

International Email Disclaimer laws



NOTE: This information does not constitute legal advice.
For further advice, contact an attorney.

USA



USA

Health Insurance Portability and Accountability Act

Applies to:

All US companies transmitting patients' personal healthcare data.

The requirements:

HIPAA does not explicitly require companies to use legal disclaimers, they are considered a supplementary measure to discourage unauthorized use, disclosure or distribution of message contents. Disclaimers are also a good method of informing patients about the risks related to sending their individual healthcare information via email.



USA

Gramm-Leach-Bliley Act (GLBA)

Applies to:

All US financial institutions.

The requirements:

Messages containing recipients' personal information must be vastly protected. Organizations are required to add disclaimers to their emails in order to protect the integrity of their patients or clients and to avoid any confidentiality breaches.

Penalty:

Up to \$100,000 for each violation.



Canada



Canada

Canada's Anti-Spam Legislation (CASL)

Applies to:

All commercial emails sent to recipients in Canada.

The requirements:

Messages must include the following details of the sender; name, business, mailing address, phone number, email or web address.

Every email must also include a opt-out (unsubscribe) mechanism.

Penalty:

Up to \$10 million per violation.



European Union

European Union Directive 2003/58/EC

Applies to:

All corporate correspondence.

The requirements:

All business emails must include: the company's registration number; the place of registration; and the registered office address.

Each member state was required to bring these laws into force before 31 December 2006. Several key countries' adoptions of the directive are in the following slides.



Denmark



Denmark

European Union Directive 2003/58/EC

Applies to:

Emails from all companies and private limited companies.

The requirements:

Emails must include company name, registered location, Central Business Register (CBR) number.



France



France

Article R 123-237 - French Commercial Code

Applies to:

All corporate correspondence.

The requirements:

All corporate emails must include: company name, registration number, registry location, registered office address, and if the company is being run by a lease manager.

Penalty:

Up to €750 per per violation.



Germany



Germany

Gesetz über elektronische Handelsregister

Applies to:

All commercial emails.

The requirements:

All commercial emails must include: company name, legal form, registered location, registration court, registration number, all directors or board members and chairman of the board if applicable.

Penalty:

Up to €5,000.



Italy



Italy

European Union Directive 2003/58/EC

Applies to:

All corporate correspondence.

The requirements:

All electronic business communications must include: registered name, registration number, place of registration, registered office address, and if applicable indicate if the company is being wound up and going into liquidation.



Ireland



Ireland

Companies Act 1963

Applies to:

All letters and order forms (paper or any other medium).

The requirements:

Must include: registered name, legal form, place of registration, registration number, registered office address, the fact that it's a limited company if the company is exempt from adding the word "limited" to its name, and if applicable indicate if the company is being wound up.

Penalty:

Up to €2,000.



Netherlands



Netherlands

European Union Directive 2003/58/EC

Applies to:

All corporate correspondence

The requirements:

CoC number must be on all outgoing letters, orders, invoices, quotes and other written communications (this includes email).

Penalty:

Up to €16,750 or six months imprisonment.



United Kingdom



United Kingdom

Companies Act 2006

Applies to:

All business emails.

The requirements:

Must include: registered name, part of the UK where company is registered, registration number, registered office address, and the fact that it's a limited company if the company is exempt from adding the word "limited" to its name.

Penalty:

Up to £1,000 per violation



The Solution

Crossware Mail Signature

Saving your email signatures

More info: www.crossware.co.nz/features/email-disclaimer

Free Trial: www.crossware.co.nz/trial

