

HOW TO: use web forms to collect emails

by **Dominic A Yeadon, e-Marketing Consultant in the UK**

If you use a web form to build a list of email addresses from visitors, you can send them marketing emails subsequently, but only if you get it right when you collect them. If you get it wrong and then start sending marketing emails to them afterwards you could land yourself in trouble with the law.

A. Getting permission to use their email address

The law protects individuals from unsolicited marketing emails. Everyone joining your list via your web form needs to have given you permission to email them, so make sure that your list complies with the legislation.

There are several methods of getting permission when collecting emails:

1. As the delivery channel for an expression of interest

On a web form offering to email further information to visitors interested in your products or services, the text says: 'enter your email and we will send you further information'. Permission is explicit as they are de facto inviting you to email them. Remember: once anyone has expressed interest in your products or services you can continue to send them marketing emails until they opt out.

2. Joining your mailing list

On a 'join our mailing list' web form, this is a checkbox with text that says: 'also subscribe me to your email newsletter'. By doing so they are giving you permission by opting in to receive informational emails from you. Visitors can choose to complete the form with this box un-checked, just providing you with their postal details. As in point 1 above, this is also an expression of interest.

3. As a condition of entry

On the web form, used in competitions, this text says: 'I understand that by entering this competition I agree to receive future emails from you which I can opt out from at any time'. By entering the competition they are consenting to receive marketing emails from you in the future. Visitors can choose to not complete the web form, or to do so without providing their email address if the web form validation allows it.

4. Referring to your Privacy Policy

Usually a weblink on the web form opens up a new window with your Privacy Policy in. It contains text that says: 'if you provide your email address we will send you future emails from which you can opt out at any time'. (This method is not recommended as it can be argued that this permission was 'buried in the small print' so it was not clear and conspicuous. For methods 1 to 3 above the permission text is clear and visible on the web form near to the submit button.)

B. Can you provide proof if asked?

When someone says 'you have sent me SPAM' you need to prove otherwise. You need to know everything there is to know about when, how and why they provided their email. You need to be sure that you can refute the claim and put it down to a mistake made by the visitor, usually they simply forgot they gave you permission.

You need to prove that there existed an explicit and clearly understood voluntary submission by that individual of their e-mail address in the understanding that they would receive further certain specified email communications from you in the future. Can you prove that they opted in and at the time they knew they had opted in?

The burden of proof is on you, the sender, to prove that they gave you permission. Simply saying so is not enough. US legislation called CAN-SPAM lays down clear criteria.

***Individuals you can send marketing emails to without prior permission**

Having said that everyone on your list needs to have given you permission to email them, that's generally the case when building a fresh list using a web form, however there are four groups of individuals for whom this doesn't apply:

- Customers (to whom you have previously sold a product or service).
- Those about to become customer (prospects to whom you are currently selling, or negotiating a sale with).
- Those who have actively expressed an interest in purchasing from you (downloaded your product brochure, asked for a price, etc).
- Legal persons (any individuals at work who are not sole-traders or employees of partnerships).

If anyone from these groups (wrongly) accuses you of sending unsolicited commercial email, you have two choices:

#1: Try and explain that they don't understand the legislation and that because they belong to one of the four groups above they were not entitled to any protection from the law at the time you sent your marketing email. Not my recommendation.

#2: Don't bother with explaining the law, just reassure them you will respect their wishes and remove them from your list immediately. If they are in the first three groups you need to re-think your CRM or pre-sales strategy.

C. Bad email addresses

Visitors make mistakes when they type their emails in. Getting a bad email is worse than no email at all. You can reduce bad emails in several ways:

Verify email

Ask them to re-type the email into a second field and check that both entries match when they press the submit button. Unfortunately, many people simply cut and paste between the two fields, which defeats this check. (There is a way to prevent cutting and pasting but few programmers know it.)

Check syntax

You can get your web form to check that it looks like an email, ie: it has 'a person' at 'a domain', with the '@' symbol between them and a recognised domain suffix like '.com' at the end. Not bad and it catches the silly mistakes like leaving the 'www.' or 'http' in, which does happen.

Check online

You can get the web form to check online with that person's email server to see if their email exists. Quite good but not infallible because some email servers say yes to a check, but actually the person doesn't exist. Checking always slows down the web form to the speed of the visitor's email server; if it's busy your form can wait for a response for up to 10 seconds. Some web form owners think that is too long.

Do nothing

Finally, you can simply do nothing and see what you get. If your visitors are educated, professional or regular web users you will get manual typing errors of around 3%. If your visitors are quite young, quite old or inexperienced web users you will get manual typing errors of around 15%.

D. Visitors don't like giving their email address away

The more your web form is completed, the bigger your list becomes. One great barrier to web forms being completed and submitted however is an unfounded fear that data provided to you will leak out to other companies, and result in a flood of spam. Reassuring text helps to break down this barrier and ensure more forms are submitted: 'we respect your privacy and do not share your data with any other companies'. Make it easy to feel good about typing your email in on your web form.

Summary

- Understand which method you are using to collect emails.
- Decide how you will prove permission was given.
- Reduce occurrences of bad emails.
- Eliminate barriers to form completion and you will build your list.

I wrote this to clarify the issues surrounding collecting emails using web forms. Many UK marketers are not clear about their responsibilities. For more detail you can contact me at <http://www.tmb.uk.com>

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