



CASL's Impact on Organizations and People Across Canada and Beyond Our Borders

November 16, 2021

Canada's Anti-Spam Legislation ("**CASL**") is widely considered to be the most restrictive legislation in the world regulating commercial electronic messages ("**CEMs**"). Since coming into force on July 1, 2014, CASL has already had a significant impact on Canadian businesses, including not-for-profit organizations and other persons using electronic communications for commercial purposes. CASL will continue to have an impact on business processes and risk management strategies going forward.

At its heart, and contrary to most other international anti-spam legislation, CASL constructs an express "opt-in" regime for sending CEMs and the installation of computer programs.

Businesses and other entities and people subject to CASL, including directors, officers and agents of organizations, are exposed to extremely high penalties for violating CASL. Such penalties can be up to \$1 million per violation for individuals and \$10 million per violation for businesses.

If You Don't Believe You're Caught By CASL, Think Again

CASL doesn't just apply to what we typically think of as "spam." Each and every electronic message sent for a commercial purpose – by email, text, SMS and even social networking – must be examined to ensure it is compliant with obligations under CASL. In addition, CASL's international reach means that it can apply to organizations and people beyond Canada's borders. Legislators attempted to mitigate the unprecedented scope of CASL's application by including a labyrinth of exemptions and limited circumstances in which consent may be implied. These exemptions and implied consent provisions can be tracked through the legislation and regulations, as well as through published guidelines.

Be Prepared!

Understand the scope of CASL and how it may impact you and your business. If you are new to the Canadian market, we would be delighted to help your organization navigate CASL. We also have toolkits and written resources that Aird & Berlis lawyers have put together to help you design CASL-compliant operations moving forward.

We encourage you to reach out to your Aird & Berlis contacts to discuss further.

Disclaimer: This article offers general comments on legal developments of concern to business organizations and individuals and is not intended to provide legal advice. Readers should seek professional legal advice on the particular issues that concern them.

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Fiona has extensive experience advising international businesses entering the Canadian market. To date, she has advised more than 100 companies expanding into Canada. Fiona advises clients in this space all day, every day. She has been practising for more than a decade and is a regular speaker and writer on market expansion matters. Fiona is proud to have been recognized by *The Best Lawyers in Canada*, *The Canadian Legal Lexpert Directory* and *Benchmark Canada*.

A proactive and comprehensive approach is required to succeed in a new market. Fiona manages teams of other lawyers and patent agents to provide her clients with a full range of legal services to help their businesses grow. She acts as project manager to ensure her clients receive seamless legal services in all relevant areas.

Fiona takes great care to understand her clients' businesses and deliver advice that is tailored to meeting their specific needs. Her responsiveness, dedication to clear communication and hands-on approach show that she is personally invested in the success of her clients.



Felix Ng

Associate

Felix is a dedicated corporate lawyer. He is committed to learning about the intricacies of his clients' businesses in order to help them reach their goals. Felix's clients appreciate his responsiveness and problem solving skills on a wide variety of corporate matters.

Felix is a member of the firm's Corporate/Commercial Group. His practice focuses on M&A transactions and advising international clients on expanding their businesses into Canada. Felix represents clients in a range of industries, including pharma, e-commerce, transportation, agriculture, food and beverage and construction.

Felix has passed Level III of the Chartered Financial Analyst (CFA) Program.