



CANADA'S ANTI-SPAM LEGISLATION COMMERCIAL ELECTRONIC MESSAGES (CEMS)

CEMS = EM + PURPOSE



- The definition of “commercial electronic message” is very broad and includes any message sent by telecommunications (including e-mail, text messages, voicemail, social media communications, etc.) if the purpose of that message is to encourage participation in a commercial activity.
- Consider content, links and contact information in the message.

Commercial Electronic Messages

Electronic Messages

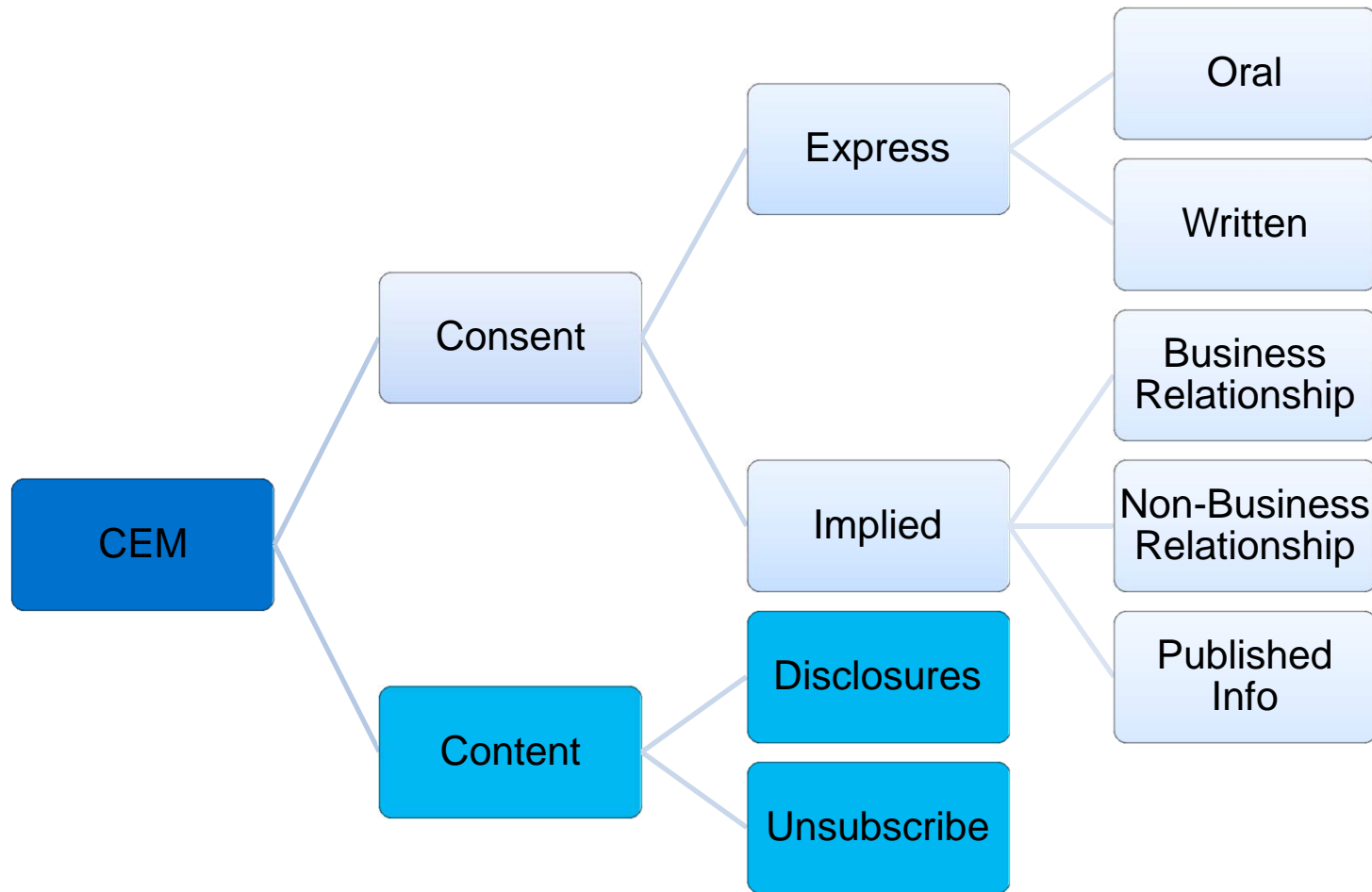
- Email
- Text/instant messages
- Social Media

