

Canada's Anti-Spam Legislation (CASL) establishes a framework for permission-based marketing, including email marketing, social media marketing, text, and other electronic messaging. The legislation is effective July 1, 2014.

We've provided a "summary-sheet" for your business to use as a guide to compliance. This is not intended as a replacement for the actual legislation. If you are unclear of your compliance, please review a [full copy of the Act](#) or consult the Government's [dedicated website to Canada's Anti-Spam Law](#) for key information and updates, including access to Government documents such as FAQs and presentation material.

Does the CASL apply to my organization?

If you answer "yes" to both of the following questions, then CASL applies to your organization.



1. **Is the message "commercial?"**
CASL applies to any message where the intent is to encourage the recipient to participate in a commercial activity.
2. **Is the message sent to an electronic address?**
This includes email accounts, telephone accounts, instant messaging accounts, or any other similar account. (Live and recorded voice as well as fax messages are excluded from CASL.)

Know the difference between Implied and Express consent.

Implied – you may only have *implied consent* if the following apply:

1. **An existing relationship is in place** – with a business or non-business (e.g., volunteer relationship).
2. **The recipient:**
 - a. Publicly displayed electronic information (email, SMS, social handle, etc.) or
 - b. disclosed his/her electronic information to sender; **and** didn't ask not to receive messaging; and the message is related to the recipient's business.



Express – exists if the following conditions apply:

1. Clear notice was provided to the recipient that they were giving consent.
2. That notice described the purpose of the messages the recipient will receive.
3. The sender provided the CASL prescribed information. *



You must confirm or obtain consent.

1. **Confirm that you have either express or implied consent to send your messages.**

If you didn't explicitly ask for permission or do not have implied consent to mail a contact, you will have to reconfirm their consent.

2. **Review your process** for collecting and storing recipient information and establish a policy to ensure your data collection method meets and/or exceeds CASL requirements, regardless of the medium.
3. **Keep records of all information that you collect.**
4. **Have a reconfirmation strategy** for those contacts that were not collected using CASL requirements. (Remember that CASL provides a 3-year grace period for obtaining express consent.)



Identify yourself by ensuring you've done all of the following...

1. **Clearly identify your business in all mediums** (email, SMS, IM, social media, etc). Clarity trumps cleverness. Let contacts know exactly who you are and give as many contact options as possible.
2. **Create clear and consistent "from" lines** to avoid confusion about who is sending the message.
3. **Create concise and compelling subject lines.** Do not be deceptive about the subject matter and/or content of the communication.
4. **Include CASL prescribed information*** on all reconfirmation campaigns.

Provide an Unsubscribe Option on all communications!

1. **Remove opt-out contacts immediately!**
2. **Test your unsubscribe functionality.** Make sure unsubscribe links work and email addresses provided to unsubscribe are monitored consistently.
3. **Ensure all unsubscribe links are active for at least 60 days.**



* CASL prescribed information includes the sender's name, address, any one of telephone, email address or web address; and a statement indicating that the person whose consent is sought can withdraw consent.

Thank you to Constant Contact for contributing to this Summary Sheet