

# Email Marketing Consent and Disclosures (Switzerland)

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Standard Clauses for use on Switzerland-based websites or other locations that collect personal information from data subjects for direct email marketing purposes, and model disclosures required when sending unsolicited marketing email communications (spam) in Switzerland, including opt-in consent requirements and opt-out (or unsubscribe) mechanisms. These Standard Clauses are drafted for use as a section of or to supplement disclosures in unsolicited marketing email communications, and contain integrated notes with important explanations and drafting tips.

## Drafting Note: Read This Before Using Document

These Standard Clauses provide required disclosures and sample consent request language for use when sending unsolicited marketing email communications (spam) in Switzerland, including unsubscribe language.

The [Federal Act Against Unfair Competition](#) (in German) (UCA) and its related regulations primarily govern the sending of unsolicited mass advertising by telecommunications in Switzerland (Art. (3)(1)(o), UCA).

The UCA generally requires senders of bulk advertising communications to:

- Obtain the recipient's express consent before sending the email (opt-in-principle).
- Clearly identify the sender and provide contact information in the email.
- Provide a simple, clearly disclosed, and free-of-charge unsubscribe option in each email.

(Article 3(1)(o), UCA.)

It is also best practice in Switzerland to:

- Document the obtained consent in writing or in electronic form.
- Use a double-opt-in consent process (email confirmation of the recipient's prior opt-in consent).

Senders may not intentionally conceal or falsify their identity or contact information. A recipient may revoke consent at any time. Once withdrawn, the sender must stop all future marketing emails immediately.

The marketing email's body must also meet specific requirements under the UCA. For more on Switzerland's email marketing requirements, see [Country Q&A, Email Marketing Compliance: Switzerland](#).

## International Considerations

Laws and regulations governing unsolicited email marketing and the use of personal data for marketing purposes vary across different countries and may differ from Switzerland's legal requirements.

Some countries, like the UK and Canada, show more tolerance for business-to-business email marketing. Swiss law does not explicitly differentiate between business-to-business and business-to-consumer email marketing. However, Swiss law does provide some exceptions to consent for pre-existing customers (see [Country Q&A, Email Marketing Compliance: Switzerland: Exceptions to Consent Requirements](#)). When collecting email addresses for use in marketing campaigns, organizations should always ask for the recipient's country location to ensure it can follow the unsolicited marketing rules applicable where the person resides.

For more on email marketing requirements in other countries, see [Unsolicited Marketing Email Consent Requirements Chart](#) and [Email Marketing Compliance: Country Q&A Tool](#).

## Assumptions

These Standard Clauses assume that the email recipient and sender both reside in Switzerland. Unsolicited marketing emails sent to recipients in other jurisdictions may require different or additional disclosures and consent request language to qualify as a valid consent.

## Bracketed Items

Bracketed items in ALL CAPS should be completed with the facts of the organization's specific circumstances and the particular data subject interaction. Bracketed items in sentence case are either optional provisions or include alternative language choices to be selected, added, or deleted at the drafter's discretion.

END DRAFTING NOTE

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## Email Marketing Consent and Disclosures (Switzerland)

### Opt-In Consent Request for Direct Marketing by Email

#### *Required disclosure at email collection point:*

ENGLISH VERSION:

I hereby agree to receive information about future products and services from us, our affiliates and our partners by e-mail [based on the analysis of my stored data]. To learn more about our commitment to your privacy and our handling practices on personal data, please visit: [PRIVACY NOTICE URL].

GERMAN VERSION:

Hiermit willige ich ein, dass ich Informationen über zukünftige Produkte und Dienstleistungen von Ihnen, mit Ihnen verbundenen Unternehmen und Ihren Partnern per E-Mail [aufgrund der Analyse meiner gespeicherten Daten] erhalte. Um mehr über unsere Verpflichtung zur Wahrung Ihrer Privatsphäre und unserem Umgang mit Personendaten zu erfahren, besuchen Sie bitte unsere Website unter: [URL DATENSCHUTZERKLÄRUNG].

FRENCH VERSION:

Par la présente, j'accepte de recevoir des informations sur les produits et services futurs de notre part, de nos affiliées et de nos partenaires par courriel [sur la base de l'analyse de mes données enregistrées]. Pour en savoir plus sur notre engagement envers votre sphère privée et nos pratiques de traitement des données personnelles, veuillez consulter notre site: [URL DE LA POLITIQUE DE CONFIDENTIALITÉ].