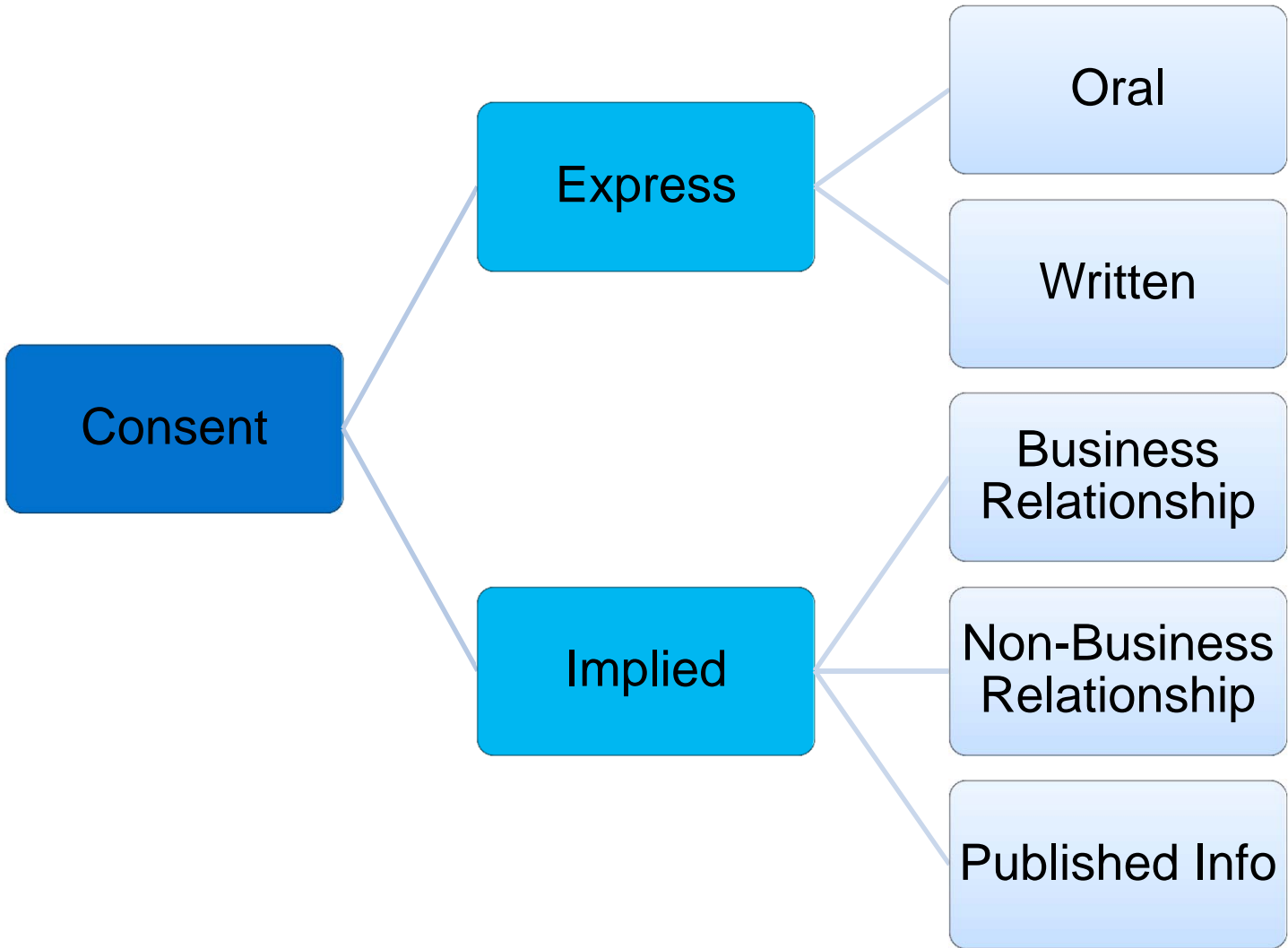
Commercial Activity

- Sale/lease of product/service
- Investment/business opportunity
- Promote individuals
- Requests for consent!

