

CASL Webinar: By Constant Contact

June 12, 2014

What is CASL?

How do I get Express Consent?

Clearly indicate you are asking for permission to send electronic messages.	Clearly indicate what organization is requesting permission.
Tell possible contacts what they will get from you and how often.	Tell possible contacts that they will be able to unsubscribe.
Must include mailing address and one of the following: email address, website address or phone number	Once you obtain express consent, it is good forever or unless someone opts out.

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What is CASL?

A note about *Implied consent*.

- **Implied consent** is *inferred* based on actions, such as having an existing business relationship (making a purchase or donation, for example).

 Business cards exchanged at a conference.	 Customer made a purchase or a supporter made a donation.	 Entered into a written or electronic contract
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A note about *Implied* consent.

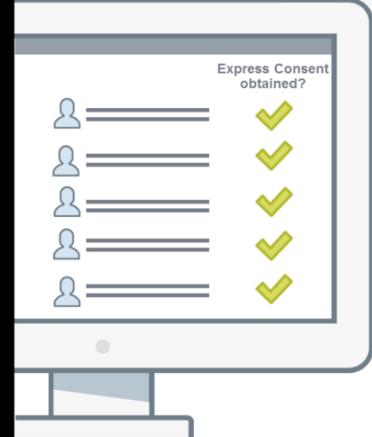


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What about my existing lists?



End of grace period for
garnering express consent
from existing lists.

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What is CASL?

What's wrong with this picture?

Whose list are you signing up for?

This is "opt-out" not "opt-in."

Can you ever unsubscribe?

Sign up today!

Join our mailing list.

*Your email Address

*Your first Name

*Select the newsletters you'd like to receive:

All mailings Volunteer news
 Event reminders Fundraising appeals

Sign Up

How would you contact the business?

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What's right with this one?

You know whose list you're signing up for.

Subscriber has to opt-in to the mailings they'll receive.

Fine print makes unsubscribe option and process very clear.

SERVE
Community Service Alliance

Sign up today to stay in touch!

You'll receive newsletters with information about our programs, events and ways that you can help.

*Your email Address

*Your first Name

*Select the newsletters you'd like to receive:

All mailings Volunteer news
 Event reminders Fundraising appeals

Sign Up

ServeCSA.org | 92A Summer Street | Cooksville, ON
By submitting your information, you are giving us permission to email you. You can revoke permission to mail to your email address at any time using the [Unsubscribe](#) link in any email we send you. You can also batch off every email. We have your privacy protected to satisfy your and ours under our [Email Privacy Policy](#). Email are monitored 24/7/365.

Contact information is easy to find.

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What's right with this one?

The screenshot shows a sign-up form for the ServeCSA.org newsletter. At the top is the Serve logo with the text "Community Service Alliance". Below it is a yellow box containing the text "Sign up today to stay in touch!" and "You'll receive newsletters with information about our programs, events and ways that you can help." In the center, the text "ServeCSA.org | 92A Summer Street | Cooksville, ON" is displayed. Below this, a note states: "By submitting this form, you're granting: ServeCSA.org, 92A Summer Street, Cooksville, ON (www.servecsa.org) permission to email you. You can revoke permission to mail to your email address at any time using the [SafeUnsubscribe™ link](#) that is found at the bottom of every email. We take your privacy seriously (to see for yourself, please read our [Email Privacy Policy](#)). Emails are serviced by [Constant Contact](#)."

*Select the newsletters you'd like to receive:
 All mailings Volunteer news
 Event reminders Fundraising appeals

Sign Up

© 2013 ServeCSA.org | 92A Summer Street | Cooksville, ON
Dove is a registered trademark of the United States Postal Service. This is a service mark of the United States Postal Service. All other marks are property of their respective owners.
[Email Privacy Policy](#) | [Email Abuse Policy](#) | [Email Newsletters by Constant Contact](#)

Fine print makes unsubscribe option and process very clear.

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Not all addresses are gathered online...

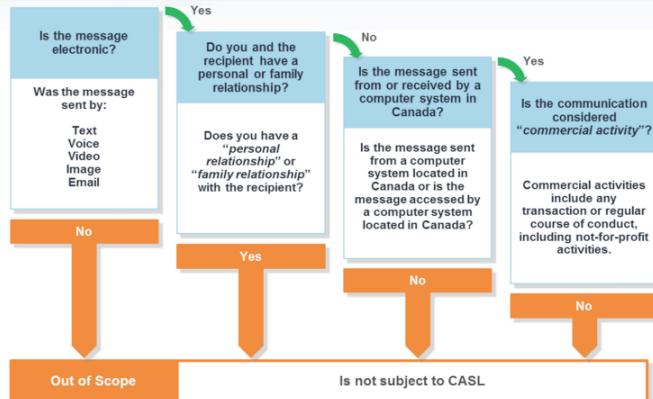


- Point of sale
- Auction tables at fundraiser
- Conference table visitor lists
- Table-side comment cards
- Others?

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When does CASL apply?



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What happens if I don't comply?



