SMS Compliance in New Zealand

In New Zealand, all marketing messages must comply with all NZ Privacy and SPAM legislation. **It is your responsibility to ensure you comply with these rules**. The following are some general best practices:

* Text messages cannot be sent to handsets that have not opted-in to messages
* Short codes are compulsory for Marketing campaigns. (Alpha Numeric headers are not allowed)
* One short code can be used for one use case only
* Additional use cases require additional codes
* SMS campaigns should have an unsubscribe function (eg. HELP/STOP) in the recipient's local language
* An opt-out must be provided at the end of the message
* Opting out/unsubscribing must be free of charge for Marketing messages, and must be with the same means of contact as the outbound message
* The sender must be identified at the beginning of the message
* Only communicate during a recipient’s daytime hours unless urgent
* Do not contact end users on do-not-call or do-not-disturb registries
* Where there is a call to action required and if the phone user will get charged for it, it is important to inform them of the charge as phone bundles do not apply to a2p sms.

Here are some examples of a messages that meet these guidelines:

*ABC Sportswear: Come in store this Friday for 50% off all stock for VIP members. Make sure you bring your membership cards. Reply STOP to opt out or ph 0800XXXX.*

Note: a zero-rated short code needs to be in place for the above marketing message to ensure the opt out is free of charge to the recipient

For service based communications where the end user will get charged to reply, ie appointment confirmation example :

*XYZ Medical Clinic: Joe Bloggs has an appt with Dr ABC on 10/10/2020 at 08:45am. Please reply to confirm Y or N.*

*Standard SMS and data charges apply.*

**Important Regulation Information**

**The TCF**

The New Zealand Telecommunications Forum (TCF) is a member organisation, representing the majority of telecommunications providers in New Zealand (over 95% by revenue share). You can read [TCF regulation here](https://www.tcf.org.nz/industry/standards-compliance/mobile-phone-services/messaging-services/mobile-messaging-services-code.pdf).

Their members pay for their services, which include public good initiatives, disputes resolution services, logistical processes, and consumer education, so consumers can access them for free.

The forum provides neutral, independent information about New Zealand telecommunications products and services and how the industry works in New Zealand.

**The DIA**

The Department of Internal Affairs serves and connects people, communities, and government to build a safe, prosperous and respected nation.

You can read about SMS spam on the DIA’s website, both [here](https://www.dia.govt.nz/Spam-Information-for-Businesses) and [here](https://www.dia.govt.nz/Spam-Complain-About-TXT-Spam).

**The UEMA**

The Unsolicited Electronic Messages Act (UEMA), also called the anti-spam law, makes it illegal to send spam to, from or within New Zealand, or using harvesting software to create address lists to send unsolicited commercial electronic messages, eg emails or text messages. You can [read more about this here](http://www.legislation.govt.nz/act/public/2007/0007/latest/whole.html).

On September 5th 2007, the Unsolicited Electronic Messages Act 2007 came into force. The Act prohibits the sending of unsolicited commercial electronic messages with a NZ link. It also requires all commercial electronic messages to include information about who authorised the message and to provide a functional unsubscribe facility. Finally, it prohibits address-harvesting for the purpose of unsolicited commercial messages.