- The law prohibits any person from sending (or causing or permitting to be sent) a CEM unless the recipient expressly or implicitly consents to receiving the message.

If it's a Commercial Electronic Message, then...

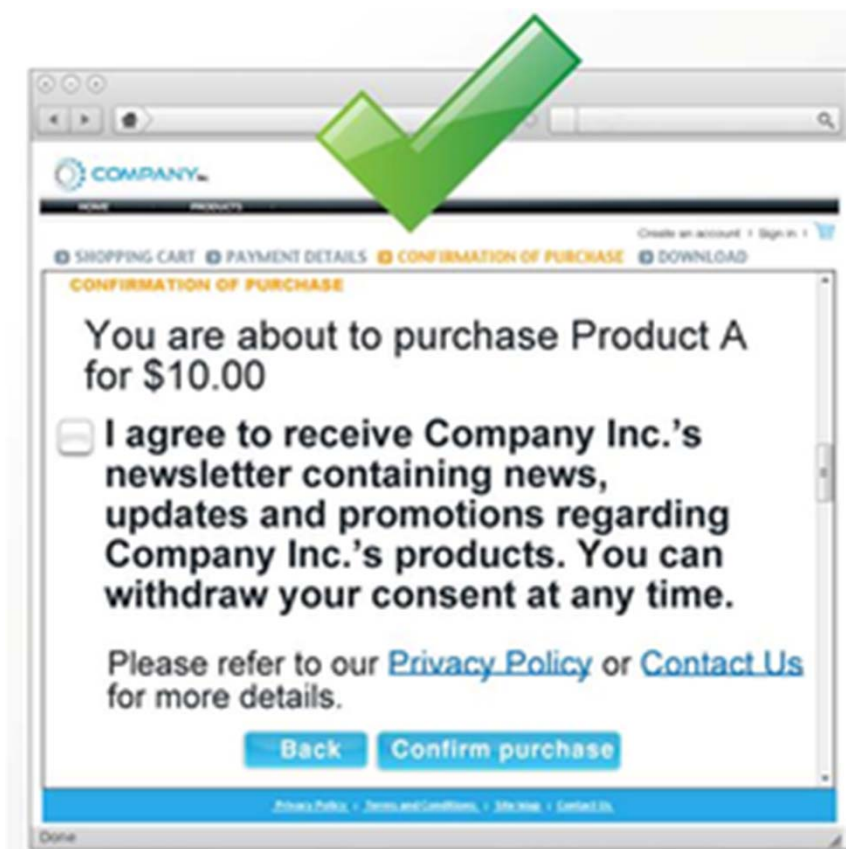




- Required info
 - Purposes
 - Name of requester
 - Name of third party recipient
 - Contact info
 - Statement that consent can be withdrawn

- Need separate consents for CEMs, data and programs
- Can't bundle
- Can't toggle
- Should send confirmation

Sample form: A person may provide express consent by checking a box



The image shows a screenshot of a web browser displaying a 'CONFIRMATION OF PURCHASE' form. A large green checkmark is overlaid on the top right of the form, indicating that the consent checkbox is checked. The form text reads: 'You are about to purchase Product A for \$10.00'. Below this, there is a checkbox that is checked, followed by the text: 'I agree to receive Company Inc.'s newsletter containing news, updates and promotions regarding Company Inc.'s products. You can withdraw your consent at any time.' At the bottom of the form, there are two buttons: 'Back' and 'Confirm purchase'. The browser's address bar shows 'COMPANY INC.' and the page title is 'CONFIRMATION OF PURCHASE'. The browser's status bar at the bottom shows 'Done'.

