

Email Marketing Legal Guidelines

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When a program participant or community partner shares their contact information with us, we have a responsibility to store that information securely and use it respectfully. This guide outlines the defining legal standard for email marketing and provides illustrations of how it applies to Extension programming and communications.

Legal Standards for Email Marketing

The **Federal Trade Commission's CAN-SPAM Act** establishes regulations for commercial messaging. To align with the requirements of CAN-SPAM, Extension staff and volunteers must follow the guidelines outlined in this document.

The Federal Trade Commission actively investigates reports of organizations who do not comply with these standards. If found in violation, the organization may face fines up to \$43,000 for each offense. There are multiple entities on the University of Illinois campus who have been assessed fines for non-compliance over the past several years, so we want to ensure that all Extension staff have a basic understanding of the regulations and know where to look for more information.

There are **seven key points** that impact our email practices.

1. Outgoing emails must include clear header information in the From, To, Reply-To, and routing information. The Domain Name and Email address must be accurate and identify the business.
2. The subject line must accurately reflect the content of the message.
3. You must disclose clearly that your message is an advertisement.
4. You must include your valid physical postal address, such as street address or PO Box.
5. You must provide clear instructions for opting out or unsubscribing from receiving future messages from you.
6. You must honor an opt-out request within 10 business days. You cannot make the recipient take any step other than sending a reply email or visiting a single page on an Internet website to honor an opt-out request.
7. If a volunteer or business is acting on our behalf to send the digital communication, both Extension and the company or volunteer may be held legally responsible.

Extension Email Marketing Best Practices

To align with the CAN-SPAM Act and Extension's privacy and technology policies, all staff should adopt the following policies for any customer email communications.

Discontinue use of Gmail or other non-illinois.edu email accounts for the distribution of email, newsletters, or correspondence by staff or volunteers.

The CAN-SPAM act forbids false or misleading header information, including "from" and "reply-to" routing information. The email MUST originate from an approved domain name and email address associated with the organization of record.

Gmail accounts lack security measures required by University of Illinois and Extension which are available on all Illinois accounts. A breach of a Gmail account would potentially release private information of Extension clients.

Discontinue use or storage of Extension customer contact information by volunteers or groups outside of the Extension office. Email contact lists may not be shared with partner organizations or individuals, including volunteers. Sharing violates USDA privacy requirements.

This long-established guideline protects the integrity of our confidential relationship with Extension clients. Clients trust Extension to keep their information safe and private. Lists are maintained solely for use by Extension staff for distribution of Extension information. Lists distributed to volunteers and stored on private computers may be compromised, inappropriately shared, or inappropriately updated and maintained.

Ensure all mass email marketing of Extension services or products include an opt-out/unsubscribe option and that requests are honored within 10 days of the request.

This is most easily done by through the Groups Manager tools in Webtools. Groups Manager is a free service, fully supported by Extension IT. It allows for maintenance of groups in a secure, private manner with minimal risk of data breach. Multiple staff can access the group for maintenance or use.

Third-party email applications, such as Mail Chimp, may be used as long as all CAN-SPAM Act requirements are followed. Extension IT does not provide technical support for third-party applications. Email programs, such as Outlook and Gmail, do not provide an automated opt-out procedure for immediate removal and require intensive manual oversight by staff.

Transition to Webtools (or similar application) for distribution of digital Extension marketing content.

Webtools allows for consistent, official branding of Extension content and produces professional newsletters that are easily viewed on all devices and platforms. Outlook does not produce well-branded content.

Templated, customizable email headers and footers are available for all units. Templates will include all required statements and branding:

- Extension wordmark
- College of ACES statement
- Cooperating statement
- EEO statement
- Accommodation statement if email includes invitation to an event/webinar

Webtools easily allows for automated distribution of the newsletter to your email contact list maintained in Group Manager. Webtools provides a detail report of who opens the email, allowing staff to follow up with those people who did not open important correspondence with follow-up marketing.

The university flags mass emails (sometimes as low as 50 recipients) distributed from Outlook accounts and locks the owner out of the account.

Review material prepared by volunteers prior to distribution.

The CAN-SPAM Act clearly indicates that both the organization and the individual/firm distributing email marketing are legally responsible for any violation of the CAN-SPAM Act.

Extension branding is complicated, and volunteers are not expected to stay current on brand requirements, media best practices, or design strategies. Volunteers also do not receive communication best practice training.

Addressing Core CAN-SPAM Requirements

One of the essential components of the CAN-SPAM Act is that email recipients must be able to easily opt out of receiving future emails. Because Outlook does not provide any tools for automating opt-out or unsubscribe requests, the Extension Communications team recommends the use of one of several other tools to help send mass email and manage email subscription lists.

PREFERRED OPTION: University of Illinois Webtools Suite including Email+ and Groups Manager

The University of Illinois provides all staff access to a full slate of digital content management tools through a program called Webtools (webtools.illinois.edu/). Two of these free tools combine to offer a comprehensive email subscription management solution that is already seamlessly integrated into many University of Illinois systems.

