

CASL COMPLIANCE CHECKLIST

Are your marketing programs compliant with Canada's anti-spam laws? Use this handy checklist to find out.

STEP 1: Determine if CASL rules apply to your programs

Use this decision tree to find out if you need to make your communication compliant with Canada's anti-spam law, CASL.



STEP 2: Lead Generation Forms / Obtaining Express Consent for New Contacts

When you capture new leads via a lead generation form, or any other data capture method (including trade shows and off-line options), it's important (and the law) that you obtain express consent from your Canadian audience members to send follow-up communications.



STEP 2: Lead Generation Forms / Obtaining Express Consent for New Contacts (continued)

Here's what you'll need to check to make sure you're properly obtaining express consent - **make sure you can answer yes to all of the following questions:**

Does your form have language asking for permission to send future electronic messages? (e.g. "I agree to receive future electronic communications from Act-On")

Does your lead form identify the entity (individual person or business) asking for the consent?

Does your lead form indicate that the individual can easily unsubscribe at any time from future communications?

Does your lead form contain a valid mailing address for the entity asking for consent?

Does your lead form contain a valid phone, email, or web address for the entity asking for consent?

Do you have a process for documenting when your audience member do/do not give express consent for future communications?

Do you keep a record of the opt-in and consent date? This will be required should you have to provide it in case of a compliance request.

Top Tip: If you cannot check all the boxes above do NOT subscribe the recipient into your program and do NOT use pre-checked boxes to assume consent.

STEP 3: Existing Database and Permission Preferences

You probably already have a sizeable database of contacts that you regularly communicate with. It's up to you to obtain and have documented express consent for your audience members in Canada by July 1, 2017. As the laws states:

For contacts acquired before July 1, 2014: Express consent must be acquired by July 1, 2017.

For contacts captured after July 1, 2014: Express consent must be acquired within two years after they were initially collected. This applies only if the contact doesn't engage in a transaction or renew their business commitments including loans, subscriptions account or contract.

Here are some steps you can take to make sure you're following the rules with your existing database and ensuring the appropriate proactive backup you are required to document:

Review contacts in your database that: a) have not yet given express consent (per guidelines in Step 2) and; b) have a Canadian email address, physical address, or website domain.

You'll need to obtain express consent from these individuals in order to keep sending them emails.

Send an email to these individuals **before** July 1, 2017 reaffirming their consent to continue communicating with them. This is also a good opportunity for you to ensure that the clients preferences have been met in terms of outreach frequency and marketing preferences. This information will ensure personalization of your client resulting in your ability to send very specific and tailored messages.

Express consent can be collected via a web form, as long as your web form follows the guidelines in Step 2.

Create an email suppression list that contains Canadian contacts that did not give express consent to continue communications. This will come in handy to make sure your future communications remain compliant.

STEP 4: Compliant Email Communications

Once you've obtained express consent from your Canadian audience members to send ongoing communications, keep your emails in compliance.

Make sure that you:

Include a mechanism for people to easily unsubscribe at any time and ensure that you "test" the unsubscribe mechanism regularly to ensure compliance. One-click unsubscribe is the industry best practice.

Clearly identify the person, business, or organization sending the communication. Include a valid mailing address and either a phone number, email, or website URL.

Clearly identify the email service provider or marketing automation provider.

It's important to conduct regular database hygiene activities. Email addresses can go dormant after a period of time, so build processes for purging individuals that are not engaged in your program. This will lead to better engagement with your email programs, and make it easier to stay compliant with CASL and other anti-spam laws.

As always, with any legal issue and compliance requirements we would suggest that you seek guidance from your legal teams, as we cannot provide legal advice. For additional guidance, visit the CASL Canadian CRTC at: <http://crtc.gc.ca/eng/internet/anti.htm>

Looking for more information on CASL compliant email marketing?

Contact an Act-On representative today at (877)-530-1555.

About Act-On Software

Act-On Software is a marketing automation company delivering innovation that empowers marketers to do the best work of their careers. Act-On is the only integrated workspace to address the needs of the customer experience, from brand awareness and demand generation, to retention and loyalty. With Act-On, marketers can drive better business outcomes and see higher customer lifetime value. The Act-On platform provides marketers with power they can actually use, without the need for a dedicated IT resource.

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