Image Source: CRTC

Don't bundle consent requests – provide separate check boxes

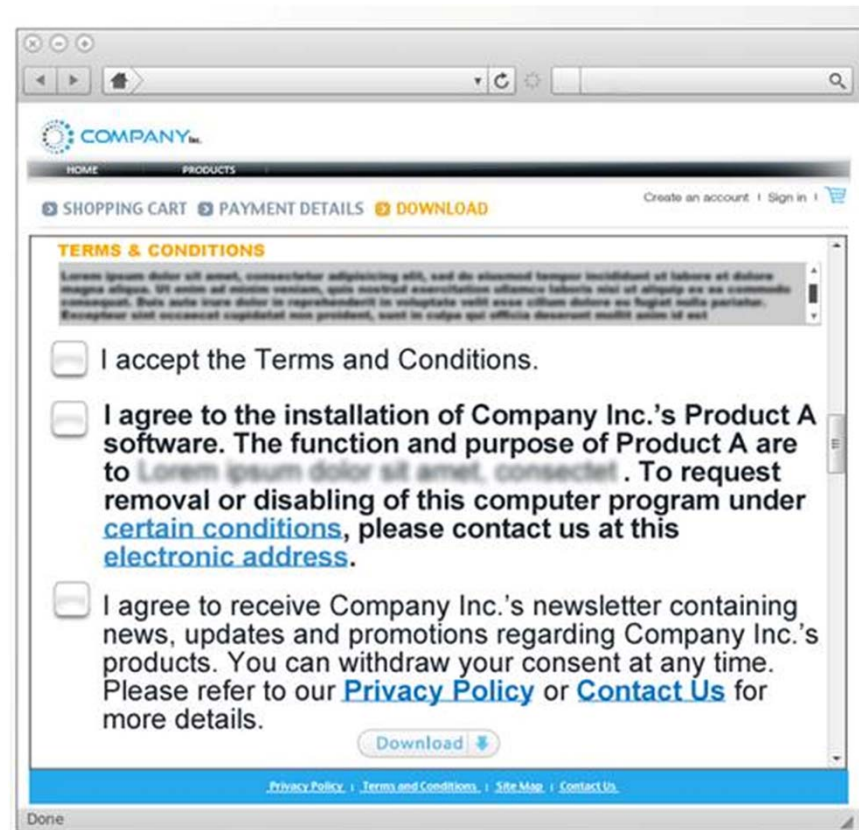
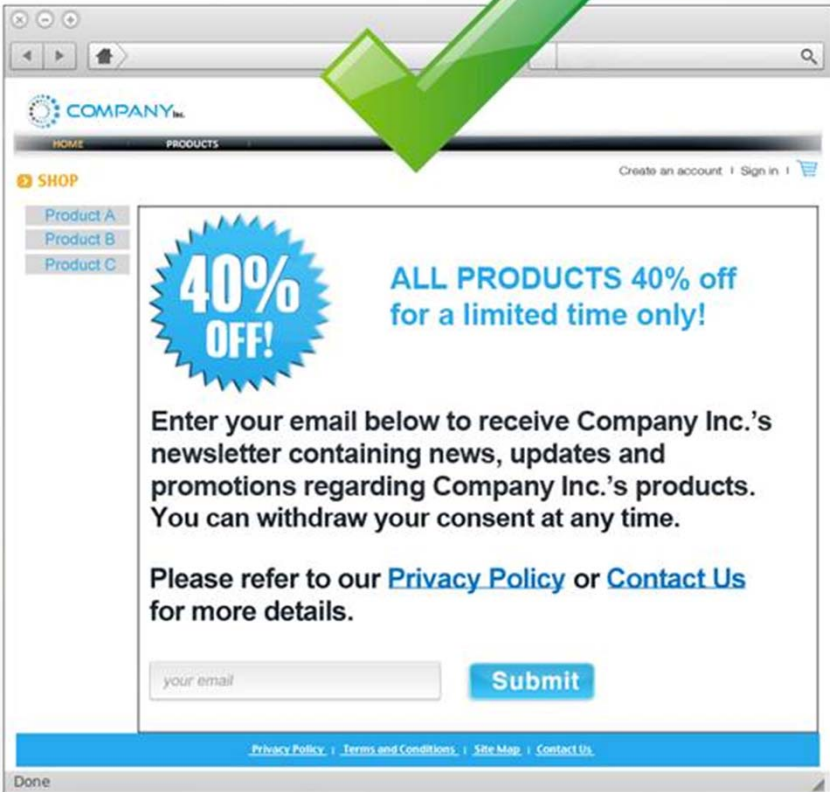


Image Source: CRTC

Sample form: A person may provide express consent by entering an email address



The image shows a screenshot of a web browser displaying a promotional page for 'COMPANY INC.'. A large green checkmark is overlaid on the page, indicating a successful or approved action. The page features a '40% OFF!' badge and a promotional message: 'ALL PRODUCTS 40% off for a limited time only!'. Below this, there is a text block: 'Enter your email below to receive Company Inc.'s newsletter containing news, updates and promotions regarding Company Inc.'s products. You can withdraw your consent at any time.' This is followed by another text block: 'Please refer to our [Privacy Policy](#) or [Contact Us](#) for more details.' At the bottom of the form, there is an input field labeled 'your email' and a 'Submit' button. The browser's address bar and navigation buttons are visible at the top.