Groups Manager: This tool allows you to create, manage, and share lists of people your unit would like to communicate with via email. Your groups can be as discrete and narrowly defined or as broad as you like. Once created, access to manage and communicate with the group can be shared with other Illinois Extension staff members. To add new contacts to the group, you can either manually enter their information, or you may create a subscription form you can share on your website or social media.

One of the best aspects of Groups is that you can create a centralized list of contacts that can be used by an approved set of people in your office. No more trading Excel spreadsheets back and forth and wondering if you're using the current version of a contact list!

Recommended Group Manager Structure: There are many ways to categorize contacts. When using Groups Manager, the following structure provides the most flexibility.

- Set up separate groups for each subject matter area, such as horticulture, nutrition and wellness, or youth development. The group names are only visible internally.
- Set up a corresponding opt-out group for each group.
- To distribute, select one group based on the topic of the newsletter. In the subscription tab, select the corresponding opt-out group.

This will allow users of multiple groups to discontinue one topic while remaining in other groups.

Email+: You will use this service to actually send any mass emails. You can use a standard Illinois Extension email template or create a custom template for your unit or program area. With a little bit of training, you can easily format and send polished, well-designed emails. When you send emails through this system, it automatically includes a link in the footer for automated unsubscribing or opting out of future messages.

Another great feature of Email+ is that it keeps an archive of all of your past emails so that you can easily find and reshare past communication.

ALTERNATIVE OPTION: MailChimp, Constant Contact, or another Mass Email System

There are many online mass email systems that will perform the essential functions listed above, but campus' preferred platform is still Webtools for sending emails to more than 10 recipients. If you choose to use a third-party email provider, it must meet the guidelines for campus branding, CAN-SPAM opt-out, and list management. Many of these tools will provide access for free, up to a certain number of contacts and then you'll be forced to upgrade your account to a paid subscription.

When to Use Outlook vs. Webtools

Not quite sure which tool you need for your situation? Review these common email marketing situations for insights into which tools are best suited for each circumstance.

SITUATION: Email exchanges with individual contacts

BEST TOOL: Outlook

Staff may use Outlook (either staff's personal or the unit's Illinois.edu account) to respond to one-on-one public inquiries. Volunteers acting on our behalf, such as master gardeners answering help desk inquiries, may respond one-on-one using the unit's official master gardener Illinois.edu account.

Best practice: For phone inquiries, ask for the caller's email address to initiate first contact instead of trying to relay the unit's email to the caller. This way, you can take the first step in following up and the client will have the email address for future use.

SITUATION: Email announcement of upcoming webinars

BEST TOOL: Webtools Email+

Newsletters should be developed in Email+ and distributed using Group Manager. Email must include:

- Extension wordmark.
- Required statements.
- Automated opt-out or unsubscribe option.
- Subject line that states the content of the email.
- Statement in the footer or at the end of the email recognizing that the email includes promotional content.

SITUATION: Mass email of a tip sheet or blog post

BEST TOOL: Webtools Email+

Staff or volunteer-developed educational content should be developed in Email+ and distributed using Group Manager. Email must include:

- Extension wordmark.
- Required statements, including copyright statement.
- Automated opt-out or unsubscribe option.
- Subject line that states the content of the email.
- Statement in the footer or at the end of the email recognizing that the email includes promotional content.

SITUATION: Webinar log-in instructions

BEST TOOL: Outlook or Email+

People who have already registered for a specific activity may be sent log-in instructions through Outlook if the group is under 10 people. If more than 10, use a simple Webtools email to distribute the information.

SITUATION: Notice to 4-H leaders or master volunteers of upcoming administrative meetings

BEST TOOL: Outlook

Because staff have an ongoing personal relationship with volunteers and leaders, you may use Outlook for occasional correspondence, information on meetings, or trainings. When no longer an active participant, they should be considered "public" and future correspondence done through Email+.

SITUATION: 4-H Newsletter

BEST TOOL: Webtools Email+ or 4-H ONLINE

Because 4-H newsletters are usually sent to more than 10 email addresses, use Webtools Email+. Maintaining an up-to-date list of 4-H families who enroll at different times is often difficult. For best practices, use "opt-out" instead of "unsubscribe." Email must include:

- Extension wordmark.
- Required statements.
- Automated opt-out or unsubscribe option.
- Subject line that states the content of the email.
- Statement in the footer or at the end of the email recognizing that the email includes promotional content.

SITUATION: County director correspondence

BEST TOOL: Outlook

Because county directors have an ongoing personal relationship with key stakeholders, you may use Outlook to 10 recipients or fewer for occasional correspondence, information on board or council meetings. When sending newsletters, impact reports, and similar reports, though, consider a professionally-formatted Email+ newsletter instead of attaching PDFs. Attached documents may get flagged by the client's email server or not be delivered due to size limitation of email programs.

SITUATION: Press releases to media outlets

BEST TOOL: Outlook

Staff may distribute releases to local media but should include "unsubscribe" language in the text of the Outlook email to allow media to tell you they no longer want to receive releases.

Ask Questions

Have a situation that doesn't seem to fit one of these scenarios or not sure about how to apply these guidelines to a project you're working on?

Contact the Extension communications team for a consultation: go.illinois.edu/MarketingRequest.

If we don't have the answer, we often turn to our peers on campus for guidance, such as the public affairs office or university counsel.

