

Managing the message

Businesses brace for new digital marketing compliance requirements





On December 4, Industry Canada released final regulations under Canada's Anti-Spam Law (CASL), setting out early compliance deadlines.



Email, text and mobile channels

When receiving communications from businesses, 45% of consumers still prefer email over text (36%) and social messages (13%), although the preference for social media is growing rapidly.¹

No matter which of these channels businesses use, however, Canada's Anti-Spam Law (CASL) applies. As of July 1, 2014, CASL will require businesses to obtain express consent to send electronic marketing communications, including emails and texts. This gives businesses only six months to inventory their electronic marketing practices, align these practices with CASL and implement changes to their business processes and CRM systems to encompass the full range of commercial electronic messages they send -- from e-newsletters and alerts to event invitations and new product/service announcements.

Under CASL, businesses must:

- Obtain opt-in / express consent before sending an electronic message or rely on limited implied consent exceptions
- Identify the sender and include an unsubscribe mechanism, among other requirements
- Enable opt out from some or all commercial electronic messages within 10 business days

Enforcement

Three government agencies will work together to enforce CASL:

- The Canadian Radio-television and Telecommunications Commission (CRTC)
- The Competition Bureau
- The Office of the Privacy Commissioner

Monetary Penalties 	Fine per violation 
Individuals	Up to \$1 million
Businesses	Up to \$10 million

71% of organizations expect it will take a medium to high effort for their compliance and marketing teams to comply with CASL.²

July 1, 2014

The electronic marketing provisions will take effect

January 15, 2015

The provisions related to unsolicited installation of computer programs come into force

July, 2017

The provisions enabling a private right of action come into force

How will CASL affect your business and marketing practices?

Successful businesses will treat CASL not only as a compliance exercise, but also as a marketing imperative. Respecting consumer communications preferences builds trust and enables businesses to gain better data to analyze consumer trends and needs.

With only six months before compliance deadlines come into force, now is the time to prepare a CASL due diligence defense* and implement any necessary changes to your business processes and systems. Deloitte can help expedite your compliance journey to meet these looming timelines.

Contacts

Deloitte can help you get ready for CASL before this new law comes into force. To find out how, please contact:



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Only 13% of organizations understand CASL requirements and have begun applying them to their business.²

Sources:

1. Salesforce.com
 2. Deloitte survey of 100 financial services business leaders, 2013
- * CASL imposes vicarious liability on corporate directors, officers and employers, subject to a "due diligence defense" that demonstrates a reasonable approach to compliance was taken.



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Designed and produced by the Deloitte Design Studio, Canada 13-3750