Image Source: CRTC

Cannot obtain express consent by toggling:
don't use pre-checked boxes

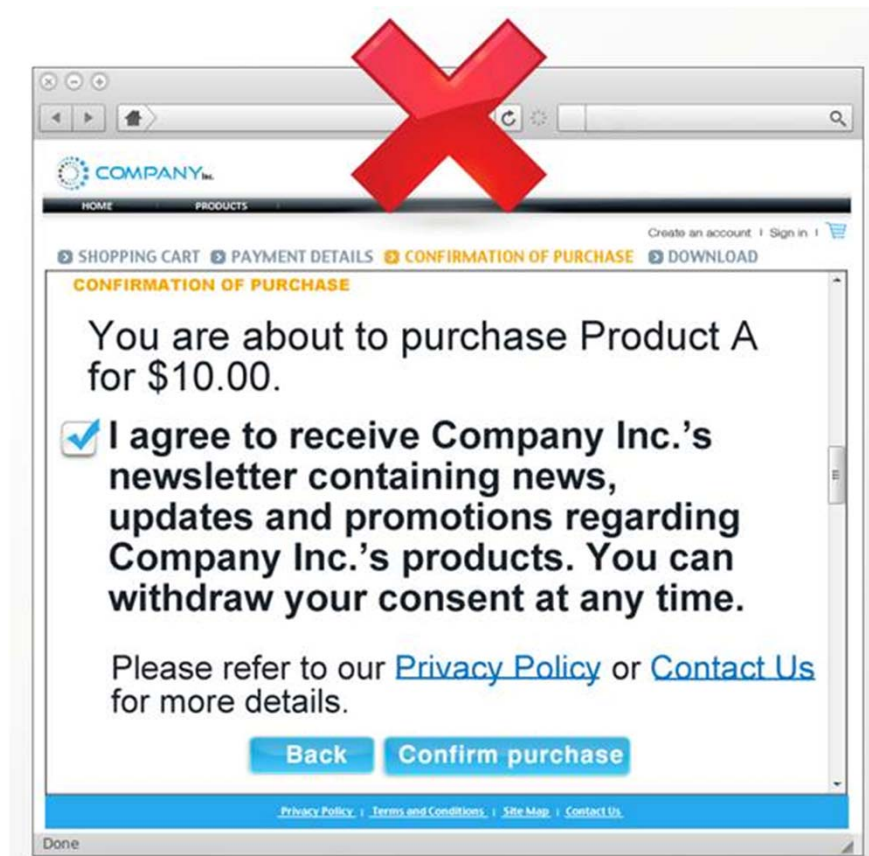


