



## Canada's Anti-Spam Legislation (CASL)

Canada's Anti-Spam Legislation (CASL) creates some of the world's strictest anti-spam requirements. Non-compliance can lead to consequences ranging from negative publicity to substantial fines and class action liabilities. Stikeman Elliott's Communications Group was extensively involved at all stages of the consultative and legislative process that created CASL and continues to be at the forefront of important emerging issues seeks to influence regulatory and legislative developments.

We work with clients to reduce CASL risk by devising practical compliance programs and strategies. Because every industry is affected differently, our CASL solutions are carefully tailored to meet each client's unique needs. Among those we have assisted are retailers, financial institutions, insurers, investment firms, publishers, broadcasters, internet and telecom service providers, auto manufacturers, loyalty programs, trade associations, charities, and many others.

Global businesses requiring Canadian input into multi-jurisdictional compliance exercises and audits will find that we can quickly direct them to key aspects of CASL that differ from similar legislation in the U.S. and elsewhere. Where necessary, we also guide clients through the investigation and enforcement processes of the regulatory authorities with responsibility for CASL, including the Canadian Radio-television and Telecommunications Commission (CRTC), the Office of the Privacy Commissioner of Canada and the Commissioner of Competition.

### Our Expertise

- Client relationship records
- Consent and message form review
- Corporate compliance programs
- Cross-marketing considerations
- Customer intake and transaction processes
- Electronic mailing list qualification
- Electronic marketing practices
- Exception and exemption assessment
- Investigations and enforcement proceedings
- Outreach campaigns
- Record keeping best practices

### Recent Work

- Clients from various industrial sectors with respect to the interpretation and enforcement of Canada's Anti-Spam Law, as well as assisting with the augmentation and implementation of their CASL compliance programs, including automotive manufacturers, dealers, leasing and rental agencies, telecommunications, internet and broadcasting providers, financial services, retailers, social media networks, online advertising providers and networks, health sector service providers, charities, publishers, Software-as-a-Service providers, online and app-based dating services, insurance providers, restaurant and hotel providers.

- Various companies under investigation by the CRTC with respect to alleged violations of the Unsolicited Telecommunications Rules, including acting as regulatory counsel with respect to one of the first compliance settlements announced by the CRTC and one of the first search warrants executed by the CRTC in the context of a malware investigation.