Drafting Note: Opt-In Consent Request

Sending marketing emails generally requires the recipient's prior express consent, including individuals and entities. The UCA does not set explicit, formal requirements on how to secure consent, but it is best practice in Switzerland to document the consent obtained, so senders of commercial emails typically obtain consent in writing or in electronic form. Though not required, industry practice recommends adopting a double-opt-in consent process (email confirmation of the recipient's opt-in consent). For more on Switzerland's consent requirements, see [Country Q&A, Email Marketing Compliance: Switzerland: Opt-In Consent or Opt-Out Mechanism Requirement](#).

As a best practice, an organization should also inform data subjects about its privacy policy by providing a link or a notice when collecting or processing personal information.

**Placement of Consent Request**

When seeking consent, the requestor should place the request in a prominent and hard-to-miss location, usually at the point where users submit their personal information or email address and through check box that is not pre-selected.

END DRAFTING NOTE

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**Marketing Email Disclosure Language**

***Disclosures in Footer:***

ENGLISH VERSION:

If you no longer wish to receive marketing emails in the future, you can unsubscribe here: [UNSUBSCRIBE LINK/  
LINK TO UNSUBSCRIBE FORM].

Copyright © [YEAR] [COMPANY].

To ensure that you continue receiving emails from us, please add [EMAIL ADDRESS/DOMAIN NAME] to your address book.

GERMAN VERSION:

Falls Sie künftig keine Marketing-E-Mails mehr erhalten möchten, können Sie sich hier abmelden: [LINK  
ABMELDUNG/LINK ABMELDEFORMULAR].

Copyright © [JAHR] [FIRMA].

Um sicherzustellen, dass Sie weiterhin E-Mails von uns erhalten, fügen Sie bitte [EMAIL ADDRESS/DOMAIN  
NAME] zu Ihrem Adressbuch hinzu.

FRENCH VERSION:

Si vous ne souhaitez plus recevoir de courriers électroniques de marketing à l'avenir, vous pouvez vous désabonner  
ici: [FORMULAIRE DE DÉSABONNEMENT / LINK DE DÉSABONNEMENT].

Copyright ©[ANNÉE] [NOM DE L'ENTREPRISE].

Pour vous assurer de continuer à recevoir des courriels de notre part, veuillez ajouter [ADRESSE COURRIEL/NOM  
DU DOM] à votre liste de contacts.

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#### Drafting Note: Marketing Email Disclosure Language

The UCA requires commercial email advertisements to include:

- The sender's identity.
- The sender's contact information.
- A simple, clearly disclosed, and free-of-charge opt-out (or unsubscribe) option (see [Drafting Note, Unsubscribe Mechanism](#)).

(Article 3(1)(o), UCA.)

Email content requirements may differ depending on the scope of the recipient's consent. Additional content requirements apply to bulk communications with pre-existing customers. For more on content requirements for emails to pre-existing customers, see [Country Q&A, Email Marketing Compliance: Switzerland: Exceptions to Consent Requirements](#) and [Email Content Requirements](#).

Depending on the message content or commercial offer provided, the email sender should also consider adding appropriate sales related disclosures, for example, coupon or offer terms, conditions, and limitations. Commercial term disclosures are outside the scope of this Standard Clause.

### **Unsubscribe Mechanism**

The UCA requires senders to provide recipients with a way to stop receiving marketing e-mails. The unsubscribe option must be simple, clearly visible, and free-of-charge. (Article 3(1)(o), UCA.) Swiss law permits providing an unsubscribe link at the end of each advertising email or to link to an unsubscribe form online. However, senders may not require a recipient to unsubscribe using a different form of communication, such as via telephone or postal mail.

For more on Switzerland's email marketing unsubscribe mechanism, see [Country Q&A, Email Marketing Compliance: Switzerland: Opt-In Consent or Opt-Out Mechanism Requirements](#).

### **Junk or Spam Email Blockers**

Junk or spam email blockers sometimes inadvertently block messages that recipients want to receive. However, commercial blockers do not typically block messages from senders in the recipient's address book. While not required, this model disclosure includes optional language asking recipients to whitelist future messages by adding the sender's email address to their address book, to help ensure email delivery. Some organizations also include URL links to a vCard (.vcf) file with the sender's contact information, to make the contact addition process easier.

### **Placement of Disclosure Language**

Marketing emails typically place the required disclosures in a footer at the end of the email. The email sender should ensure that recipients can easily read and understand the footer information and should not use unusually small fonts or colors that fade into the email background.

END DRAFTING NOTE

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