Preparing for Canada's Anti-Spam Legislation – Checklist for Ensuring Compliance

Since July 2013, CVMA has provided to its members a series of information bulletins on the core provisions of the regulations to help them understand the impact and begin planning for compliance with the new Canadian Anti-Spam Legislation (CASL). We have already examined Consent, which is required in order to send a Commercial Electronic Message (CEM). We have explained the Penalties for non-compliance and the Regulations associated with CASL. This month, we are providing a Checklist for Ensuring Compliance.

Checklist for Ensuring Compliance

☐ Have you read CVMA’s five previous CASL fact sheets and familiarized yourself with the legislation? – (distributed to CVMA members only)
☐ Have you taken inventory of your current communication efforts and identified what kinds of CEMs are currently being sent?
☐ Have you determined how CASL will apply to your messages?
☐ Have you identified any CEMs that will qualify to be exempted from CASL?
☐ Do you need to obtain consent for any of your CEMs?
☐ How will you acquire consent?
☐ What content must be included in your future CEMs?
☐ Have you updated your CEM templates to ensure that all mandatory information is included?
☐ How will you offer unsubscribe options for all your communication products?
☐ Is your database capable of tracking consent and unsubscribe requests?
☐ Is your database service provider aware of CASL and ready to help you implement any necessary changes?
☐ Will you draft a scripted message for your reception staff to use when managing unsubscribe requests by email or telephone?
☐ Have you updated your privacy policy to include some of this new legislation?
☐ Have you educated your employees on the new requirements?
☐ How will you train new employees to ensure they are aware of the requirements associated with CASL?
☐ How will you monitor your compliance?

What you can do in anticipation of CASL?
This month’s Compliance checklist completes CVMA’s review of CASL which comes into force on July 1, 2014. If you have not already started working on your plans for complying with CASL, now is the time to consider how your business will implement the changes that may be required in order to meet the regulations associated with this incoming legislation. (Update: the legislation was finalized in December 2013 and will come into force as of July 1, 2014.)

Whenever CASL comes into force, almost every business and organization in Canada will be affected. Questions? Visit www.fightsspam.gc.ca Please note: This is intended as a general guide only based on the draft regulations and the information available to date (December 1, 2013).

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