

The perfect Double-Opt-In (DOI) email

It's often recommended, but how does an double-opt-in email actually work in practice? And why is it recommended in the first place?

Senders of commercial emails must be able to show (and prove) that they have consent to use an email address and that the consent was given by the actual owner of said address. Numerous legal decisions have shown the following:

- The advertiser must be able to fully document the concrete giving of consent of each individual recipient.
- If consent has been given electronically, this must be saved and it should be printable at all times.
- Procedures in which it is unclear whether the consent actually originates from the person who is being contacted (= the recipient) are unsuitable.

Courts often see a (carefully implemented) so-called "double-opt-in" procedure as a practical way of proving consent in commercial emailing.

The DOI procedure is a two-step procedure, in which, after consent is given in a first step - usually by activating a confirmation link - confirmation must occur in a second step. This way, the abuse of someone else's contact details, perhaps on purpose to harass someone, can be prevented. The recipient is not bound by the third party's actions. Through the activation of the confirmation link, the user of the email address also then has proof that future commercial emails will actually be delivered to the account of the person who has given consent.

In order to collect sufficient proof, the DOI procedure must be carefully logged or recorded and the confirmation email must have a connection to the consent. The DOI email must:

- include the date and time and the source of the email address collection
- contain the text of the declaration of consent, including the reference to the possibility to withdraw consent at any time
 - the text of the declaration of consent must fulfill the requirements of a concrete, separate declaration
 - the mention of the possibility to withdraw consent (in Germany) according to Para. 13 Sec. 3 of the German Telemedia Act (TMG) must also mention the option to unsubscribe at any time in the future contact ,
- be free of any other statements, i.e. it may only contain a specific consent related to the receipt of email advertising,
- request the confirmation of consent with a click on the confirmation link to send a DOI email to the sender, and
- be free of advertising.

The DOI email must also include a full legal notice (see Para. 5 TMG). This can be fully included in the email or linked to (to be reached with a maximum of two clicks).

The following example shows what a DOI email which fulfill all of the above conditions could look like:

Dear user,

This email address was just used (date, time) to request our newsletter on <http://sample-newsletter.com/newsletter>. If you did not submit this request, please ignore this email and we apologize for disturbing you.

If you would like to receive our newsletter with information on email marketing on a weekly basis by email, please confirm your request by clicking on the link below. We will then add you to our newsletter mailing list. You can unsubscribe at any time in the future from our newsletter, by e.g. sending an email to unsubscribe@sample-newsletter.com or by clicking on the unsubscribe link included in every newsletter.

By clicking on this link, you confirm your registration for our newsletter:

on <http://sample-newsletter.com/confirmationlink>

Thank you for registering.
Kind regards,
Your Newsletter Team

Legal Notice
Sample Newsletter
Main Street 1
50678 Big City

Phone: +49 (0) 221 - 12 34 56 - 0
Fax: +49 (0) 221 - 12 34 56 - 1
Email: info@beispiel-newsletter.de
Web: <http://sample-newsletter.com>

Sample Newsletter Registered Association
CEO: Max Doe
Board: Dr. Anna Doe (Chairperson), Hans Sample (Vice-Chair), Markus
Beispiel, Sam Example, Beatrice Another
Registrar of Societies: Court of Big City, VR 123456
Association Headquarters: Big City

Authors: Legal Team of the Certified Senders Alliance