

CASL for Charities and Not-for-Profits

Top Ten Tips

List of top 10 things charities and not-for-profits need to do to comply with Canada's Anti-Spam law.

1. Obtain a copy of the new Act and the regulations. You can download these documents at: http://fighspam.gc.ca/eic/site/030.nsf/eng/h_00211.html
2. Appoint a person on your staff or a member of your organization to be responsible for getting your organization ready for the implementation of CASL and taking all the necessary steps to be sure that your organization is in compliance with the new law.
3. Conduct an inventory of all of the forms of electronic communications that your organization currently uses. It will be very important to have your IT staff or person work on CASL compliance.
4. Monitor the electronic messages that your organization sends to determine if they are commercial electronic messages.
5. Arrange a meeting of your organization's staff and/or members and your Board of Directors so that everyone understands the implications of the new Act and what steps they must take to keep your organization in compliance. It is important to emphasize that any email or electronic communication sent from your organization by an employee, even a personal message, has the potential to violate the Act.
6. Arrange training sessions for current staff on the requirements of the Act and have a plan in place so that new employees and Directors are educated about the Act.
7. At your next board meeting, inform your Board of Directors that there is the possibility that they could be personally liable for fines levied for violations of the Act. There is even the very remote possibility for prison sentences.
8. Under the Act, it is mandatory to obtain express consent. Your organization should have a form that follows the specific requirements in the Act for obtaining express consent and begin the process for obtaining express consent. This is extremely important as after July 1, 2014 you will not be able to use electronic messages to obtain express consent, because it will be deemed to be a commercial electronic message.
9. Under the Act, it is mandatory that your organization develop an "unsubscribe" mechanism so that individuals and organizations who do not wish to receive further electronic communications from your organization can opt out. Review the specific requirements that must be present in your opt out feature and make sure it is included in all your organization's commercial electronic messages.
10. Maintain a system whereby you can track the responses that you receive, including express consents and opt outs and keep these responses up to date.