



**BECKER
ASSOCIATES**

Client Canada Anti-Spam Law (CASL) Compliance Guide

Prepared for clients of Becker Associates

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Client CASL Guide

As most of you have probably already heard, the new Canada Anti-Spam Law (CASL) comes into effect July 1st, 2014. The act was finalized on December 9th, 2013 and can be read in its entirety by [clicking here](#). The information below is a summary of our reading of the act as well as the posts and articles of experts in the legal and non-profit fields.

While the new standards do require every organization to be diligent in tracking who they are contacting for commercial reasons, the changes will be relatively easy to adhere to by following some simple guidelines. The act covers a few facets of digital existence, but the relevant component to most of Becker Associates' clients involves e-mail communications or, what the act refers to as, Commercial Electronic Messages (CEMs).

We have created this simple guide for our clients to cover the basics and help ensure compliance.

For the purposes of this guide, we are assuming that there is an existing business relationship between you and those that receive your CEMs, meaning that those you are contacting have done business with you in the past (i.e. bought a membership, made a donation or purchased a product or service you provide). The laws around contacting those who have had no prior interaction with your association are very strict and require a marketing acumen that we will not cover here. Feel free to contact your Becker Association Manager if this is an avenue you wish to pursue. Essentially, unsolicited e-mails are strictly forbidden.

How E-mail/Text Communications Will Change

Newsletters, announcements, reminders and solicitations for any purpose (charitable donations included) will be considered in violation of the law if:

- A) It has been more than 2 years since the recipient of the CEM has made a purchase from you.
- B) The person has unsubscribed from your communications more than 10 days prior and you are still sending them messages.

Exceptions

There are a few exceptions to these rules that would apply to some non-profit organizations. They are:

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1. If the recipient of the CEM purchased a membership from your organization, the 2 year countdown starts from the expiry date of their membership, not the transaction date.
2. If the person has “opted-in” to your communications, you can contact them with CEMs until the day they unsubscribe or “Opt-out”
3. The recipient has volunteered for your organization in the past 2 years.

Point 2 above makes opt-ins the big get in modern communications. With our newfound reliance on e-mail and other electronic communications, getting people to say “yes” is going to be an extremely important aspect to keeping our contact lists as large and relevant as possible. More on this later.

What Your Non-Profit Needs To Do

If your organization is not already using a specialized mail client for communications to your members (clients, former volunteers, etc.) then the easiest first step is to acquire a [MailChimp](#) account. MailChimp will help you manage your subscriber lists and unsubscribes with relative ease. It’s also free if you have less than 2,000 people on your mailing list. Yet another benefit is that once you have established a template for your e-mails, all of your communications can have a similar feel, which helps solidify any one organization’s brand in the minds of their market.

You will also want to:

1. Review current lists; how and when they were acquired.
2. Ensure all CEMs contain an unsubscribe option.
 - a. Unsubscribe features need to allow the recipient to remove themselves from all of your lists in no more than two clicks. Officially, it is referred to as a “One Click Policy”, but it means that either there is a link within the e-mail unsubscribes a person automatically or there is only one click for them on whatever web page they are taken to. (This is one aspect of the act that MailChimp will help to automate.)
 - b. Any unsubscribe links must remain functional for 60 days from the date the communication was distributed.
 - c. Guarantee that unsubscribe requests are honoured within 10 days.



3. Create an “Opt-in” option on all of your online and offline forms. As you will have seen on other sites, there will need to be a clear message about what it is people are agreeing to receive. i.e. “Opt-in to receive our newsletter, special offers, and promotions.”
 - a. The opt-in option on your forms cannot be pre-checked or required to continue.
4. Develop a process for regularly removing everyone from your communications lists after their 2 year expiry has passed (other than those who have opted-in).
5. Solicit opt-ins from everyone on your communications list with an enticing pitch.
 - a. This should be done by June 30th to avoid any potential complaints.

This might seem like a lot of work, especially considering that most of the people on your lists are or, at one time, were enthusiastic participants in your association. However, it’s best to avoid the potential fallout of fines up to \$10 million, and, in more likeliness, irritating a base that has made you the great association you are today.

***New Becker Service:** For those of you who use a Becker Associates database, we are now offering an inexpensive add-on service that will automatically manage everything above so you do not need to go through the work of manually purging your lists. Please contact your Association Manager or [click here](#) for more information.

All About Opt-ins

On the technical side of things, having people ‘opt-in’ in compliance with the new regulations is a bit of a nuisance. Even if someone selects to opt-in while making a purchase through your online forms, they will need to opt-in again via independent e-mail verification. It is not until this verification is confirmed that you can e-mail this person your newsletters and other promotions until the day they opt-out (after the 2 year period has expired). It may be important to note here that e-mail receipts and confirmations are not considered spam and therefore are not subject to these regulations.

While this extra step may irritate your members or colleagues, it is important to remind those who choose this option of the value you are offering them; the



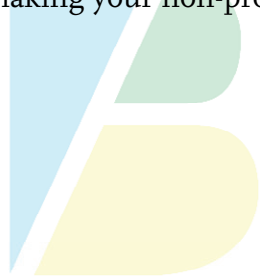
reason they came to you to purchase something in the first place. We recommend that all opt-in messages come across as positive, professional and, most of all, stay brief. Brevity is your best friend when asking someone for a second time if you can market to them for the rest of time.

For the campaigns many of you will be running to get your current subscribers to opt-in, it is important to utilize the points above while stressing why staying in touch with what your association has to say is so important.

One last bit of advice from Robert Burko at *ITBusiness.ca*:

“The act of opting in needs to be proactive not reactive, so be on the lookout for any enrolment checkboxes and make sure they start unchecked and are worded correctly, otherwise in the eyes of CASL it voids all your new acquisitions.”

As always, Becker Associates is available to help all of our clients with anything they need. Please feel free to get in touch with us if you would like assistance in making your non-profit CASL-friendly.



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[\[Click here for more information on our CASL Compliance Service\]](#)

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