

## **The Department of Internal Affairs New Zealand • Electronic Messaging Compliance Unit**

The Department of Internal Affairs' Electronic Messaging Compliance Unit (originally known as the Anti-Spam Compliance Unit) was established and tasked with regulating the Unsolicited Electronic Messages Act 2007. The Unsolicited Electronic Messages Act 2007 (the Act) came into force on 5 September 2007.

The Act was created to prohibit the sending of unsolicited commercial electronic messages with a New Zealand link. Its purpose is also to require commercial electronic messages to include accurate information about the person who authorised the sending of the message, to include a functional unsubscribe facility, to prohibit address-harvesting software or a harvested address list from being used in connection with sending unsolicited commercial electronic messages, and lastly to deter people from using information and communications technologies inappropriately.

The types of "electronic messages" captured under the Act include email, SMS, facsimile, and instant messages.

Enforcement officers of the EMCU can investigate and take enforcement action on breaches of the Act. Enforcement action may include written formal warnings, civil infringement notices, enforceable undertakings or pecuniary penalties.

Members of the public can lodge complaints with the EMCU via the online complaints form, or for SMS complaints, by forwarding messages to the short code 7726. The EMCU provides various pieces of information on its website (see hyperlink at the bottom of the page) for the public, including information on avoiding spam, what individuals and companies can do to better comply with the provisions of the Act, enforcement action that has been taken by the EMCU, press releases, and lastly up-to-date warnings about a range of scams.

Whilst the EMCU is set on investigating and acting on complaints from the public, it often fields enquiries from the marketing and retail industry relevant to complying with the Act. The EMCU is also part of national organisations, such as the New Zealand Internet Task Force, and international organisations, such as the London Action Plan. Being part of these types of groups and organisations allow the EMCU to have a hand in providing advice and/or being a part of key decision making relating to cyber security and anti-spam initiatives both locally and internationally.

### **Links**

Department of Internal Affairs

[www.dia.govt.nz](http://www.dia.govt.nz)

Electronic Messaging Compliance Unit

<http://www.dia.govt.nz/Services-Anti-Spam-Index>

Unsolicited Electronic Messages Act 2007

<http://www.legislation.govt.nz/act/public/2007/0007/latest/DLM405134.html?src=qs>

Unsolicited Electronic Messages Regulations 2007

<http://www.legislation.govt.nz/regulation/public/2007/0271/latest/DLM972903.html?src=qs>