Image Source: CRTC

Existing Business Relationship

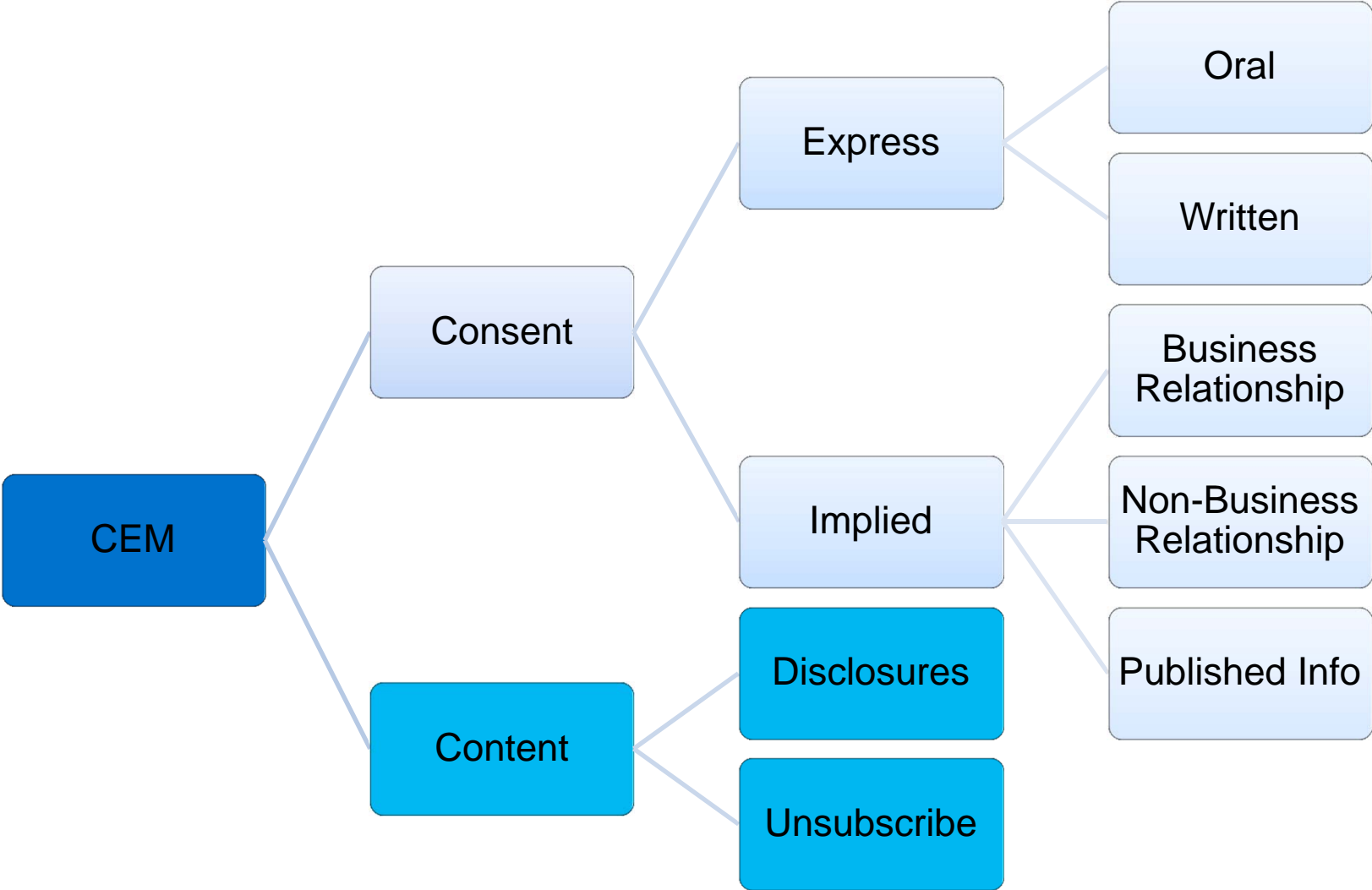
- Purchase/lease
- Acceptance
- Contract
- Inquiry

