



CASL ELECTRONIC COMMUNICATIONS SURVEY COMMERCIAL ELECTRONIC MESSAGES (“CEMs”)

The first step of any CASL compliance plan is to audit your organization’s current electronic communications practices. It may be necessary to survey various departments to get a full picture of the organization’s activity. There are a number of questions your organization should ask itself when undertaking an audit. These questions will enable your organization to determine the issues that must be addressed in order to bring itself into compliance.

Commercial Electronic Messages

1. What forms of electronic communications does your organization use to communicate with internal and external parties? (e.g. email, instant messaging, text messaging/SMS, social networks (e.g. Facebook®, LinkedIn®, Twitter®), other electronic services)
2. On behalf of which entities does your organization send out electronic communications? (e.g. identify primary organization and any related or affiliated organizations)
3. To whom does your organization send external electronic communications? (e.g. clients/customers, potential clients/customers, volunteers, members, landlords and/or subtenants, government/quasi-government bodies, vendors, suppliers)
4. For each of the communications media listed in Question #1, what identifying information about the primary organization, or one of its related or affiliated entities, is included with each message? (e.g. do you use email signatures or other identifiers? What information is included?)
5. Does your organization presently request consent to send electronic communications to recipients? If yes, how are these requests made and recorded?
6. Does your organization track the manner in which the contact information of recipients of your messages is received by the organization? (e.g. whether the organization obtained the information from a business card, email, program/event registration, referral)
7. Does your organization add its contacts to a contacts list, database, or customer relationship management (CRM) software?
8. Are email addresses collected through means of an email address harvesting program (either directly or indirectly)?
9. Does your organization purchase any email address lists from third parties? If yes, who are the lists purchased from, how are they collected, and what does the organization do with the email addresses that it purchases?
10. Does your organization rely on any third parties to communicate electronically on your behalf? Do third parties send out emails or social media messages on behalf of your organization?
11. Does your organization perform any electronic messaging on behalf of third parties or make available any email addresses to third parties? If yes, why does your organization make such email addresses available and what do the third parties do with such email addresses?

Consent is also required if you alter transmission data in an electronic message or if you install a computer program on another person’s computer in the course of commercial activity. If your organization engages in these activities there are additional questions you should ask. Please contact Miller Thomson for further information.

Speak to your Miller Thomson lawyer to develop a plan to bring your organization into CASL compliance.

***This is a brief summary of complex legislation and should not be construed as legal advice.
Please contact Troy Baril for assistance at 306.667.5630 or at tbaril@millerthomson.com***

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