

CASL Spam Overview

You can send a commercial electronic message (CEM) if...

CEM is sent:

- within an organization
- between organizations in a relationship, and message concerns activities of Recipient organization
- is an inquiry or application to a person engaged in a business activity, related to that activity, or response to same
- re: legal right/obligation (e.g. contract, court order)
- to limited-access, secure, confidential account to which only account provider sends messages (e.g. bank)
- from Canada and accessed in another (listed) country, and message complies with foreign spam laws
- by charity soliciting donations
- by political party, organization, candidate, soliciting contributions

You have a “family” or “personal” relationship with Recipient

- as defined by regulation

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| <p>Consent is not required</p> <p>where CEM solely:</p> <ul style="list-style-type: none"> • provides a quote or estimate the Recipient requested • facilitates, completes or confirms an existing transaction • provides warranty, product recall or safety info • provides factual information about product or service • delivers a product, goods or a service under existing transaction | <p>You have implied consent</p> <p>Recipient has:</p> <p>A “business relationship” with you:</p> <ul style="list-style-type: none"> • contract, purchase, lease (past 2 years) • inquiry/application about contract, purchase, lease (past 6 months) • published email address (e.g. on a company website) OR provided email address to you, AND message is relevant to Recipient’s business role/function <p>Recipient has:</p> <p>A “non-business relationship” with you:</p> <ul style="list-style-type: none"> • donation/gift (past 2 years) • volunteering (past 2 years) • membership in club, association, voluntary organization (past 2 years) | <p>You obtain express consent</p> <p>yourself:</p> <p>Setting out clearly and simply:</p> <ul style="list-style-type: none"> • purpose (e.g. “to send you promotional offers”) • Company name • mailing address AND either phone number, email address or web address <p>or via a data broker:</p> <ul style="list-style-type: none"> • CEMs may also be sent to Recipients who have given express consent to a data broker/ third party to permit “undisclosed person” to send CEMs • The data broker may authorize the Company to send CEMs to those Recipients | <p>You have a 3rd party referral</p> <p>One message where:</p> <ul style="list-style-type: none"> • Third Party (referral provider) has family, personal, or business relationship with you AND Recipient |
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and

You include in the CEM

either in the message itself, or via clear and prominent link to a web page:

- Identify the sender: Company’s name
- Include contact information: mailing address AND either a phone number, email address or web address for the Company
- Include an unsubscribe: via return email or link. Unsubscribes must be effective within 10 business days

What is a CEM (commercial electronic message)?
 An electronic message (text, sound, voice or image) sent to an **electronic address**, with a purpose of **encouraging participation** in a commercial activity.

What is an electronic address?
 An address used to transmit an **electronic message** to an email account, IM account, phone account, or “any similar account”.