

Disclosure Guidelines

Best Practices*

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Disclaimers and Legal Language

Information on Displaying CA License #'s

- All Independent Producers & Consultants should add their own company's CA License Number/Numbers as required by applicable law/regulations on communications, including emails and marketing materials, business cards, etc.

Website Disclosure

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Marketing Collateral created by your agency and using VFIS/Glatfelter branding

- Used on: marketing collateral, print newsletters, e-newsletters, eblasts

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Content with information received from external/third parties (Blogs/Articles/Eblasts)

- The following general disclaimer can be used on to be used in blogs, articles and eblasts where **third party content** appears.:

DISCLAIMER

The information contained in this **email/article/blog post** is intended for educational purposes only and is not intended to replace expert advice in connection with the topics presented. [AGENCY NAME or VFIS of (State) NAME] specifically disclaims any liability for any act or omission by any person or entity in connection with the preparation, use or implementation of plans, principles, concepts or information contained in this publication.

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Confidentiality Footers - eSignatures

- All external emails should include the below confidentiality footer in the eSignature

Confidentiality Notice: The information contained in this communication, including all attachments, is legally-protected information, confidential or proprietary information, or a trade secret intended solely for the use of the intended recipient. The information may also be subject to legal privilege. If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, distribution, forwarding, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender by reply Fax or e-mail stating the communication was "received in error" and delete or destroy all copies of this communication, including all attachments.

Third-Party Content, Sourcing and Attribution

Using Credible Sources

Content accuracy is of the utmost importance in all communications. Facts, statistics and other content should only be sourced from known, reliable, trustworthy sources.

Examples of credible sources

Government agencies and studies
Reputable scientific, research and educational organizations
Established industry associations and organizations
Reputable media outlets
Respected companies, groups and organizations

Ask yourself if the audience is familiar with the source, how long the source has been around, what does the source base its facts on (i.e., original research) and is there evidence to back up their facts.

Never state a fact or statistic without identifying and linking (in digital communications) to the source material.

How to Cite Sourced Content

Types of attribution

- Direct quotes from a third-party author or source

- Paraphrasing from a third-party author or source
- Referencing/citing third-party content (summarizing)
- Citing third-party images and visual content

CAN-SPAM Act Guidelines

FTC Guidelines for the CAN-SPAM Act

CAN-SPAM applies to *all* emails where the primary purpose is the commercial promotion or advertisement of a commercial product or service, not just bulk emails.

Each separate email in violation of the CAN-SPAM Act may be subject to penalties of up to \$43,280.

CAN-SPAM's main requirements:

1. **Don't use false or misleading header information.** Your "From," "To," "Reply-To," and routing information – including the originating domain name and email address – must be accurate and identify the person or business who initiated the message.
2. **Don't use deceptive subject lines.** The subject line must accurately reflect the content of the message.
3. **Identify the message as an ad.** The law gives you a lot of leeway in how to do this, but you must disclose clearly and conspicuously that your message is an advertisement.
4. **Tell recipients where you're located.** Your message must include your valid physical postal address. This can be your current street address, a post office box you've registered with the U.S. Postal Service, or a private mailbox you've registered with a commercial mail receiving agency established under Postal Service regulations.
5. **Tell recipients how to opt out of receiving future email from you.** Your message must include a clear and conspicuous explanation of how the recipient can opt out of getting email from you in the future. Craft the notice in a way that's easy for an ordinary person to recognize, read, and understand. Creative use of type size, color, and location can improve clarity. Give a return email address or another easy Internet-based way to allow people to communicate their choice to you. You may create a menu to allow a recipient to opt out of certain types of messages, but you must include the option to stop all commercial messages from you. Make sure your spam filter doesn't block these opt-out requests.
6. **Honor opt-out requests promptly.** Any opt-out mechanism you offer must be able to process opt-out requests for at least 30 days after you send your message. You must honor a recipient's opt-out request within 10 business days. You can't charge a fee, require the recipient to give you any personally identifying information beyond an email address, or make the recipient take any step other than sending a reply email or visiting a single page on an Internet website as a condition for honoring an opt-out request. Once people have told you they don't want to receive more messages from you, you can't sell or transfer their email addresses, even in the form of a mailing list. The only exception is that you may transfer the addresses to a company you've hired to help you comply with the CAN-SPAM Act.
7. **Monitor what others are doing on your behalf.** The law makes clear that even if you hire another company to handle your email marketing, you can't contract away your legal responsibility to comply with the law. Both the company whose product is promoted in the message and the company that actually sends the message may be held legally responsible.