Marketer's Guide to Canada's Anti-Spam Law

Disclaimer: No part of this document constitutes legal advice. Information herein is based on specific perspective on Bill C-28. Get legal advice to determine how CASL applies to you.

Applies to all commercial electronic messages including B2B, B2C, quotes, & prospecting:



Email

SMS





Social

Media



Phone



Fax



Alert Mail Social Media: Facebook, Twitter, LinkedIn, Google+ are NOT included. Platforms that allow mass communications without follow / permission (e.g. Instagram / kik) are subject to CASL.

15 key principles that shape all regulations @ electronic messages (application regulations are not covered)

You are liable if you execute OR facilitate

You must have proof of consent before sending

Consent belongs to electronic address

Consent must be informed, not assumed

Consent requires a positive action

Must provide easy electronic unsubscribe

Unsubscribe must be effective within 10 days

Separation of express and implied consent

Express consent trumps implied consent

Implied consent is based on existing relationship

Implied consent expires in 6 or 24 months

Consent cannot be tied to purchase / service

You can still acquire consent via phone, at retail, at even, & other

Must provide full contact info in Privacy Policy

Large penalties for both companies & people

The problem with using only implied consent as basis for you marketing communications:

You still have to provide express unsubscribe

You often don't have proper proof anyway

Express consent trumps implied & doesn't expire



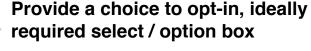
BOTH

You can use implied consent

YES

CHANGE REGISTRATION FORMS

Inform the user what types of communications they will receive



Double opt-in step to ensure user owns address provided

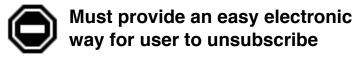


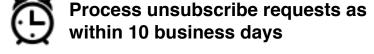
Track implied consent expiry based on date of activities like purchase

Track source of data to determine who is liable for erroneous data

Keep all activity data for minimum of 3 years than archive for later

PROVIDE UNSUBSCRIBE METHOD





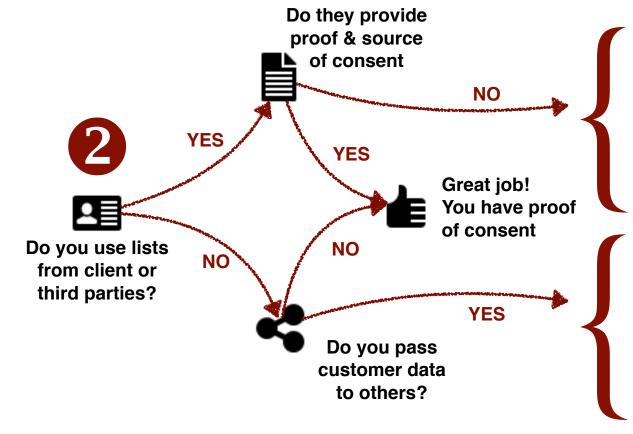
Must pass unsubscribe to all third parties involved in communications

UPDATE ALL COMMUNICATIONS

Provide proper branding and reason for communication

Provide visible links to Privacy document and unsubscribe

Separate service communications or remove all marketing content



They must provide proof of consent

They must provide consent source

They must provide implied consent expiry

You must provide proof of consent

You must provide consent source

You must provide implied consent expiry



All parties must share all unsubscribe data to ensure no communications after 10 days



3 years from last user activity then archive in case of an audit

Store all data for minimum of



Unless providing separate opt-outs for partners, any unsubscribed user must be opted-out from ALL parties



Monitor and audit data coming from client and third parties to ensure data accuracy



Ensure customer data is secure at all times including exchange with client and third parties



Do you have

an existing

business

relationship?

Consider using phone, mail, or LinkedIn / Twitter instead



Inform the user what types of communications they will receive



Still require to provide verbal



Provide a way for user to opt-out from future communications



Store proof of consent info including date & source



Provide access to Privacy Policy that governs your communications

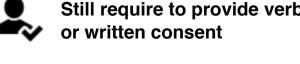
Sanity Check:

If you are correctly collecting consent & delivering messages, the receiver should never be surprised or upset by the message

new customers via electronic address (e.g. email / SMS)

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Do you prospect



Canada's Anti-Spam Law (bill C-28): www.fightspam.gc.ca Some electronic communications are except from CASL. Check link above for details.