
CASL: No proof of consent. No email. No Kidding.

Posted by [Derek A. Lackey, Editor](#) / July 14, 2017

The more we show organizations how to comply with our anti spam law (CASL), the more we realize that many people think that the rules only apply to an organization's bulk email - the stuff marketing sends on a semi-regular basis. Well I have bad news for you.



CASL requires proof of consent for every commercial email sent from an organization, whether it comes from the marketing department, admin or the sales team. So those "one-off" emails the sale people use to cold call are now considered spam in Canada. No proof of consent. No email. No Kidding.

On July 1, 2017, proof of consent became black or white. You can prove it or you cannot. If you cannot, we highly recommend you remove those names from your email list. Even if it only leaves you with a few names you can prove consent for.

STOP emailing people without proof of consent. You are breaking the law and worse -

you are spending money to tick your prospect off! If they did not give you permission, they do not expect to hear from you via email. You can use the phone, write letters, produce direct mail campaigns, advertise on TV or radio or even hire a plane to do some sky-writing, but STOP sending stuff they are not interested in to their inbox.

If you cannot prove:

1. How someone came to be on your email list
2. When that happened (date & time stamped)
3. What your consent relationship is with that individual right now.

Then that individual should not be on your email list - bulk or personal contact database (CRM).

There are 5 types of consent under CASL, so there is a lot of ways to prove and claim consent. I wrote [a detailed series of articles](#) that clearly identify the measures you must meet in order to claim consent. Take a few minutes to read them. They may save you a lot of time and money - maybe even a few customers or prospects.

If you are still emailing people because they have been on your email list for a long time and have never unsubscribed, STOP.

At best they are tolerating you and that should not be mistaken as proof of consent. Even if they open most of your emails!

Engagement will not stand as proof of consent. CRTC has made that clear on several occasions including their recent speaking tour to Toronto last month.

CRTC, Competition Bureau and the Office of the Privacy Commissioner are still enforcing CASL everyday.

Better to be on the bus (compliant) than under it (spammer).