



NOT-FOR-PROFIT AND CHARITY LAW GROUP

Canada's New Anti-Spam Legislation Does it apply to your organization?

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CASL (Canada's new anti-spam legislation) applies to the content of electronic messages. Therefore, if a message contains commercial content, then CASL will apply to that message. In this case, the organization intending to send the message must (i) find either a partial or full exemption to the consent and content requirements of CASL, (ii) have either a business or non-business relationship that will permit the sending of the message, or (iii) comply with CASL.

CASL applies to anyone sending electronic messages with commercial content, including businesses, registered charities, non-profit organizations, and individuals.

Commercial content refers to content that encourages commercial activity, such as the purchase of goods or services.

Both registered charities and non-profit organizations often send electronic messages that contain commercial content, such as advertising either for the organization or another organization, soliciting donations, or describing the services the organization provides for a fee, etc. It is important to be careful in assuming that either the legislation does not apply, or that the organization is exempt for some reason. All organizations must review the content of each message before it sends the message.

If you would like assistance in determining how CASL may apply to your organization and how you can comply with it, please contact [Kim Cunningham-Taylor](mailto:Kim.Cunnington-Taylor@nelligan.ca) at 613-231-8299 or by e-mail at kim.cunnington-taylor@nelligan.ca.

For an introductory article on CASL, please read:
<http://www.nelligan.ca/e/canadasnewantispamlegislation.cfm>

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