

# 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



Mobile Alert



BBM



Social Media



Phone



Fax



Direct 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

## Solution decision tree

