

Specialty Technical Publishers Releases Update to Internet Law Essentials: Canada's Anti-Spam Law (CASL)

CASL Update: Controversial "Private-Right-of-Action" Mechanism Delayed Indefinitely

Vancouver, B.C., Canada ([PRWEB](#)) August 23, 2017 -- Commonly known as Canada's Anti-Spam Legislation, CASL is one of the world's toughest anti-spam laws. CASL is intended to stop spam email from occurring in Canada, but has wide-ranging effects on all electronic interactions. It even contains a controversial enforcement mechanism known as the "private right of action" that could eventually allow a person to seek compensation through the courts for various violations of CASL, the Personal Information and Electronic Documents Act (PIPEDA), and the Competition Act. While most of CASL came into force on July 1, 2014, there was a transitionary period that expired on July 1, 2017, making it harder to establish consent for more longstanding connections.

Less than a month before the controversial private right of action was scheduled to come into effect, its implementation was delayed indefinitely by the government, pending a parliamentary review. The government cited "broad-based concerns raised by businesses, charities and the not-for-profit sector." The announcement was met with mostly positive reaction from digital marketing businesses and industry groups, but not everyone was pleased. While the Canadian Marketing Association lauded the delay as "the right decision, [as] the PRA provision which would have created a competitive disadvantage for Canadian businesses engaged in digital marketing and eCommerce," Professor Michael Geist saw it as the government caving to lobbying pressure, stating that the decision "blocked important consumer redress for harmful spam and spyware that would have supplemented enforcement efforts overwhelmed by spam complaints."

Specialty Technical Publishers (STP) has now updated [Internet Law Essentials: Canada's Anti-Spam Law \(CASL\)](#) to reflect the latest developments in the implementation of this law. Although the Canadian Radio-television and Telecommunications Commission (CRTC) has been enforcing CASL since the legislation's coming into force three years ago (sometimes quite harshly, with penalties up to \$1.1 million to date, and even \$15,000 against an individual), the prospect of their continued involvement and, in the future, arming private litigants with a mechanism for commencing their own legal proceedings, has understandably created a great deal of concern for businesses and organizations.

CASL applies to three broad categories of electronic commercial activities:

- Sending commercial electronic messages (CEMs)
- Altering transmission data or electronic messages
- Installing computer programs on another person's computer system.

All companies communicating by email with customers in Canada must comply with CASL legislation and several roles will be particularly affected:

- Legal counsel should review the act's requirements and continue to monitor any further guidelines released by the government.
- Sales/marketing executives must assess the impact of CASL on their digital marketing strategies, especially email and social media.
- IT professionals need to assess how the legislation affects downloadable programs and software.

- Risk management officers need to calculate the risks of CASL non-compliance on the business and work to avoid these risks.
- Auditors must evaluate and re-evaluate CASL compliance.

This guide has been updated by Ryan J. Black, of the Canadian law firm [McMillan LLP](#), to reflect new developments in the implementation of CASL. Any company, domestic or international, communicating by email in Canada, dealing with email transmission data in Canada, or installing software in Canada needs to be in compliance to avoid severe penalties of up to \$10 million. [Read more](#).

[Internet Law Essentials: Canada's Anti-Spam Law](#) provides a comprehensive analysis of the new CASL regulations. The guide also includes useful checklists to help simplify the audit and compliance process. Organizations would be well served to review their CASL compliance and ensure that they are comfortably on-side with the private right of action legislation.

Steve Britten, President of Specialty Technical Publishers:

"Following the introduction of CASL in 2014 the CRTC has been keeping close eye on both Canadian and international companies sending out unsolicited commercial emails. Our updated analysis is designed to help professionals understand the many pitfalls, and minimize risk. This is a valuable resource for in-house legal counsel, sales & marketing executives, IT administrators, auditors, and executives who handle risk management and corporate liability."

About Specialty Technical Publishers

[Specialty Technical Publishers \(STP\)](#) produces technical resource guides covering environmental, health & safety, transportation, accounting, business practices, standards and law, offering comprehensive guidance on key compliance and regulatory issues. STP is a division of [Glacier Media Inc.](#), a Canadian information communications company that provides primary and essential information in print, electronic and online media. Glacier's Business and Professional Information Group publishes directories, technical manuals, research and development materials, medical education, electronic databases, investment information and specialty websites.

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