

The Regulation of Electronic Communications and Postal Services Law of 2004
112(I) / 2004

106. (1) The use of automated calling systems without human intervention, (automatic calling machines), or facsimile machines (fax), or electronic mail, or SMS messages, for the purposes of direct marketing, may only be allowed in respect to subscribers who have given their prior consent.

(2) Unsolicited communications for purposes of direct marketing, by means other than those referred to in subsection (1), are not allowed without the consent of the subscribers concerned.

(3) The rights referred to in subsections (1) and (2) above shall apply to subscribers who are natural persons. The Commissioner* may, after consultation with the Personal Data Protection Commissioner, issue an order in order to safeguard that legitimate interests of legal persons, regarding unsolicited communications, are adequately protected.

(4) Notwithstanding subsection (1), in cases where a natural or legal person obtains from its customers contact details for electronic mail, in the context of the sale of a product or a service, the same natural or legal person may use these electronic details for direct marketing of its own similar products or services, provided that customers are clearly and distinctly given the opportunity to object, free of charge and in an easy manner, to such use of their electronic contact details when they are collected and on the occasion of each message in case the customer has not initially refused such use.

(5) In any event, the practice of sending electronic mail for purposes of direct marketing disguising or concealing the identity of the sender or the person on whose behalf the communication is made, or without a valid address to which the recipient may send a request that such communication cease, shall be prohibited.

* *Commissioner* means the Commissioner of Electronic Communications and Postal Regulation