



CANADA'S ANTI-SPAM LEGISLATION PENALTIES & RISKS

- Broad application and hefty fines!
- “Administrative Monetary Penalties” can be levied by CRTC
- As high as \$1 million for individuals and \$10 million for businesses

- CRTC can issue a Notice of Violation with the \$ AMP set out
- Your organization can then challenge whether violation happened and whether amount of \$ penalty is appropriate
- Penalties may be charged *per violation* and *violations may be separately assessed for each day of non-compliance*

- Individuals may bring a private civil action for any damages caused by a contravention of CASL (not yet in force)
- The Court may award damages for actual loss/harm proven **AND** may award a separate monetary sum per violation (e.g. \$200 per violation for a s. 6 violation – sending a CEM without prior consent (which doesn't fall w/i an exception) and/or without the required disclosures/unsubscribe mechanism)

- The right to bring a civil claim for a breach of CASL will not become effective until further notice
- Once the right to bring a civil claim does become effective, it cannot be used if the CRTC has already taken action against the organization in relation to the contravention

- Having your organization publicly identified as a violator of anti-spam law can harm your brand and reduce customer and public trust and customer loyalty
- Reputational risk
- What organization wants to be known as a “spammer”?