Online retailer breaches Spam Act

For the second time in two years, online electronic goods retailer Best Buy has been investigated for its compliance with the *Spam Act 2003*.

The ACMA accepted an enforceable undertaking from the retailer in August following an investigation that found the company used an automated emailing system that failed to process some unsubscribe requests. The ACMA also found that Best Buy kept more than one marketing list and that when changes were made to one list, they were not necessarily reflected in others.

The company paid $8,000 as part of the undertaking and has agreed to stop marketing electronically until it has processes in place that comply with the legislation.

If Best Buy decides to resume marketing electronically, it will be required to establish training and quality assurance processes as well as a complaints-handling policy.

This is the second investigation the ACMA has conducted into Best Buy's compliance with the Spam Act. In August 2008, it paid an infringement notice of $4,400 for allegedly sending commercial electronic messages without the consent of the recipient and after requests were made to be removed from its mailing lists. ✆

The enforceable undertaking offered by Best Buy is available on the ACMA's website at **www.acma.gov.au** (go to For licensees & industry: Licensing & regulation > The ACMA's enforceable undertakings).

Complaints about spam can be made by calling the ACMA on 1300 855 180 or at **www.spam.acma.gov.au**. Background material on regulation of spam is also available on the website.

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'This was a case of poor management of marketing lists,' said Chris Chapman, Chairman of the ACMA. 'All e-marketers should take heed: list management is key to compliance with the Spam Act and contraventions such as this can easily be avoided. Anyone who markets electronically must have processes to maintain and keep their lists current and compliant.'