



## CASL FAQs

Jennifer S - 2017-10-12 - Settings & Info

### **What is CASL?**

The Canadian Anti-Spam Legislation (CASL) is a law that sets the rules for commercial electronic messages to recipients in Canada. This includes email, social networks and text messages.

### **Who does it apply to?**

Any business that sends commercial emails, text messages, or social network outreach within, from or to recipients in Canada is responsible for complying with these laws, **including anyone using the Email Marketing feature in ESP.**

### **What is the penalty if I don't comply?**

There is a serious risk of penalties including criminal or civil charges, personal liability for company officers and directors, and fines up to \$10 million.

### **How do I comply?**

In order to be in compliance:

- A recipient's permission is required to send them a commercial message. If you are operating a business in Canada, you must get consent from anyone before sending them a commercial email. If you are outside of Canada, you must require any Canadian recipients to consent before sending them a commercial email. This applies to the Email Marketing feature in ESP.
- You may not use false or misleading representation online in the promotion of products or services.
- You may not alter the transmission of data in an electronic message so that it is delivered to a different destination without express consent.
- You may not install a computer program without the express consent of the owner of the computer system or its authorized employee. Any landing page or website may not use items like cookies or JavaScript without the recipient's consent. If you are operating a business in Canada, you must get consent from anyone before downloading programs on their computer. If you are outside of Canada, you must require any Canadian recipients to consent before sending them a commercial email.

**This applies to any links from an email sent with the Email Marketing feature in ESP.**

- You may not collect personal information by accessing a computer system in violation of federal law.

## **What counts as express consent (permission)?**

The recipient must clearly agree (verbally or in writing) to receive a commercial electronic message. Written consent can be electronic. It is not time limited unless the recipient withdraws their consent. You may not send an email seeking permission to send promotional emails.

## **What is required for consent?**

You must keep records of how you obtained the consent. This includes:

- The name of the person or organization.
- An email address, phone number, mailing address, voice messaging system or website where recipients can access an authorized employee.
- A statement identifying the person on whose behalf consent is being sought.
- The identity and contact information of any third party or affiliate used to obtain consent.
- A free unsubscribe method that lets recipients electronically opt out of communications.
- The ability to opt out of all types of communications sent by either your organization or a third-party partner.

## **Where can I find more information on CASL?**

For more information, read through [the Canadian Government's explicit guidelines](#) or visit their [FAQ page](#).

CASL only covers business sending within, from or to recipients in Canada. Other countries have their own set of laws, such as the [CAN-SPAM laws](#) for the United States. Please check the local and national laws to maintain compliance before sending internationally.

The information discussed above is for informational purposes only and not for the purpose of providing legal advice. You should contact your attorney to obtain advice with respect to any particular issue.