

G-Regs™

Germany – DDV Email Marketing Quality Standard



Full title	Email Marketing Quality Standard (version of 10th March 2017 – replacing code of ethics for email marketing dated 23 February 2011)
Section	Preamble
Clauses	<p>The members of the DDV (Deutscher Dialogmarketing Verbandes e.V., Frankfurt) involved in email marketing are creating a framework of rules for themselves and their activities with this Email Marketing Quality Standard. All of the provisions contained therein are to be complied with as a minimum requirement where recipients residing in Germany are contacted by email. They undertake to observe the statutory regulations currently in force – especially with regard to data protection, consumer protection and competition rules.</p> <p>DDV publishes a regularly updated list of member companies that have declared their commitment to comply with the quality standard. By signing the code of ethics, the company agrees to be included in the corresponding list.</p> <p>The sections of the quality standard relevant to the range of services offered by the signatory apply in each case.</p> <p>The signatories lay down rules of procedure for themselves and subject themselves to these rules</p>
Section	1. Collecting addresses, sending/ delivery and unsubscribing / deregistration (opt-out)
Clauses:	<p>a. Address collection</p> <ul style="list-style-type: none"> Obtaining permission for the sending of emails and collecting addresses. It is ensured in a structural manner when collecting addresses that nobody is sent emails against his or her will. For this purpose, the signatories organise their registration and address collection processes in a transparent and understandable way as well as in a form whereby users have to actively enter and confirm their data and informed consent. Exempt from this are addresses collected by a company in connection with the sale of goods or a service and which are used by it for advertising similar goods or services (Section 7 (3) of the Law Against Unfair Competition - UWG¹). In these cases, the customer is to be informed when collecting the address and to point out with each use (i.e. subsequent message) that he/ she can object to the use (of email address) at any time. The registration process must be carried out using the so-called double opt-in procedure as a minimum requirement. The confirmation messages in the registration process (double opt-in procedure) may not contain any advertising; only information concerning the service(s) for which the registration ensues is permissible.

¹ https://www.gesetze-im-internet.de/uwg_2004/

Other procedures for collecting addresses are only permissible if it can be proven that a recipient has registered him / herself.

- When collecting the addresses, it must be guaranteed that the advertising opt-ins are separated from the entry conditions / general terms and conditions of business by a separate check box.
- On no account may check boxes be filled in / clicked on beforehand.
- It is recommended that the processes are designed in such a way that the following points can be verified at any time: Screenshots of the complete address generation process, database extract (including timestamp and IP addresses for SOI² [= address collection] and DOI³ (= activation of the opt-in through the confirmation e-mail), confirmation email to generate the DOI.

b. Address collection for 3rd Parties

When collecting addresses for 3rd parties and via the so-called co-sponsoring procedure, in particular, the following requirements must be met:

- The co-sponsoring organisers and all third parties (sponsors) must be mentioned by their company name.
- Sponsors must be named in such a way that the company/brand/product for which the consent to the sending of the advertising emails is given is identical to the sender ID of the mails (display name or sending/forwarding domain) so that the recipient can clearly identify who the advertising mails were sent by.
- It must be ensured that the best possible depiction/ presentation of sponsors takes place on mobile devices.
- All sponsors (regardless of the number) must either be listed on the same page on which the consent to the sending of mails is given, or on a separate sponsor list which can be reached with a maximum of one click from the login/ registration page.
- It is recommended to show the number of sponsors directly in the opt-in text (consent wording)
- It is recommended to mention on the sponsor list the average number of anticipated advertising contacts per week.
- The following information about the respective sponsors must be accessible within the sponsor list or on the page of the consent elicitation (declaration): company name, sector / business area / product(s) or service(s), communication channel and link to sponsors' homepages or websites.
- Prize draw/ competition operators or lead generation companies should have to store/ record the following information and make it available if requested/ asked for:
 - Title / form of address
 - First name
 - Surname
 - E-Mail
 - Date of Birth (if available)
 - Street and house number (if available)
 - Post Code (if available)
 - Location (i.e. town / city) (if available)
 - SOI timestamp (following format: dd/mm/yyyy (day/month/year) 00:00:00 (time))
 - SOI – IP (Single Opt-In – IP Address)
 - DOI timestamp (following format: dd/mm/yyyy (day/month/year) 00:00:00 (time))
 - DOI – IP (Double Opt-In – IP Address)