Sole Proprietors Up to \$1 million in fines

Corporations Up to \$10 million in fines

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Key dates to keep in mind...



- CASL goes into effect
 - Start collecting and tracking Express Consent for all new contacts
 - Plan how you will clean up your existing list



- 'Grace' period for CASL compliance expires
 - Private Right of Action enacted

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When does CASL apply to US companies?

If contact has a Canadian email address



If contact information indicates contact lives or works in Canada

- Mailing address
 - Post code
 - Area code for phone number

Referring IP's are hosted in Canada



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CASL and US Companies

CASL VS. CAN-SPAM

Applies to all digital communications	Applies to email where “primary purpose” is commercial.
Opt-in only	Opt-out is acceptable
Provisions for fines up to: <ul style="list-style-type: none">• \$1 million (sole proprietors)• \$10 million (corporations)	Fines per violation up to \$16,000
Must clearly identify the sender and must contain an unsubscribe mechanism.	

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CASL and Nonprofits

What about...

Charitable Orgs & Non-Profits	<ul style="list-style-type: none">• It <i>does</i> apply• Exception: for messages of a fundraising nature
Political Parties or Candidates	<ul style="list-style-type: none">• It <i>does</i> apply• Exception: If the primary purpose of the CEM is to solicit a contribution

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What you should do to prepare.

1. Review your email address collection methods.

When collecting email addresses – online and offline – make sure you can answer yes to the following questions:

Does your sign-up form have clear and obvious language asking for permission to send the contact future electronic messaging? Yes No

Does your sign-up form contain a valid mailing address and either a telephone number, email address, or web address? Yes No

Does your sign-up form clearly identify the person, business or organization asking for the consent? Yes No

Does your sign-up form indicate that there will be a mechanism for people to unsubscribe at any time? Yes No

Do you have a process in place to document this consent? Yes No

Reminder: once you obtain express consent, it is good forever or unless someone opts out.

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What you should do to prepare.

2. Obtain Express Consent

For all new contacts...

- Start asking for express consent now...you'll need it eventually, so why wait?



For your existing contacts

- Begin taking steps to re-confirm their opt-in



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What you should do to prepare.

3. Make sure ongoing communications have the appropriate information.

Make it clear who is sending the message.

Include a valid mailing address and either a phone number, email address or web address.

SouthSideBikes.com | 14 Main Street | Cooksville, ON

You're receiving this email because you provided South Side Cycling, 14 Main Street, Cooksville, ON (www.southsidebikes.com) permission to email you. You can revoke permission to mail to your email address at any time using the [SafeUnsubscribe™ link](#) that is found at the bottom of every email. We take your privacy seriously (to see for yourself, please read our [Email Privacy Policy](#)). Emails are serviced by [Constant Contact](#).

 SafeUnsubscribe

Make it easy for people to unsubscribe at any time.

 Trusted Email from Constant Contact™ Try it FREE today.

Clearly identify the email service provider.

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These are email marketing best practices!



Improved open rates



Fewer SPAM reports



Opportunities to **do more business!**

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Notes From CASL Webinar:

- Effective July 1st, 2014
 - Regulatory framework for permission based marketing
 - Includes email, social media, etc.
- All commercial electronic messages
 - **Expressed Consent:** clear permission electronically/orally/in writing
 - **Implied Consent:** inferred from some type of relationship
 - 2 types are acceptable
 - •It's all about CONSENT
 - Indicate who's requesting
 - Let them know they can unsubscribe
 - Tell what they will get & how often
 - Be clear what you're asking for
 - Include mailing address
 - NEVER EXPIRES
 - **Expressed Consent:**
 - Needs a previous relationship -◦- business, donation, contract, volunteer, member in the past 2 years
 - If someone publishes their email address without making it clear they DON'T want you to contact them
 - If someone gives you their business card, you could add them to your list = implied consent
 - **Implied Consent:**
 - PERIOD OF 2 YEARS
 - Always easier to get expressed consent
 - Will probably want to do this before July 1
 - Will probably have limited results (single digit percentage of response) - free giveaways/ draws/ coupons
 - Aim to get expressed consent from every contact on your list - send reconfirmation

What about my existing list?

- Grace period: any address that was obtained previously, can still be emailed for 3 years
- Has to be OPT IN not OPT OUT
- No rechecked allowed, have to make clear how to unsubscribe, need physical address, web address or phone number
- Not all addresses are gathered online... same requirements even offline
- Any computer that's TO or FROM Canada
- Classify as commercial activity (not for profit activities -◦- asking volunteers / register for volunteer events)
- CRTC
- **Fines up to 1 Million or 10 Million, \$200 per email.**

- Mailing address, postal code, area code, IPS. OR rogers/sympatico/bell

- **How do you know?**

- CASL applies to ALL digital communications (not just email where primary purpose is commercial)
- OPT IN only (whereas opt out is also acceptable in CANSPAM)
- •CASL vs CAN SPAM (US)
- DOES apply except for messages of fundraising nature

- **What about charities / non profits?**

- DOES apply, except for messages with primary purpose to solicit