

INFO on Direct Marketing

<https://www.popiact-compliance.co.za/popia-information/13-direct-marketing>

Section 69 of the Act outlaws direct marketing by means of any form of electronic communication unless the data subject has given their consent. Such an electronic communication obviously includes emails, SMSs and automatic calling machines. A subject can only be approached once to obtain such a consent. Once such consent is refused, it is refused forever.

Slightly different rules apply if the subject is a customer. Here the customer's contact details must have been obtained in the context of the sale of a product or a service, the direct marketing by electronic communication can only relate to the suppliers own similar products or services, and the customer must have been given the right to opt out at the time that the information was collected and each time such a communication is sent.

The Act covers Direct Marketing restrictions in great detail and should be consulted before any direct marketing campaign is considered.

This article must be read in conjunction with the POPI Act which can be downloaded from [Act No. 4 of 2013 : Protection of Personal Information Act, 2013](#)