

Why Your Firm Should Be Concerned About the New CASL Changes Effective July 1, 2017

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If your firm does business in Canada, or works with Canadian Clients, you're likely already familiar with the Canadian Anti-Spam Law (CASL) that went into effect in 2014. At that time, any firm sending email or other commercial electronic messages to Canadian residents had to comply with strict regulations involving gathering the consent of persons being contacted through any electronic method, including email, text, instant messages and other social media messages.

If you have questions about CASL, you are not alone. Since its inception, organizations have struggled with interpretation of and compliance with the law.

As an overview, CASL requires that you obtain and keep records of consent from message recipients. There are two types of consent – implied and express. Implied consent means that the person has done business with your firm or has had some communication implying that they are willing to receive emails from your firm. Express consent means that the person has expressly stated, through a subscription form or other type of communication, that he or she wants to receive messages from your firm. Before this year, implied consent was all that was required to be in compliance with CASL.

As of July 1, 2017, Everything Changes

If you received implied consent before July 1, 2014, you now have to obtain express consent to continue to email those contacts. If you received implied consent after July 1, 2014, your firm needs to ask for and obtain express consent as soon as possible after the initial point of contact, usually a purchase or inquiry. If you have express or implied consent, you must have proof of the date you received consent – and you must maintain records. If you don't have a record of the consent date, the consent is invalid – and subject to CASL enforcement.

All of this could have significant implications for your firm, especially since the first company to be found in violation of CASL was fined \$1.1 million!

How Will Your Firm Navigate These Changes?

Follow these tips to ensure your firm is compliant with CASL:

- Identify and tag all Canadian contacts in your CRM or eMarketing database.
- Create a process to periodically obtain and record express consent from Canadian contacts.
- Put a plan in place to regularly clean and vet your mailing lists.

**If you need help with CASL compliance, contact CLIENTSFirst Consulting
info@CLIENTSFirstconsulting.com or 404-249-9914.**

At CLIENTSFirst, we've been advising firms on the best ways to deal with anti-spam and data privacy regulations for more than 10 years. Our experts can help you craft consent emails and subscription forms, create list and record management plans and advise you on ways to gain and maintain compliance and safety.