² Single Opt-In (SOI)

³ Double Opt-In (DOI)

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- URL
 - Competition/ Prize Draw operators / lead generators should also be able to provide the following information:
 - Terms and conditions / conditions of participation
 - Privacy policy (Data Protection Notice)
 - Consent wording / declaration or Opt-In text at the time of registration
 - Confirmation email
 - Sponsor list
 - It is recommended on the sponsor list to offer a direct opt-out option via a link for each individual co-sponsor.
 - It is recommended to send through / include the following information in the DOI-Mail:
 - A link to the sponsor list in question at time of registration
 - A link to a website where the recipient/ addressee can always see to which co-sponsors his address / opt-in has been given. On this page, the recipient/ addressee can unsubscribe from one or more co-sponsors with one click. The address generator ensures that the notice of de-registration/ opting out is sent to the co-sponsor within 48 hours.

c. Delivery – formal requirements

The signatories to the Quality Standard of Email Marketing the principle of transparency vis-à-vis users of email marketing. They ensure the following formal requirements for emails:

- Each message bears an imprint (imprint obligation) shown in full. An exclusive link to an imprint is not permissible.
- The sender's name and address should contain the company name mentioned in the consent.
- In emails with advertising content, the owner of the address / opt-in recipient should be referred to (named) above the content / advertising and be clearly recognisable.
- Every email must contain a reference to the possibility of revocation (opt out). For this purpose, a link is to be inserted into every email sent via which the recipient can unsubscribe.
- It is to be ensured that the recipient of an email can make contact with the requesting party without any difficulty on the basis of the sender ID (e.g. via the sending domain) from each email sent to him/her.
- The following information should be listed in welcome messages, in particular:
 - Link to data protection statement / privacy policy
 - Registration information, such as email address, master data, etc.

d. Delivery – technical standards

When sending e-mail messages, the following technical standards must be met which, in particular, ensure the sender's identification and facilitate de-registration/ un-subscription:

- DKIM (Domain Keys Identified Mail) signature for outgoing mail
- SPF (Sender Policy Framework) Records
- List Unsubscribe Header (mailto and http)

e. Unsubscribing

The signatories of Quality Standard for Email Marketing support the principle that unsubscribing must be easier than the original registration. The DDV therefore recommends the following procedures:

- No login should be required for unsubscribing.

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- A maximum of two clicks should be needed to enable un-subscription from a newsletter. The only exceptions are unsubscribe processes where the recipient can unsubscribe from several newsletters simultaneously. Depending on the number of newsletters subscribed to, the number of clicks required increases by one.
 - The maximum data entry needed for unsubscribing should be the email address or user name only.

The signatory also ensures the following points:

- Both unsubscribing via deregistration links and unsubscribing requests via reply to emails will be handled without delay.
- If consent has been obtained via the co-sponsoring procedure, it is to be ensured that the person giving consent can revoke such consent vis-à-vis the co-sponsoring organiser and all sponsors centrally with the co-sponsoring organiser.

Section

2. Data processing and data protection

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- Transparency: It must be transparent for individual addresses via appropriate technical protocols / database entries when and how these were collected.
 - Passing on addresses: the handling of e-mail address data takes place in compliance with the current regulations on data protection and consumer protection as well as competition law. They will not be passed on without the express consent of the person concerned. Exempt from this is the passing on of an address to a service provider for the purpose of sending an email on behalf of the owner of the address or for the purpose of deduplication⁴. Such service providers are to be placed under an obligation beforehand in writing to comply with the rules of Quality Standard of Email Marketing and must have lodged the "DDV declaration of commitment relating to contract data processing and data handling" (in its currently valid form).
 - Data Transmission/ Transfer: The address should be supplied through secure transmission methods (e.g. high degree of encryption). Minimum requirement: sending email with password protected ZIP-file plus sending the password in a separate email. The DDV recommends the use of an SFTP (Secure File Transfer Program) transmission. In the event of data leakage in case of an insecure transmission, liability is transferred to those who chose the insecure route.
 - Blacklist: a list is kept internally to store the addresses of recipients who have stated in a complaint that they do not want to receive any more emails. This list is verified against mailing lists before advertising emails are sent out. This procedure can only be implemented if the recipients do not insist on the complete deletion of their data.
 - Bounces: email addresses that bounce and which cannot, on the basis of the associated error history, be expected to function again subsequently are deleted from the databases and are at least marked and not written to any more. Appropriate evaluations are conducted on a regular basis after every sixth sending at the latest or after every four weeks.

