

VIII. Privacy – CAN-SPAM

4. Review any customer requests to opt out of receiving any additional e-mail messages from the institution. [Section 7704(a)(4)] Confirm that there are controls in place to discontinue commercial e-mail messages within 10 days of receipt of opt-out notification.

Conclusions

1. Summarize all findings, supervisory concerns, and regulatory violations.
2. For the violation(s), determine the root cause by identifying weaknesses in internal controls, audit and compliance reviews, training, management oversight, or other factors; also, determine whether the violation(s) are repetitive or systemic.
3. Identify action needed to correct violations and weaknesses in the institution's compliance program.
4. Discuss findings with the institution's management and obtain a commitment for corrective action.
5. Record violations according to agency policy to facilitate analysis and reporting.

References

Federal Trade Commission Resources

Consumer Website on SPAM Issues

<http://www.ftc.gov/bcp/online/edcams/spam/index.html>

Controlling the Assault of Non-Solicited Pornography and marketing Act of 2003

http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_public_laws&docid=f:publ187.108.pdf

Job Aids

CAN-SPAM Examination Worksheet

This worksheet can be used to review audit work papers, to evaluate bank policies, to perform transaction testing, and to train as appropriate. Complete only those aspects of the worksheet that specifically relate to the issue being reviewed, evaluated, or tested, and retain those completed sections in the work papers.