



Canada's Anti-Spam Legislation (CASL)

On July 1, 2014, Canada's Anti-Spam Legislation (CASL) comes into effect requiring the recipient's prior consent for receipt of "commercial electronic messages" (CEMs) by a computer system located in Canada.

Main Requirements of CASL

Under CASL, businesses must obtain express or have implied consent before sending a CEM. The CEM itself must comply with prescribed form and content requirements. The recipient's unsubscribe request must be enabled within 10 business days.

CASL also includes provisions relating to computer programs including the unsolicited installation of programs, automated collection of electronic addresses, and phishing.

In-Force Dates

July 1, 2014 – CEM provisions

January 15, 2015 – Computer programs provisions

July 1, 2017 – Private right of action provisions

Fines per Violation

- Individuals – Up to \$1 million
- Businesses – Up to \$10 million

Enforcement Agencies

- Canadian Radio-Television and Telecommunications Commission (CRTC)
- Competition Bureau of Canada
- Office of the Privacy Commissioner of Canada

The Compliance Journey

Businesses must be able to demonstrate to enforcement agencies that they have taken steps to meet CASL's requirements. At the same time, compliance efforts must be balanced with other considerations, including cost-control initiatives and overall organizational strategy.

Questions to Ask Yourself

The deadline to comply is fast approaching. Businesses must determine what CEMs are sent, review technology and software capabilities and align with CASL requirements. Some things to consider as part of your compliance efforts:

- Is someone "Organizing the Effort" to enable compliance across all departments including Marketing and Sales, IT, Legal, Risk Management and/or Internal Audit?
- Are IT systems related to customer and supplier contact information, and third-party customer lists included in the compliance effort?
- Is progress relating to compliance efforts being reported to senior management and/or the Board?

The Crowe Solution

Crowe designed the Program Assessment and Road Map (PAR) tool to organize efforts to assess program maturity and develop tactical and strategic responses.



The Crowe PAR tool is the result of best practices learned from decades of regulatory consulting experience and provides the framework to clearly identify your current capabilities and prioritize the focus of future efforts for CASL compliance.

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