

# Electronic Communications Bank

## Terms of use

It's important to be aware of the **CAN-SPAM Act of 2003** and the **Canadian Anti-Spam Law** before sending out email messages. See details on both of these below, as well as required footer and disclaimer language.

### CAN-SPAM Act of 2003

Commercial email sent by the companies of Principal Financial Group® must comply with all applicable requirements of the CAN-SPAM Act of 2003. The following is a summary of the law's main requirements and definitions:

- A “commercial electronic mail message” (commercial email) is defined under CAN-SPAM as an email message, the **primary purpose** of which is the commercial advertisement or promotion of a commercial product or service.
- A “transaction or relationship” message is not a “commercial email.” Transaction or relationship messages are defined under CAN-SPAM as emails that are sent primarily (1) to facilitate, complete or confirm a commercial transaction which the sender and recipient had entered into previously, (2) to provide notification about a change in terms or account information, or (3) to deliver goods or services, including product updates.
- It bans false or misleading header information.
- It prohibits deceptive subject lines.
- It requires that the email include an opt-out method by which a recipient can direct the sender to not send further commercial email messages to that email address.
- It requires that the message clearly and conspicuously indicate that the message is an advertisement or solicitation.
- It must include the physical address of the sender.
- When using the “forward to a friend” statement it prohibits the offer of incentives (i.e. coupons, discounts) designed to urge another to forward the message.

### Opt-in/opt-out language (required)

To comply with federal law (CAN-SPAM), **each email marketing piece must include a “clear and conspicuous” and functioning unsubscribe (opt-out) option** in every commercial email marketing message. The opt-out should be easy to find and easy to use. To comply with federal law, all opt-outs must be honored within 10 business days of receipt.

This is an example of an opt-out: **If you do not want to receive emails of this nature from (producer's name or business center) in the future, please call (your phone number) or email (your email address) to have your email address removed from my commercial email address list.**

## Do-not-email list

You and others who advertise or solicit by email must keep a list of the email addresses from which an opt-out request is received. **You must honor the opt-out request within 10 business days of receipt.** In addition, the email address in the advertisement or solicitation must remain capable of receiving opt outs to said message for 30 days after the message is sent.

## Canadian Anti-Spam Law

Commercial emails sent to recipients in Canada by the companies of Principal Financial Group must comply with all applicable requirements of the Canadian anti-spam law. This law regulates business activities, such as sending marketing emails, text messages, or social media messages to individuals in Canada.

A commercial electronic message is an electronic message that, having regard to the content of the message, the hyperlinks in the message to content on a website or other database, or the contact information contained in the message, it would be reasonable to conclude has as its purpose, or one of its purposes, to encourage participation in a commercial activity, including an electronic message that:

- (a) Offers to purchase, sell, barter or lease a product, goods, a service, land or an interest or right in land;
- (b) offers to provide a business, investment or gaming opportunity;
- (c) advertises or promotes anything referred to in paragraph (a) or (b); or
- (d) promotes a person, including the public image of a person, as being a person who does anything referred to in any of paragraphs (a) to (c), or who intends to do so.

An electronic message that contains a request for consent to send a message is also considered to be a commercial electronic message.

The Canadian anti-spam law prohibits sending a commercial email to an electronic address unless the person to whom the message is sent has consented to receiving it, whether the consent is express or implied, and the message complies with the following:

- Consent is required from the recipient before sending a commercial email and needs to include information that describes the purpose for seeking consent, identifies the sender that enables the recipient to withdraw consent.
- Once you have consent you should ensure these emails include:
  - Clear identification of who the sender is.
  - Company contact information such as name, address, email and phone number.
  - A clear and conspicuous unsubscribe mechanism such as a link in your email or a working reply-to address where requests are read and processed.
- Process unsubscribe requests within 10 business days from the time of request.
  - The unsubscribe mechanism must remain intact for at least 60 days from the send date of the email.

The law allows certain commercial emails that are transactional in nature to be sent without the recipient's prior consent.

Consent is not required if the commercial email:

- Provides a quote or estimate for a good or service, if the quote or estimate was requested by commercial email recipient.

- Facilitates, completes or confirms a commercial transaction that the commercial email recipient previously agreed to enter into with commercial email sender.
- Provides warranty information, product recall information or safety or security information about a good or service that the commercial email recipient has used or has purchased.
- Provides notification of factual information about the ongoing use or ongoing purchase by the person to whom the message is sent of a product, goods or service offered under a subscription, membership, account, loan or a similar relationship by the person who sent the message or the person – if different – on whose behalf it is sent.
- Provides information directly related to an employment relationship or related benefit plan in which the person to whom the message is sent is currently involved, is currently participating or is currently enrolled.
- Delivers a product, goods or a service, including product updates or upgrades, that the person to whom the message is sent is entitled to receive under the terms of a transaction that they have previously entered into with the person who sent the message or the person – if different – on whose behalf it is sent.

#### **Footer and disclaimer language (required)**

A footer must appear on all email communications and must include:

- Copyright information (helps to establish the ownership of the message's content and design).
- Brand and logo disclosure: Principal, Principal and symbol design and Principal Financial Group are trademarks and service marks of Principal Financial Services, Inc., a member of the Principal Financial Group.
- Links to the *Disclosures and Terms of Use* and *Privacy and Security* web pages.
- The identity of the sender and the physical postal address of the sender. For example: 711 High Street, Des Moines, Iowa, 50392.
- Any required compliance disclosures.

**This is an example of the standard footer:**

[Terms of Use](#) | [Disclosures](#) | [Privacy](#) | [Security](#) | [Report Fraud](#)

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