

Popi-proof your direct marketing

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As with any relatively new piece of legislation, the passing of the Protection of Personal Information Act (Popi) can bring with it confusion and concern as to how it will affect your direct marketing initiatives. Hopefully I can quickly clear up some of the more common questions people have.



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First off, it's important to understand that Popi is neither a punitive nor unwarranted piece of legislation. In fact, it's highly relevant, considering the influx of information that people and organisations are dealing with on a daily basis. The primary aim, as its name suggests, is to protect the privacy of individuals.

The legalities of Popi

A main concern for marketers and businesses aiming to increase their sales is whether Popi will make it illegal to conduct direct marketing campaigns over snail mail, email, SMS, AVM and other database marketing channels. The short answer is **no**.

That being said, obtaining consent is a critical part of the legislation to take note of, as under Popi, marketing campaigns become opt-in rather than opt-out.

Some key guidelines include:

- Respect the choice of a consumer to receive information upfront.
- Be clear that the consent you're requesting relates to a specific purpose, such as contacting them about insurance products for example.
- Provide customers with a clear way of expressing their choice, such as ticking a checkbox or clicking on a button to opt in.
- Record when and how consent was obtained, and what it covers.
- Check your existing marketing consent clauses to ensure they comply with Popi and allow for the kind of marketing you plan to do.

Opt in or opt out?

What we can expect is for Popi to have a significant impact on email and SMS marketing. Previously, email marketing was done on an opt-out basis, where consumers could be communicated with until they expressly indicated that they no longer wished to receive emails.

Under Popi, all email marketing will be done under an opt-in basis, where marketers can email potential consumers once to obtain their permission to send subsequent marketing communications. However, while you need consent when you want to direct market to new prospects by electronic means (like email and SMS), the same does not apply to existing customers.

The implementation of Popi also means that marketers must offer a simple way for consumers to opt out of receiving marketing messages, such as an unsubscribe link on an email, or having a “Reply Stop to opt-out” option in an SMS.

A few guidelines on this include:

- Do not charge people to opt-out.
- Keep a list of everyone who opts-out.
- Be granular – allow people to specify how and when they can be contacted. Often people do not want to unsubscribe from all communications, just certain ones.
- Use a mass communication tool, like a mass mailer or bulk SMS system, to manage your unsubscribe list.
- Use the correct tool, such as an email marketing system, to send bulk mass communications like email and SMS.

The change from opt-out to opt-in does present opportunities for your company to adopt a few innovative approaches to obtaining opt-in consent. These could include:

- Promotional competitions.
- Loyalty programmes.
- Exclusive access to excellent content.

To make this work, marketers need to ensure that the copy of the opt-in request is compelling. This could include specifying what the benefits are to the person of opting in, such as being the first to receive terrific deals that would be of interest to them.

Risk aversion

The real risks around Popi come from actively failing to comply with its directives. These range from reputational damage and losing customers, to being fined up to R10m, or being sentenced to up to ten years in jail.

These hazards can be most easily avoided by doing the following:

- Take the information regulator’s directives seriously from the outset.
- Perform due diligence when processing bank account numbers.

- Have a complaints procedure in place for customers to air and resolve their grievances.

By following the guidelines above, Popi need not loom as an ambiguous threat to business. Instead it can be seen as a piece of legislation that can be adhered to easily – one which will benefit both consumers and businesses wanting to find the right types of customers.

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