

YOUR OBLIGATIONS

ADVERTISERS

What is prospecting direct?

Direct prospecting, as defined by law 09-08, is the sending of any message intended to promote, directly or indirectly, goods, services or the image of a person selling goods or providing services. This is the case, for example, of a business that seeks to market a product or sell a service.

Is it possible to send prospecting messages direct?

Yes, provided you have the recipient's prior consent to receive advertising messages and to have declared this processing to the CNDP beforehand to its implementation.

However, prior consent is not required to launch a campaign. advertising through the different forms of electronic messaging (sms, email, etc.) if the advertiser has collected the recipient's contact details directly from them on occasion a previous sale of products or services similar to those covered by the message from prospecting.

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What are people's rights?

In all cases, a person has the right to oppose, free of charge, that they are sent prospecting messages; and the advertiser is required to provide the possibility of easily exercising this right. For example, by providing a number phone or email address or electronic link to unsubscribe from the list of prospects.

Can we outsource a prospecting campaign direct?

Yes, provided that the service is framed by a legal act or a contract which guarantee the confidentiality and security of data as well as the rules relating to Protection of personal data. If a personal database belonging to the subcontractor is used, it is also necessary to ensure the legitimacy of the constitution of this database.

What are the risks incurred in the event of a violation of prospecting rules? direct?

Breaches of legal provisions relating to the protection of personal data expose their perpetrators to penalties. severe. Thus article 59 of law 09-08 provides that "Is punishable by imprisonment of three months to one year and a fine of 20,000 to 200,000 DH or one of these two penalties only, anyone who processes personal data personnel concerning a natural person despite the opposition of this person, when this opposition is based on legitimate reasons or when this processing is for prospecting purposes, in particular commercial, as mentioned in article 9 or by electronic means as provided for in article 10 of this law. "