

## UNSOLICITED ELECTRONIC MESSAGES ACT 2007

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As you are no doubt aware, the Unsolicited Electronic Messages Act 2007 ("the Act") came into force on 5 September 2007. Briefly, the Act prohibits electronic messages from a New Zealand link being sent to a recipient's mailbox unless there is an existing business relationship between sender and recipient. In practice this means that the recipient must give consent to the sender of the message.

The Act stipulates three types of consent. **Express consent**, where a recipient has knowingly and willingly requested to receive the information. You may have noticed that large companies such as the utility companies actively sought out your consent prior to the beginning of September to keep you on their databases. **Inferred consent** is applicable when a firm or business sends out relevant business information such as invoices, reminders and the like to its already existing business clients. **Deemed consent** arises when the recipient publishes his or her business details on, say, a website or business cards and is subsequently contacted by the sender.

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If you have any questions in relation to the implementation of the Act as it relates to you or your business please contact us.