

Privacy Law Bulletin

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\$1.1 Million Penalty Issued for Violation of Canada's Anti-Spam Legislation

By **Paige Backman**

On March 5, 2015, the Canadian Radio-television and Telecommunications Commission (the "CRTC") issued a Notice of Violation awarding a penalty of \$1.1 million against Québec company Compu-Finder for four violations of Canada's anti-spam legislation ("CASL").

It is the first such penalty imposed under CASL since the legislation came into force on July 1, 2014. In imposing this award, the CRTC found that Compu-Finder's actions and behaviour were flagrant violations of CASL and the principles thereunder.

The Notice of Violation finds that Compu-Finder sent commercial emails to customers without their consent as well as sending commercial electronic messages in which the unsubscribe mechanisms did not function properly. Compu-Finder's emails promoted training courses on management and professional development to various businesses. The company has been under investigation by the CRTC since July 2014. It is alleged that Compu-Finder obtained the electronic addresses by scouring websites.

The CRTC's Chief Compliance and Enforcement Officer, Manon Bombardier, noted that nearly 26% of the complaints related to training companies were made against Compu-Finder alone. In noting that Compu-Finder had "flagrantly" violated the basic principles of the law, Ms. Bombardier cited complaints submitted to the Spam Reporting Centre which indicated that consumers did not find Compu-Finder's offerings relevant to them.

Compu-Finder has 30 days to submit written submissions to the CRTC or to pay the penalty. Compu-Finder may also request an undertaking with the CRTC on this matter.

The CRTC's News Release on this matter can be located here.

The members of Aird & Berlis LLP's Privacy Team are able to help you navigate Canada's Anti-Spam Legislation and to make sure your organization is compliant.

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

Lawyers:

Paige Backman	416.865.7700	pbackman@airdberlis.com
Meghan A. Cowan	416.865.4722	mcowan@airdberlis.com
Donald B. Johnston	416.865.3072	djohnston@airdberlis.com

AIRD & BERLIS LLP

Barristers and Solicitors

Brookfield Place
181 Bay Street, Suite 1800
Toronto, Ontario, Canada
M5J 2T9

T 416.863.1500 F 416.863.1515

www.airdberlis.com

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