

# CASL

## Canadian Anti-Spam Legislation

### DOs & DON'Ts



# QUICK FACTS

- » CASL comes into force July 1, 2014
- » CASL applies to commercial electronic messages (CEMs) to Canadian recipients
- » Possible penalties include fines up to \$10 million
- » Applies to all CEMs (email, SMS, IM, social media)
- » This includes messages that result from an action (i.e. confirmation or welcome emails)



## Do's

### Commercial Electronic Messages (CEMs)

- Verify that you have the consent of a recipient before you send them a CEM.
- Clearly identify the sender's identity, postal address and either phone number or email address in all CEMs.
- Include an unsubscribe mechanism in all forms of CEMs.
- Process and act on all unsubscribe requests within 10 days.



### Consent Management

- Be aware of the different types of consent:
  - Express consent* (expires when recipient unsubscribes): a contact explicitly indicates they wish to receive your CEMs. For example:
    - They sign up for a newsletter on a website;
    - They click on a link in an email to confirm a subscription;
    - They check an unchecked box during a purchase/signup process.

*Implied consent* (expires after 24 months): a relationship exists but the customer has not explicitly asked to receive CEMs. For example:

- They purchase something from you;
- They try a free version of your product;
- They receive your business card at a trade show.



- Evaluate your current levels of consent. Find out if you have express or implied consent for each of your contacts. Be able to prove this with the following details for each contact:
  - The type of consent that was obtained;
  - When it was obtained;
  - The context in which it was obtained.
- Get explicit consent from your existing contacts by July 1, 2017.
- Create a centralized database to keep track of your contacts and their levels of consent.
- Keep this database up-to-date and organized.



## CASL Administration

- Be aware of exceptions to CASL: messages sent by political parties, by friends or family members, or within organizations.
- Encourage your company's compliance with CASL by building awareness with your colleagues.
- Ensure current and future contracts and processes are compliant.
- Update required documents, such as your privacy policy, sign-up forms or terms.
- Incorporate professional liability into all employee contracts. Adopt compliance policies and sanctions for employees who do not comply.
- Consider getting insurance or legal advice from a lawyer with strong CASL knowledge.



# Don'ts

- × Do not continue to send CEMs to clients on your existing mailing lists without first identifying the level of consent you have with them.
- × Do not use pre-checked checkboxes to obtain consent. Consent must be obtained through an opt-in mechanism rather than opt-out.
- × Do not use address harvesting to collect email addresses (i.e. web crawlers, dictionary attacks).
- × Do not install a computer program on any other person's computer such that it will send electronic messages that are not compliant with CASL.



## *For additional information visit:*

[Canadian Anti-Spam Legislation Website](#)

[Canadian Anti-Spam Legislation & Regulations \(CRTC\)](#)

[Full Text Version of CASL Act](#)

## *Or contact Direct Objective Consulting at:*

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