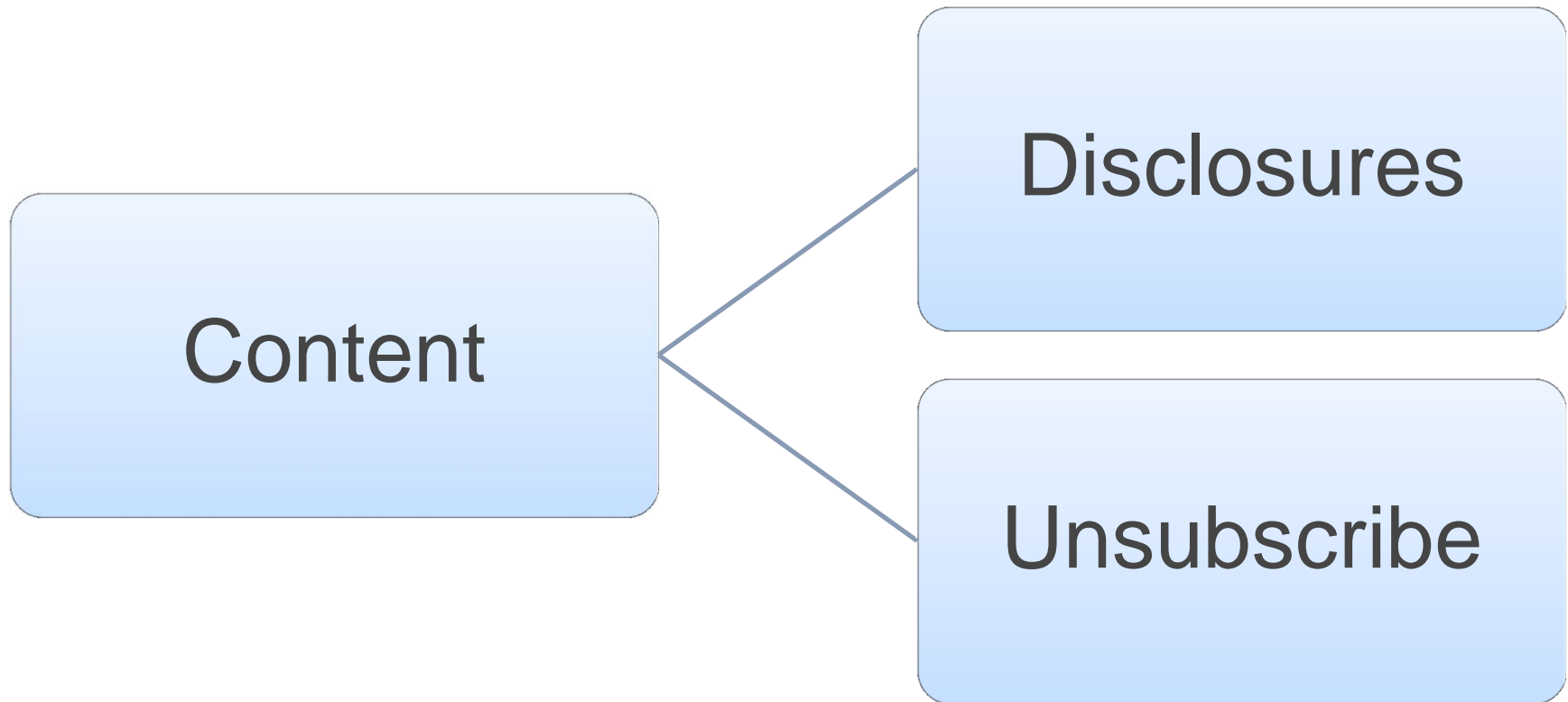
Existing Non-Business Relationship

- Donation/gift
- Volunteer work
- Membership

Published Address

- Didn't say no
- Is relevant to business/duties





Disclosures

- Sender
- Agent
- Contact info

Unsubscribe

- No cost
- Same means