Section

3. Agencies / Consultants / Intermediaries

As long as the signatories to the quality standards provide e-mail marketing services as agencies / advisors, they will exercise due diligence on the clients / advertisers and periodically review the relevant services and suppliers for compliance with the criteria of this quality standard.

Section

4. Rules of procedure

⁴ Data deduplication a specialized data compression technique for eliminating duplicate copies of repeating data.
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Clauses

- a. Information obligations: the signatories undertake to inform and advise their customers with regard to the requirements and contents of the Quality Standard.
- b. Admission procedure: an applicant is announced in the Competence Centre. The members can lodge a substantiated objection to this in writing within a period of two weeks. The supervisory body examines the objection and the admission.
- c. Supervisory body: the supervisory body comprises 3 signatories of the Quality Standard (1 chairman and 2 committee members) and is elected by the signatories of the code of ethics for a period of 3 years.
- d. Infringements: infringements against the principles of this code of ethics that become known will be investigated and punished by the email marketing supervisory body. The supervisory body can act independently or at the request of a member. Any such request is to be submitted in writing to the chairman of the supervisory body.
- e. The supervisory body is obliged to listen to all interested parties known to it. These hearings must be documented in writing. The supervisory body can set reasonable deadline periods for such hearings (e.g. two weeks).
- f. The supervisory body can take the following decisions: discontinuation of the procedure, warning the member concerned, imposition of restrictions, publication of the violation of the Quality Standard, withdrawal of the Quality Standards, recommendation to the DDV committee to exclude the member concerned from the association.
- g. In the event of bias on the part of a member of the supervisory body, such member can be excluded from the procedure. In the case of bias on the part of all the members, the council chairman can decide on the procedure.
- h. The Quality Standard of Email Marketing is reviewed regularly and updated as necessary.

Section**5. Glossary**

Clauses

- **Double opt-in procedure:** in the double opt-in procedure, a recipient registers on a website with his / her email address and is then sent a welcome message in which a link has to be clicked to confirm the registration.
- **Confirmed opt-in procedure:** in the confirmed opt-in, the recipient receives a welcome message. In this case, however, he/she does not have to actively confirm his / her registration with a click, rather he/she is informed that he/she can delete his/her entry if he/she clicks on the enclosed unsubscribe link or answers the message.
- **Co-sponsoring:** in the co-sponsoring procedure (e.g. via competitions), the organiser obtains the advertising opt-in and the consent to the passing on of the address to one or more third parties.
- **Bounces:** if emails are not delivered on account of technical factors, these are referred to as bounces. A distinction is made between hard and soft bounces in this regard. Hard bounces make the delivery of the email permanently impossible (e.g. addresses that no longer exist). Soft bounces are temporary technical obstacles (e.g. full mailbox, URL not reached).

Declaration of commitment

The Quality Standard of Email Marketing can be signed by all members of the DDV (*Deutscher Dialogmarketing Verbandes e.V.*⁵) that use email marketing in their communication (users) or operate as service providers.

⁵ German Direct Marketing Association

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As users, email address providers, forwarders / technology providers or agencies / consultants, we undertake to strictly observe the rules of the Quality Standard of Email Marketing when employing email marketing.

In our cooperation with customers, partners and service providers, we undertake to exert influence on the same to comply with the rules of the Quality Standard of email marketing.

Company stamp/signature

Place/date
