

SMS

Practice Note

This Practice Note is designed to assist FIA members in conducting SMS Fundraising Activities within an ethical framework, whether the Fundraising is being done directly by the Member or through a contracted Supplier. It is intended to be read in conjunction with the FIA Code.

Registered charities enjoy special concessions that enable them to fundraise using SMS messages. These concessions have been granted to the sector in recognition of the public benefit of charitable fundraising activities. It is important that fundraisers act responsibly in their exercise of these privileges.

Practice Note: SMS

The sending of SMS messages is regulated under the Spam Act 2003. Under this Act, SMS messages from registered charities are permitted, subject to certain conditions. Permitted messages should contain accurate information about the person or organisation that authorised the sending of the message and how to contact that person or organisation. For example, if your organisation gets a third party to send out messages on its behalf, these messages should clearly identify YOU as the Charitable Cause on whose behalf the message is being sent—the correct legal name of the Charitable Cause, and Australian Business Number, where applicable.

If these conditions are not met, the fundraising SMS message may be classified as spam and penalties assessed under the Spam Act.

1. Registering Donors to Receive SMS Messages

- 1.1 Members should make the registration process for receiving SMS Fundraising messages clear on all forms of relevant documentation (including websites).
- 1.2 All SMS Fundraising messages should include accurate information about how the recipient can contact the Member.
- 1.3 Donors should be informed (via terms and conditions on any Promotional material where the SMS short code is advertised) that a follow-up communication may be made after the donation. Members should also provide a URL link to full terms and conditions including privacy policy, opt out mechanism and help information.
- 1.4 Verifiable parental consent should be obtained before communicating via SMS with Children and expert legal advice should be sought beforehand.

2. Following up with Donors

- 2.1 Permission to contact a Donor for a specific purpose within a specific period defined in a Fundraising SMS message sent from the Member expires at the end of that period.

Practice Note: SMS

3. Providing an Opt-out from Future Appeals

- 3.1 Each outbound message should provide a clear opportunity for the donor to opt out from further communication. For example, a STOP reply text should cancel all future SMS messages from the Member.
- 3.2 Reply by SMS should be an option for opting-out and be clear in all communications.
- 3.3 Members should use a simple opt-out message ('STOP' or 'UNSUB: 1-800-number')
- 3.4 Donors should be able to exercise their opt-out choice from any message, free of charge.

4. Maintaining a Suppression File

- 4.1 Members or their Suppliers sending any SMS donor appeals should operate and maintain a suppression file, listing recipients who have indicated they do not wish to receive further donor appeals.
- 4.2 Where a supporter/donor requests not to receive donor appeals, Members should as soon as possible, suppress the recipient's data from their donor database. In all cases, the request should be complied with within five days from the individual sending the request to cease using the data for SMS marketing.
- 4.3 Where a suppression cannot take immediate effect, Members should inform recipients of this fact and explain they may receive further donor appeals for a short period whilst the request is processed.

5. Using Third Party SMS Suppliers

- 5.1 It is the responsibility of the Member to ensure that any supplier providing SMS fundraising on behalf of the Member adheres to all relevant codes and legislative requirements.

Practice Note: SMS

- 5.2 Members should clearly and accurately identify the individual or organisation who authorised the sending of the message. For example, if the Member asks a third party to send out messages on its behalf, the message should clearly identify the organisation on whose behalf the message is being sent.

Practice Note: SMS

6. Competitions and Prize Draws

- 6.1 In competitions and prize draws, Members should provide a clear and simple method of requesting any terms and conditions and publish the identity of the promoter within the SMS competition.
- 6.2 For competitions and prize draws, Members should provide a clear and simple method of accessing any terms and conditions and should publish the identity of the promoter, in addition to complying with all State regulations governing competitions.

7. Complying with Australian Laws

- 7.1 Members should inform themselves about and follow Australian Privacy Principles, Spam Act, and Telecommunications Act requirements, in addition to any other legislation applicable to SMS fundraising.

Practice Note: SMS