

# Privacy Newsflash

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## Porter Airlines Inc. Pays \$150,000 for Alleged CASL Violations

By Paige Backman

Businesses need to be aware that general corporate policies and practices will not be sufficient to avoid significant penalties under CASL. The Canadian Radio-television and Telecommunications Commission (CRTC) today announced that Porter Airlines Inc. has agreed to pay \$150,000 as part of a voluntary undertaking for alleged violations of Canada's anti-spam legislation.

Porter Airlines allegedly failed to comply with various requirements of the law between July 2014 and April 2015. Within these claims are allegations that (A) Porter Airlines sent out certain commercial emails that: (i) did not contain an unsubscribe mechanism; (ii) did not set out the required unsubscribe mechanism in a clear and prominent fashion; and (iii) did not provide the complete contact information as required by the law; (B) Porter Airlines failed to honour, within 10 business days, requests from certain recipients to unsubscribe from receiving future commercial emails; and (C) Porter Airlines was not able to provide proof that it had obtained consent for each electronic address that received its commercial emails between July 2014 and February 2015.

Manon Bombardier, CRTC Chief Compliance and Enforcement Officer, is quoted as saying "This case is an important reminder that to be fully compliant with the law, *proof of consent is required for each electronic address*. Some businesses are under the mistaken impression that they are compliant with the law by relying on general business practices or policies as proof of consent for the majority of the electronic addresses to which they send their commercial emails. This is simply not the case." [emphasis added]

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:

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