

Unsolicited electronic messages act 2007

Business



Unsolicited Electronic Messages Act 2007 The question requires an in depth analysis of the Unsolicited Electronic Messages Act 2007 and a conclusion as to whether the Act has clearly distinguished and demarcated the criticisms pointed out by the EFF.

The purpose of the Act has been said to prohibit unsolicited commercial electronic messages so as to ensure that information sharing and communication technologies are effectively used within the New Zealand. Further it has been enacted so as to reduce any costs incurred by businesses which are a natural consequence of the unsolicited commercial electronic messages. Thus the act has tried to deter people so that such technologies are used effectively.(s. 3)

The main aim of the Act had been to stop electronic spam (referred to as unsolicited commercial electronic messages) within New Zealand. The Category of 'Electronic messages' includes email.(s. 5)

Further it has been stated that an electronic message in order to be classified as spam must be commercial in its nature. It has been said that a non commercial e mail can be said to be commercial if a hyper link directs the receiver to a page which markets or promotes any product. It has also been stated that an email would be said to be a spam if it is sent without the consent of the receiver.

The issue that was raised by the EFF will now be considered. Firstly it was argued that the decision by the court of first instance did not distinguish between a junk mail and a mail which required information from Intel sent by Hamidi. It can be said that the Act clearly states that certain messages which tend to occur between the client and the organisation are not considered to be commercial electronic messages. This includes certain messages which

<https://assignbuster.com/unsolicited-electronic-messages-act-2007/>

tend to facilitate or which tend to complete a commercial transaction which had been agreed upon by the recipient that he would enter into an agreement with the person who authorised such a message being sent. (s. 6)

Thus it can clearly be ascertained from the fact that there have been certain exceptions which have been provided for by the Act, which clearly tend to distinguish between an Unsolicited Electronic Message or a junk e-mail presumably commercial in nature and an email which is sent because it is necessary for the completion of a transaction. Thus a clear distinction has been made between the junk e mail and a legitimate e mail sent by Hamidi. The next argument of the EFF had been that Intel was given an untoward control over the mails sent to the users. However the Act states that an e mail is not spam if it is in relation to a information about a relationship with regards to an ongoing purchase by the recipient of goods which is authorized by the person who is offering the goods and services or vice versa. Further it has been stated that if the message provides information which is in relation to an employment relationship or a a benefit in that regard in which the recipient is involved.(s. 6)

Thus it can be said that the Act has taken into account the nature of a business like Intel which has a special employer relationship on the one hand and control emails which are spam on the other. Thus the act has clearly provided for the exceptions which will clearly overcome the criticisms of the EFF.

Bibliography

<https://assignbuster.com/unsolicited-electronic-messages-act-2007/>

<http://www.legislation.govt.nz/act/public/2007/0007/latest/DLM405134.html>

[http://www.dia.govt.nz/Pubforms.nsf/URL/BusinessGuide.pdf/\\$file/BusinessGuide.pdf](http://www.dia.govt.nz/Pubforms.nsf/URL/BusinessGuide.pdf/$file/BusinessGuide.pdf)

http://w2.eff.org/spam/Intel_v_Hamidi/