

Canada's Anti-Spam Legislation

Key Facts:

Source: Government of Canada

http://fightspam.gc.ca/eic/site/030.nsf/eng/h_00050.html

- Legislation in effect July 1, 2014
- Only applies to commercial electronic messages (CEMs)
- **CEM:** electronic messages that advertise, promote, offer to sell/buy/lease goods or services, offer business opportunities, etc.
- If there is an existing relationship that includes the communication of CEMs (e.g. you already send and/or receive commercial electronic messages from a person or organization) consent is *implied* for the next 36 months beginning **July 1, 2014**. "*Implied*" consent ends as soon as the recipient states they no longer want to receive CEMs, or after the 36 month period.
- During this transitional period, you may ask for "*express*" consent to receive CEMs (oral or written, but the onus is on the sender to provide proof of express consent if required). *Express consent* does not expire, unless the recipient states they no longer want to receive CEMs.
- This legislation does apply to non-profit organizations, EXCEPT to CEMs from registered charities, where the primary purpose of the CEM is to raise funds for the charity.
- Consent is not required to send CEMs within an organization, or to another organization where the CEM is related to the activities of the recipient organization.

Helpful Resources:

Top 10 things nonprofits need to know about anti-spam legislation (Ontario Nonprofit Network)

<http://theonncanada.ca/what-we-do/stateofthesector/canadas-anti-spam-legislation-nonprofit/>

Canada's Anti-Spam Law: FAQs specific to registered charities (Imagine Canada)

<http://www.imaginecanada.ca/node/2799>

Canada's Anti-Spam Law: FAQs relevant to all registered charities and nonprofits (Imagine Canada)

<http://www.imaginecanada.ca/node/2800>