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## Canada's Anti-Spam Legislation (CASL) – Takes Effect July 1, 2014

CASL is new legislation that takes effect July 1, 2014 and establishes rules for the sending of commercial electronic messages (CEMs) to your clients. The new rules will impact the way you conduct business in your practice.

The law targets various types of violations including:

- The sending of commercial electronic messages without express or implied consent;
- The installation of computer programs on another person's computer system without express consent;
- False or misleading electronic representations used to promote products, services or business interests; and
- The unauthorized collection of electronic addresses and the collection of personal information by accessing a computer system in contravention of an Act of Parliament.

### **Impacts on your business:**

Every business owner, manager and employee is encouraged to examine the legislation to see how it will affect their marketing campaigns.

### **Are your e-promotions ready for the new anti-spam law?**

Any business or organization using e-mail, text messaging or social networks to promote products and services is advised to learn about Canada's new anti-spam law. Once it is in force, compliance with the law will be mandatory, and following the new rules will help businesses and organizations build and maintain the trust of clients and customers.

### **Consider these first steps for getting ready:**

Determine if your electronic messages are commercial in nature. The law applies to commercial electronic messages (CEMs) only. A CEM is defined as encouraging participation in a business transaction or activity, regardless of whether there is an expectation of profit.

### **For all electronic messages you have determined to be commercial:**

- Get the consent of your recipients, and keep records. The legislation requires obtaining "express" or "implied" consent. Express consent means that a person has clearly agreed to receive a CEM before it is sent - you cannot request consent in a CEM. Consent may also be implied in certain situations, for instance if there is an existing business or non-business relationship. In all cases, ensure you understand the consent you have received from your recipients, and keep detailed records in case you are ever asked to prove that consent has been received.

- Identify yourself and anyone you represent in the message. Provide contact information including your business name, postal address and either a telephone number or e-mail address. This information must be accurate and valid for a minimum of 60 days after the message has been sent.
- Include a working mechanism that allows the recipient to unsubscribe from receiving additional messages. This must be at no cost to the recipient.
- Ensure that no part of the CEM is false or misleading, including the sender's identity, subject line, any Web links, or any other material part of the message's text or data.

**If your business sends commercial electronic messages (CEMs) using electronic channels to sell or promote products or services, you should know that the new law prohibits:**

- Sending a CEM without the recipient's express or implied consent. This includes messages to e-mail addresses, and text messages to a cell phone.
- Sending a CEM without fully identifying the sender.
- Making false or misleading electronic representations in the promotion of products, services or business interests.
- Sending a CEM without a clear way and means for the recipient to unsubscribe.
- The installation of computer programs on another person's computer system without the express consent of the owner of the computer system or their agent, such as an authorized employee.
- The collection of personal information by accessing a computer system in violation of the *Criminal Code of Canada*.
- Collection of electronic addresses by the use of computer programs, or the use of such addresses without permission, a practice known as "address harvesting".

Compliance with the law will help your organization maintain the trust and respect of clients and customers.

**To assist your business prepare for the new anti-spam laws here are some resources to access.**

- 1) The federal government website, [www.fightspam.gc.ca](http://www.fightspam.gc.ca) contains information about the law as well as advice on how to protect yourself and your electronic devices from being attacked, and what you can do to fight spam under the new legislation. While on the site:
  - Take the [online spam quiz](#) to test your knowledge of electronic threats.
  - Read the [information sheets](#) to learn how to protect yourself or your business from spam and other electronic threats.
  - Look at the [Frequently Asked Questions](#) section to learn more about the new anti-spam law.
- 2) Canadian Chamber of Commerce , <http://www.chamber.ca/resources/casl/>, provides a summary of the legislative impact for small businesses and other resources including a webinar, powerpoint and Q&A to assist you in preparing your business for the coming changes July 1, 2014.