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Canada's Anti-Spam Legislation (CASL)

(CASL) Canada's sweeping anti-spam legislation goes into effect on July 1st, 2014.

Disclaimer: All information was obtained and belongs to Industry Canada. This diagram is intended for educational purposes only. *The above content is not legal advice, instead it is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific CASL compliance matters.* Please contact us for assistance with your CASL compliance matter.

Do I send " Commercial Electronic Messages"?	Is My Message Exempt?	Are You Sending to An Electronic Address?	Do I Have Consent?	When is Consent Not Required?	What must be Included in Each CEM?	Can you show where you got each electronic address?
<ul style="list-style-type: none"> • A Commercial Electronic Message (CEM) is a message whose purpose is to encourage participation in a commercial activity • CASL does not apply to: <ul style="list-style-type: none"> • non - commercial activity • voice, facsimiles or auto-recorded voice calls (robo-calls) • broadcast messaging including tweets and posts 	<ul style="list-style-type: none"> • CASL does not apply to your message if: • You have a PERSONAL RELATIONSHIP with the recipient. Meaning: <ul style="list-style-type: none"> • Individuals have a personal relationship, as reasonably and objectively determined; and • you have had direct, voluntary, two-way communication • You have a FAMILY RELATIONSHIP with the recipient. Meaning: <ul style="list-style-type: none"> • marriage, common-law, partnership or any legal parent-child relationship exists; and • you have had direct, voluntary, two-way communication • CASL does not apply to messages that are sent: <ul style="list-style-type: none"> • Within or between businesses, where there is an ongoing relationship; • in response to a request • to enforce a legal right or obligation • via closed messaging systems, for example; <ul style="list-style-type: none"> • proprietary system • messaging system where ID and unsubscribe included in platform (conditions apply) • To a foreign jurisdiction in compliance with its Anti- spam law; • by registered charities raising funds (conditions apply) • by political candidates or organizations, soliciting political contributions 	<ul style="list-style-type: none"> • Under CASL an electronic address could be: <ul style="list-style-type: none"> • an email account • a telephone account • an instant messaging account • any similar account 	<ul style="list-style-type: none"> • Express Consent <ul style="list-style-type: none"> • An individual must take action to "opt-in" to a stated purpose • Did the recipient say or click "yes" to receiving your CEM? • Implied Consent <ul style="list-style-type: none"> • Can you show that you have an existing business or non-business relationship? • Did the recipient disclose their address to you? • Is the address published? Is there a statement stating they do not wish to be contacted? 	<ul style="list-style-type: none"> • Providing quotes or estimates requested by recipient • Delivering a product good or service, as authorized by recipient (includes updates and upgrades) • Sending messages that facilitate or confirm transactions • Providing information about: <ul style="list-style-type: none"> • warranty, recall, safety or security • ongoing use or ongoing purchases • ongoing subscription, membership, accounts, loans or similar • employment relationships or benefit plans 	<ul style="list-style-type: none"> • If the prohibition provisions of CASL apply, you must; <ul style="list-style-type: none"> • Clearly identify yourself • Provide a method where the recipient can readily contact you • Provide a working unsubscribe mechanism: <ul style="list-style-type: none"> • Functional for 60 days • No cost to recipient • Via same means as CEM unless impracticable • Include either electronic address or link • Must process without delay 	<ul style="list-style-type: none"> • You need to track how you obtained consent of each individual to whom you send CEMs • Note: A message sent seeking consent to send CEMs is also considered a CEM