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 **SMSFLOW**TM

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Marketing & Notification Channel Rules & Compliance

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Introduction – Marketing Channel

This section of the document outlines the rules and compliance requirements for using the Marketing SMS channel when sending bulk messages via SMSFlow. All clients must follow the legal and regulatory framework set by:

- WASPA Code of Conduct (Wireless Application Service Providers' Association)
- POPIA (Protection of Personal Information Act, South Africa)
- ICASA Regulations (Independent Communications Authority of South Africa)
- The Constitution of South Africa (content restrictions, freedom of expression, and prohibition of hate speech)

Failure to comply may result in suspension of your SMSFlow account, fines, or legal action.

1. What Is a Marketing SMS?

A Marketing SMS includes any communication intended to promote, advertise, or solicit sales, memberships, or support. Examples:

- Retail sales promotions, special offers, loyalty deals
- Invitations to purchase, subscribe, or sign up
- Product or service launches

Marketing SMS differs from Notification SMS, which is strictly for service-related, urgent, or transactional communication.

2. Political Messaging Rules

- Political parties and campaign groups are not permitted to use the Marketing channel for electioneering or campaign-related messages.
- Political communications (e.g., rally notices, voting reminders, manifesto updates) must be sent via the Notification Channel, subject to pre-approval and strict compliance checks.
- Even in Notification campaigns, all WASPA, POPIA, ICASA, and constitutional restrictions apply.

3. Key Rules & Legal Requirements

3.1. WASPA Do Not Contact Rules/ Carrier Do Not Disturb

- **Do Not Contact (DNC) List:** Marketing SMS may not be sent to numbers on the WASPA DNC registry.
- **Do Not Disturb (DND):** All Carrier (Vodacom, Cell C, MTN, Telkom) have their own DND list, which is separate from the Waspa DNC list. If a consumer number is on this list, they will not receive Marketing or Notification SMS. For a Notification SMS to bypass this rule, the number must be whitelisted. To do this, please email SMSFlow support to request that Carrie Rot assist you. This can take up to 10 working days to do.
- **Opt-Out:** Every marketing message must contain a valid opt-out mechanism (e.g., "Reply STOP to opt out"). Requests must be honoured immediately.

- **Time Restrictions (Notification channel exempted):** Marketing SMS may only be sent:
 - 08h00–20h00 (Mon–Fri)
 - 09h00–13h00 (Saturdays)
 - No marketing on Sundays or public holidays (unless an explicit opt-in exists).

4. POPIA (Protection of Personal Information Act)

- **Consent Required:** You may only send marketing messages to recipients who have explicitly opted in.
- **Withdrawal of Consent:** Recipients must be able to opt out at any time.
- **Purpose Limitation:** Data collected for marketing may not be reused for other purposes without fresh consent.
- **Data Security:** Personal information (e.g., phone numbers, names) must be processed and stored securely.

5. ICASA Regulations

- The Electronic Communications Act prohibits unsolicited electronic communications without consent.
- Consumers must not be subjected to spam, harassment, or excessive messaging.
- Networks may take action against abusive or unlawful bulk SMS campaigns.

6. Constitutional & Content Restrictions

All SMS content must comply with South African constitutional and legal standards. Prohibited content includes:

- **Hate speech:** Any content that advocates hatred based on race, ethnicity, gender, religion, sexual orientation, or other protected grounds, and incites harm.
- **Discriminatory or offensive content:** Messaging that demeans or excludes based on protected characteristics.
- **False or misleading claims:** Including deceptive promotions or political disinformation.
- **Threatening or abusive content:** SMS that intimidates or harasses recipients.

Violation of these restrictions may lead to immediate suspension and referral to regulatory authorities.

7. Template Approval with SMSFlow

All Marketing and Political campaign messages must be pre-approved before sending.

- **Approval Timeline: Up to 48 hours.**
- **Submission Method:**
 - Email template(s) to support@smsflow.com with subject line: "Marketing/Political SMS Template Approval – [Your Company Name]"
 - **Include:**
 - Full message text
 - Campaign purpose (e.g., retail promo, voter reminder)
 - Target audience and sending timeframe
 - Proof of opt-in if requested
- **API & Portal Users:** Templates must be approved even if you use SMSFlow's API or web portal.
- **Unapproved templates will be blocked.**

8. Enforcement & Compliance

- **Misuse of the Marketing or Notification channel may result in:**
 - Account suspension or permanent termination
 - Blacklisting by WASPA
 - Legal action under POPIA, ICASA, or the Constitution
- **Client Responsibility: SMSFlow provides the platform, but the sender bears full responsibility for compliance.**

Introduction – Notification Channel

This section of the document outlines the rules and compliance requirements for using the Notification (Priority) SMS channel when sending bulk SMS through SMSFlow. It is essential that all clients and partners adhere to these guidelines to ensure compliance with the South African Wireless Application Service Providers' Association (WASPA) regulations and above POPIA, ICASA and Constitutional laws.

1. Marketing SMS vs. Notification SMS

- **Marketing SMS:**
Any promotional, advertising, or sales-related SMS falls under marketing communication.

→ **Marketing SMS must respect the WASPA “Do Not Contact (DNC) list”, and sending to numbers listed on the DNC is strictly prohibited.**
- **Notification (Priority) SMS:**
Certain SMS messages are classified as notifications rather than marketing. These include important alerts, reminders, and transactional communications where delivery is critical (e.g., one-time passwords, payment reminders, banking alerts, medical appointment reminders).

→ **Under specific conditions, Notification SMS may bypass the DNC restriction. However, these messages must not contain marketing or promotional content.**

2. Conditions for Using the Notification Channel

The Notification channel may only be used if:

- The message is non-promotional and is necessary for service delivery, customer safety, or compliance (e.g., security, billing, or system alerts).
- The message template has been pre-approved by SMSFlow.
- Clients understand that misuse of the Notification channel to send marketing will result in suspension and possible regulatory penalties.
- Marketing messages on the Notification channel are prohibited.
- SMSFlow reserves the right to suspend accounts found in violation.
- WASPA penalties may apply to clients who misuse the channel.

3. Summary

- **Marketing SMS** → Cannot be sent to numbers on the WASPA Do Not Contact List.
- **Notification SMS** → Can bypass DNC list, but only for legitimate, non-promotional communications.
- **Pre-approval of templates is mandatory (allow up to 48 hours).**
- **Submit templates to support@smsflow.com before sending via API or portal.**

- **Marketing SMS** → Requires opt-in, must include opt-out, respect DNC list, and follow time restrictions.
- **Political messaging** → Must use the Notification channel, with pre-approval. The marketing channel is not allowed for political purposes.
- **Content restrictions** → No hate speech, discriminatory, misleading, threatening, or unconstitutional content.
- **Template approval** → Mandatory before sending via API or portal (allow 48 hours).
- **Non-compliance** → May lead to suspension, blacklisting, and regulatory penalties.
- **Following these rules ensures compliance with WASPA regulations, protects your business, and ensures uninterrupted use of SMSFlow's services. Contact SMSflow for further information regarding the above if required.**

Dedicated numbers available on request

4. Legal Disclaimer

© 2025 SMSFlow. All rights reserved.

This document is provided for informational purposes only and does not constitute legal advice. Clients are solely responsible for ensuring compliance with all applicable laws and regulations, including, but not limited to, WASPA, POPIA, ICASA, and the Constitution of the Republic of South Africa. SMSFlow shall not be held liable for any damages, penalties, or losses arising from non-compliance by clients. **Use of SMSFlow's services is subject to our Terms and Conditions.**