Canada's Anti-Spam Legislation (CASL) – What it means for Advisors
June 25, 2014 webinar – Q&A

1. Are LinkedIn InMail requests and connection requests exempt? What about status updates on LinkedIn or other social media sites?

The legislation does not provide clarity on this at the moment. However, we are deeming all social media platforms, including LinkedIn, Facebook and Twitter, to be exempt. This could change in the future.

2. What is defined as express consent? In other words, what is required as documented evidence?

There are two elements to express consent: 1) how it is obtained (method) and; 2) what constitutes a complete record.

Acceptable methods of obtaining express consent include:
- Getting a signature on paper (in writing)
- Obtaining an electronic confirmation (e.g., an e-mail)
- Oral/verbal - Where oral consent has been provided, it should be witnessed by an independent third party or a complete unedited audio recording of the consent must be retained

Records of consent must include the following details:
- The individual's consent
- Date consent was provided
- What the individual consented to

3. Does consent pertain to all e-mail addresses that our company uses? (e.g., marketing assistant address, advisor address, company address, etc.)

Consent pertains to messages sent between a sender and a recipient. What e-mail account the message is sent to (client's work e-mail, personal e-mail, etc.) or from (Advisor, Assistant, etc.) is irrelevant.

4. Once consent is provided, must all future CEMs have an unsubscribe mechanism?

Yes, you must continually provide the client with an opportunity to unsubscribe in case they no longer wish to receive communications from you.

5. Can an unsubscribe mechanism consist of instructions asking clients to reply to an e-mail with "unsubscribe" in the subject line?

No. CASL requires that an unsubscribe mechanism be readily performed. In other words, it must be accessed without difficulty or delay, and must be simple, quick and easy for the recipient to use. Based on information provided, that appears to be one or two clicks. Asking a client to type a reply e-mail does not meet their definition of readily performed.