

Business-to-Business (B2B) Email Marketing Guidelines under UK Law

Key requirements and guidelines under UK law for business-to-business (B2B) email marketing, particularly as implementing the ePrivacy Directive via the Privacy and Electronic Communications Regulations (PECR), and how this intersects with UK GDPR.

Legal framework

- PECR (Privacy and Electronic Communications Regulations) implements much of the ePrivacy Directive in UK law.
- UK GDPR also applies whenever you're processing personal data (including business emails and names) even in a business-context.

Who is covered

- Corporate subscribers: entities with separate legal status (e.g. limited companies, LLPs, some government bodies) are “corporate subscribers” under PECR.
- Individual subscribers: this includes sole traders, unincorporated partnerships, or persons acting in their personal capacity. They get stronger protections under PECR as if they were “consumers.”

What's allowed and what's required for B2B Email Marketing

Here are what you *must* do, what you *may* do, and what you *cannot* do under current UK law, when sending marketing emails to businesses or business contacts.

Scenario / Recipient	Is Consent Required under PECR?	What Rules Apply	Key Requirements
Corporate subscribers (e.g. company email [someone]@company.com)	No, you generally do not need prior consent under PECR.	PECR's “electronic mail marketing rules” do not apply to corporate subscribers, but UK GDPR still does.	You must : Clearly identify who the sender is (no anonymous or misleading “from” address). Provide a valid contact/address so recipients know how to opt out or contact you. Honor requests from businesses who opt out or ask not to receive further messages. Good practice: maintain a “do not email” list for corporate subscribers. Comply with UK GDPR (lawful basis, transparency, etc.) when using personal data (like named individual contacts) even in business emails.

Individual subscribers / Sole traders / Unincorporated partnerships	Yes – you need prior consent under PECR unless a valid “soft opt-in” applies.	PECR rules for consenting to electronic mail, plus GDPR protections.	Consent must be specific, informed, freely given, unambiguous. If using soft opt-in: the contact details must have been collected in the context of a sale (or negotiations thereof), opt- out must be offered at point of data collection <i>and</i> on every message, and marketing must relate to your own similar goods or services. Always include a clear unsubscribe / opt- out mechanism in every email.
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How PECR (the UK’s ePrivacy implementation) applies

PECR applies to anyone who sends or manages:

- Marketing emails or texts,
- Marketing phone calls or faxes,
- Use of cookies or similar technologies,
- Use of traffic, location, or subscriber data.

It applies to all organisations established in the UK and to any organisation targeting UK recipients, regardless of where the sender is based.

Key “must-dos”

Even if consent isn’t required, there are certain obligations you always have.

- Transparency: The recipient must be able to know who you are sending from. Don’t disguise or conceal your identity.
- Contact / Address details: Provide valid contact information or address so recipient can contact you or opt out.
- Unsubscribe / opt-out: Every marketing email must include a way to opt out of future communications. If a business recipient asks you to stop, you must stop.
- “Do not email” / suppression lists: Maintain lists of those who have objected or opted out. Before sending new campaigns, screen your recipient lists against those lists.

UK GDPR considerations

Since many business email marketing campaigns involve processing personal data (i.e. named individuals, perhaps at a business), UK GDPR imposes additional obligations:

- You must have a lawful basis for processing that data. For marketing, legitimate interests or consent are often used, but in many PECR-covered scenarios consent is required.
- Must be fair, transparent, and you must tell the person what you will do with their personal data (privacy notices).
- Individuals have rights (access, correction, deletion, objection). The right to object to processing for direct marketing is absolute.

Soft Opt-In exception (more for B2C / individual subscribers, but relevant in some B2B/individual contexts)

- If someone bought from you (or negotiated to) in the past, and you collected their contact details in that transaction, you may send marketing about **your similar products/services** without fresh consent, as long as you gave them the chance to opt-out both at the point of data collection and in every marketing message.
- This *soft opt-in* does **not** apply to corporate subscribers.

Pitfalls and good practice

- Even where consent is not strictly required (corporate subscribers), best practice is to treat contacts politely: don't bombard them; provide opt-outs; honour objections. That helps avoid complaints or reputational damage.
- Be careful with "publicly available" data. Just because an email address is publicly listed doesn't automatically free you of GDPR/PECR obligations if you're using it to send marketing.
- Document all your data collection, consents, opt-out mechanisms, suppression lists, etc. If challenged, you'll need records.

In the EU

- The ePrivacy Directive (2002/58/EC) is still valid EU law.
- Each EU member state implements it through their national laws — for example:
 - Germany → Telekommunikation-Telemedien-Datenschutz-Gesetz (TTDSG)
 - France → Code des postes et des communications électroniques

It has not been repealed or replaced, however:

- The European Commission has been working for years on a new ePrivacy Regulation that would *replace* the Directive and directly apply across the EU (like the GDPR does).
- This ePrivacy Regulation has been in draft since 2017 but has not yet been adopted (as of 2025).
 - Negotiations are slow due to disagreements over cookies, tracking, and national security carve-outs.

So, the Directive remains active, pending eventual replacement by the ePrivacy Regulation (which still hasn't happened).