <p>It shall be evaluated every year and revised if necessary.</p>

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This Code may also be revised earlier if there is a sufficient cause to do so.

Recent amends to this Code include a flow-chart for consumers and advertisers; we have shown only the advertiser version below. The consumer version can be found in the Dutch Advertising Code linked at the base of this page.

**For companies - Flowchart for sending Direct Mail (addressed advertising mail)**

You want to send Direct Mail (addressed advertising mail) and want to comply with laws and regulations. Use the following checklist and you can quickly see what you need to do. Please note: this also applies for 'to the residents' with address.

