

Privacy Law Bulletin

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Canada's Anti-Spam Legislation Coming Into Force July 1, 2014

By Paige Backman

After almost a decade of consultation and debate, the Government of Canada today announced that Canada's anti-spam law is coming into force. July 1, 2014 is the day on which the majority of provisions of *An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act*, ("Canada's Anti-Spam Legislation") come into force. Section 8 of the Act comes into force on January 15, 2015, while sections 47 to 51 and section 55 of the Act come into force on July 1, 2017.

What does this mean for your organization?

As of July 1, 2014, most of Canada's Anti-Spam Legislation will come into effect and businesses will have to comply with the requirements surrounding sending and disseminating commercial electronic messages, including strict consent and detailed content obligations. On January 15, 2015, the sections of the Act related to the unsolicited installation of computer programs or software will come into force.

The Canadian Radio-television and Telecommunications Commission, the Competition Bureau and the Office of the Privacy Commissioner of Canada will jointly enforce Canada's Anti-Spam Legislation and they

will be permitted to share information with their international counterparts to track spammers outside of Canada.

Businesses and persons that do not comply risk significant financial penalties. Canada's Anti-Spam Legislation will be enforced through regulatory measures such as extremely steep administrative monetary penalties as well as through a private right of action.

What is next?

Businesses now have a firm deadline for obtaining all of the requisite consents and to modify their business and communication practices to accord with Canada's Anti-Spam Legislation. To the extent businesses have not already undertaken this exercise, they are well advised to do so as soon as possible because once Canada's Anti-Spam Legislation comes into force, businesses will be significantly limited in their ways to obtain the appropriate consents and will face significant penalties for failure to comply.

The members of Aird & Berlis LLP's Privacy Team are able to help you navigate this new legislation, and to make sure your organization is compliant when Canada's Anti-Spam Legislation comes into force on July 1, 2014. For more information, please contact Paige Backman at pbackman@airdberlis.com or 416-865-7700, or any other member of our [Privacy Team](#).

For more information on privacy-related issues, please contact any member of the Aird & Berlis LLP Privacy Team, as listed below:

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