

A \$10 million fine for sending an email? What you need to know about Canada's new anti-spam law. (CASL)



Don't get hit with a fine that could cost you your business. Ensure you're compliant now.

RAVEN5 has flown ahead, navigating through the toughest anti-spam laws in the world, CASL, which came into effect **July 1, 2014** and here is what they found:

Under the new rules, some popular email and text marketing channels will be harder to use because:

- ✓ All commercial electronic messages (CEMs) sent to an email address, social networking account, or a cell number must have the recipient's consent.
- ✓ The burden of proof will be on the sender, not the recipient, of the message.
- ✓ Every CEM must identify the sender, show a valid mailing and email address, and include an opt out function at no cost to the consumer.

Learn the key differences between implied and express consent

Start by ensuring that you and your staff are crystal clear on the definition of CEMs under CASL. They also need to fully understand the two types of consent recognized by CASL:



1. **Implied consent** is generally time-limited for a period of 2 years after the event that starts the relationship (e.g. purchase of goods). It involves an existing business relationship, existing non-business relationship or the recipient’s email address was conspicuously published or sent to you.
2. **Express consent** is the new gold standard. It must be written or oral and recorded. Once a customer provides express consent, there is no time limit to the contact a business can have with the customer unless the customer opts out.

Convert your existing lists to express consent

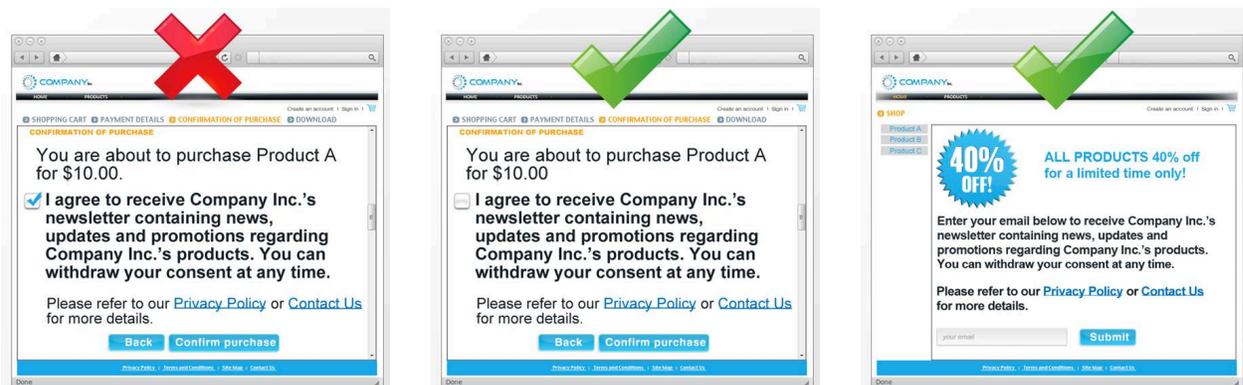
If you want to enjoy today’s freedom to connect with potential customers, your existing lists need to be converted to express consent. The government is giving businesses a 36-month transitional period. Strategies include changing opt in buttons, CEMs to convert existing contacts before CASL takes effect, and using direct mail – which is not restricted under CASL – to acquire express consent through clever messaging and a clear call to action.

Track and manage recipients’ consent to avoid stiff fines

Recipients’ consent will now need to be tracked and managed, especially time-limited implied consent. To avoid punishing fines, database pros must ensure that messages don’t go out after implied consent expires. **Opt out requests must be honoured within 10 days and all CEMs must stop.** Data managers and marketers will also be held accountable if they buy lists that don’t follow CASL’s rules.

Make sure your opt in check box is CASL compliant

Passive “toggle” opt ins, one of the most common ways businesses build their CEM lists, are no longer allowed under CASL. It will be each businesses responsibility to make sure that opt in toggles comply with the new law. If your current database was created with a passive opt in, you have implied consent and will need to get express consent.



Source: crtc.gc.ca



Create a plan to gather express consent – it’s worth the investment

Unless you have express or implied consent, you are probably going to lose the legal use of many of the lists you currently use for marketing once the 36-month transitional period is over on July 1, 2017. No more sending marketing to email accounts, cell phones via text, or social media accounts. It’s worth creating a plan to gather express consent – which never expires.

Does this sound like a lot to you? That’s because it is. It’s a big job to manage and get your databases, forms and processes up to date. **Failure to act now could mean up to \$1M in fines for individuals and \$10M in fines for businesses.**

We can help. [Get Compliant](#)

Pricing

We can review and ensure that your current databases are compliant as well as evaluate and update all current marketing communications to be CASL-ready. Going forward, all future marketing communications including forms and processes for gathering opt-ins and list building would be CASL compliant.

Our process includes:

1. Email list cleanse (if necessary, to remove bad emails)
2. Email template (customized for your brand)
3. 3 Email deployments to your list
4. 1 Landing page to capture/re-capture opt-ins
5. 1 Report

Pricing varies by database size:

Email Subscribers	Cost
Up to 5M	\$1,700
Up to 10M	\$1,900
Up to 20M	\$2,300
Up to 50M	\$3,200
Up to 100M	\$4,450

GET COMPLIANT - IT'S THE LAW

Our process will ensure your list is fully compliant and well documented.

