

Canadian Anti-Spam Legislation (CASL) COMPLIANCE CHECKLIST

This list has been created to assist areas to ensure they avoid sending unsolicited commercial electronic messages (CEMs) in contravention of CASL. The checklist should be read in conjunction with the **CASL Considerations Flowchart**.

- Analyze the messages your unit sends to identify any that constitute CEMs.
- Determine if there are any exemptions that could apply to the CEMs you send.
- Determine if you have either express or implied consent to send the CEMs.
- Review existing mailing lists to flag any addresses for which you do not have either an applicable exemption or express or implied consent to send a CEM. If necessary, remove these addresses from the mailing lists.
- Update contact records (whether these are in the form of electronic spreadsheets, databases, or similar systems) to include the following fields:
 - **For all consents:** Whether the consent was express or implied.
 - **For express consents:** The date the consent was given; in what circumstances it was given; and the documentation (e.g. signed form) that proves that the consent was granted.
 - **For implied consents:** The manner that the implied consent was granted (e.g. existing business relationship); your proof of consent (e.g. a contract signed by the individual for consulting work); the date the consent came into effect; and the expiry date of the consent.
- Ensure that your area has a system in place (preferably automated) to ensure that all future consents and unsubscribe requests are promptly recorded in your contact records and that these are effective to prevent you from sending unwanted CEMs.
- Ensure that all of your requests for consent contain the required information (purpose for consent, identification and unsubscribe mechanism and privacy statement).
- Ensure that all of your CEMs contain the required information (identification and unsubscribe mechanism).
- Train all relevant employees on CASL's requirements and the processes your area has in place to comply with those requirements.