- Address/Link
- Takes effect within 10 days

Alternative

- Post disclosure info on web page
- Provide clear link

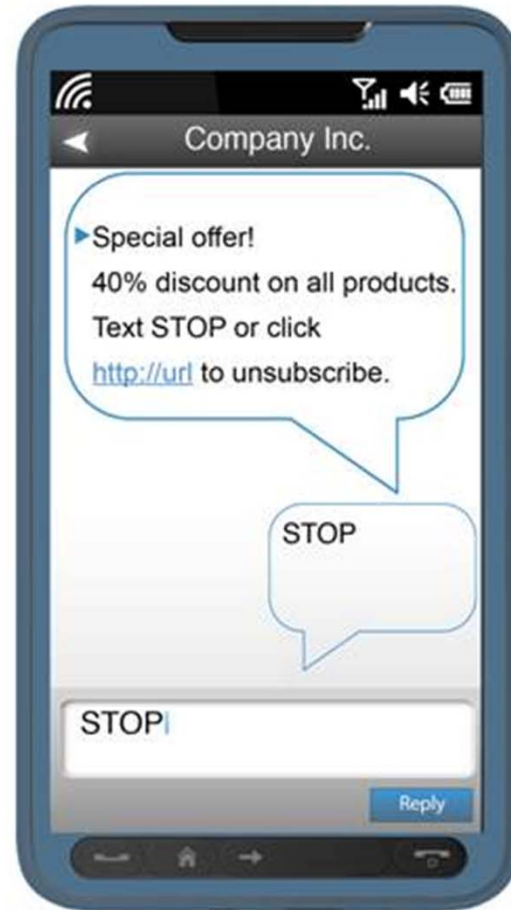
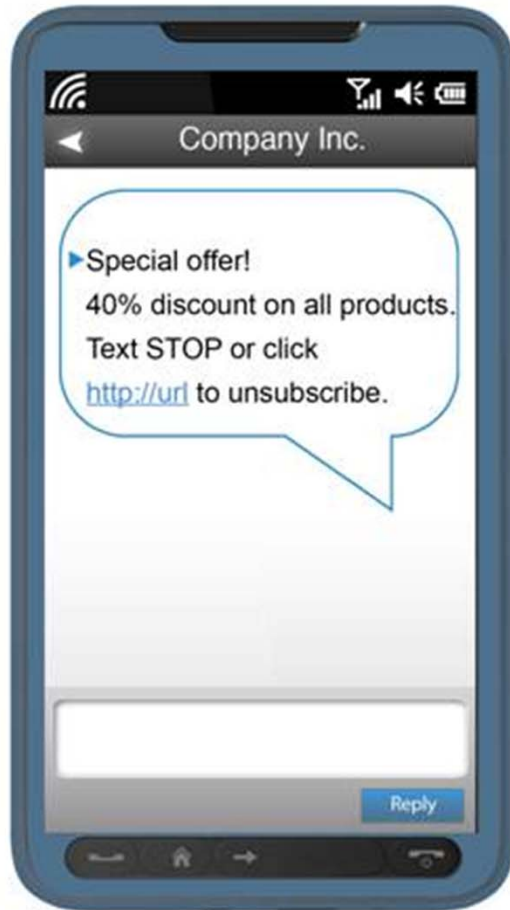


Image Source: CRTC

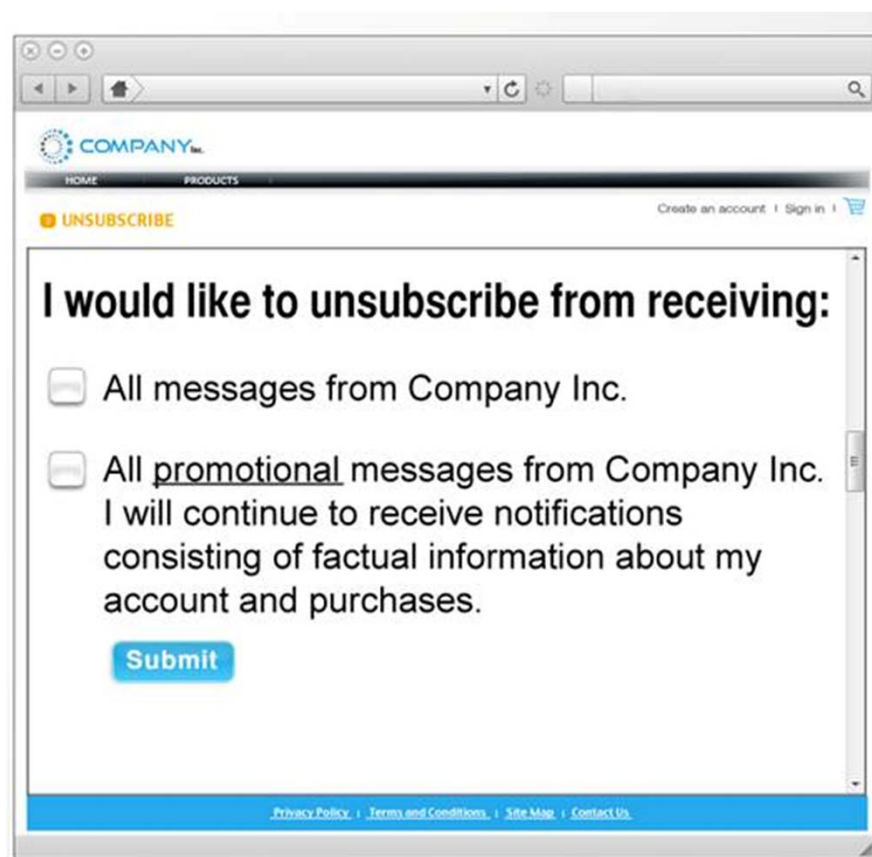


Image Source: CRTC