

CommSec to undertake strict system reviews following ACMA investigation

Commonwealth Securities Limited (CommSec) has offered an enforceable undertaking to the ACMA and promised to review its systems and processes in response to concerns regarding compliance with the Spam Act.


The ACMA launched an investigation after customers complained that commercial electronic messages from CommSec continued to be sent after they had withdrawn their consent. During the investigation, the ACMA also identified email campaigns conducted in January, February and March 2009, did not provide an option to unsubscribe.

'The ACMA expects that Australian businesses take note of this outcome,' said Chris Chapman, Chairman of the ACMA. 'Under the Spam Act, every person has the right to unsubscribe from receiving commercial electronic messages and to have that request acted on effectively and quickly. The failure to act on a request can result in significant penalties if a business is found to have breached the Act.'

Under the *Spam Act 2003*, all commercial electronic messages must include some form of unsubscribe facility. Under the Act, when a person or business withdraws their consent they must not receive any further messages from that provider.

'CommSec has undertaken to initiate stringent reviews of its systems and processes as a result of this investigation, and has demonstrated a commitment to making the internal changes necessary for ongoing compliance with the Spam Act,' said Mr Chapman.

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In addition to reviewing its compliance systems, CommSec has undertaken to pay to the Commonwealth a financial component of \$55,000. An implementation plan has been agreed with the ACMA which includes the appointment of an independent consultant to assess CommSec's system reviews, quarterly audits on its email campaigns for 12 months and the introduction of an annual training program. CommSec will report regularly to the ACMA on its progress. 

The enforceable undertaking provided by CommSec is available on the ACMA 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.