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FINANCIAL SERVICES LTD.

CASL - Canadian Anti-Spam Legislation Update

Submitted by Josh on June 11, 2014 - 9:27am

As a follow-up to the compliance presentation at the Spring Pro-D Day at Morgan Creek on May 7, 2014...



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MEMORANDUM

Date: June 9, 2014
To: Global Pacific Contracted Advisors
From: Global Pacific Compliance Dept.
Subject: **CASL** - Canadian Anti-Spam Legislation

Effective July 1, 2014 CASL

The Canadian Government is scheduled to introduce a new legislation that each and every advisor will be required to abide by. Please take your time to carefully review both our informative fact sheet as well as the more in-depth FAQ webpage provided by the Government. This new anti-spam law will be enforced beginning **July 1st, 2014**, so make sure you are prepared in order to avoid any unwanted large fines!

Canadian Anti-Spam Legislation will prohibit the sending of a commercial electronic message (CEM) without prior consent of the recipient, setting out rules as to the content, including how to unsubscribe. For those of you who use e-mail, you need to collect consents **before July 1st** in order to continue to communicate electronically and avoid dealing with complex rules that will impede your business.

For a quick primer from IFB on the requirements and tips for Advisors, see:

<https://www.globalpacific.com/resource-centre/library/documents/casl-anti-spam-compliance-tips>

For more information on Anti-Spam legislation, please visit these government resource web pages:

<http://fightspam.gc.ca/eic/site/030.nsf/eng/home>

<http://www.crtc.gc.ca/eng/archive/2012/2012-183.htm>

<http://laws-lois.justice.gc.ca/eng/acts/E-1.6/index.html>

So where do I go from here? Five Tips to Get You Started

1. Read up and understand the rules. There are many excellent resources out there to help you get ready. Here are a few:
 - o [Elite Email's excellent CASL Survival Guide](#)
 - o [The Globe and Mail's article by Brenda Bouw 'New anti-spam law 'a big deal' for small businesses?](#)
 - o [McMillan's publication by Éloïse Gratton 'B2B Business Relations and Consent Requirements under the New Canadian Anti-Spam Law'](#)
 - o [Deloitte's article 'Canada's Anti-Spam Law: Key exemptions?'](#)
2. Review your business practices for electronic communication and how you obtain consent.
3. Email your implied consent contacts **before** 1 July 2014 and ask for express consent.
4. If you send out bulk marketing messages via email (newsletters etc) make sure you use a professional email marketing service such as Elite Email, MailChimp, Constant Contact, or iContact. These services **will not** make you compliant on their own. However, they will give you tools such as sign-ups with double opt-ins, unsubscribe management, default contact details, and express consent tracking.
5. When in doubt, talk to your lawyer about your practices moving forward. With the potential of huge business sinking penalties for simple actions, an ounce of legal advice is worth a pound of lawsuits.

Sincerely,

Tracey Cambridge

President, Global Pacific Financial Services Ltd.

Disclaimer

This article only provides a summary of Canada's Anti-Spam Legislation (CASL) and does not constitute legal advice. This is far reaching legislation and legal advice should be sought when making business decisions regarding it.

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