

Canada's New Anti-Spam Laws & How They Affect Kin

Canada's Anti-Spam Legislation (CASL) came into effect July 1, 2014. Its main aim is to prevent unwanted commercial communications. You all probably received a slew of emails in June from companies asking if you'd like to continue receiving messages and updates from them. That's because recipient consent is now required prior to sending out electronic commercial messages.

For those clubs that utilize email, don't panic. CASL is focused at serious spammers and is not meant to be an obstacle for club communications.

Here are the things you should know:

1. It focuses on ELECTRONIC COMMERCIAL communication.
 - i. ELECTRONIC – aka email. Facebook page & group communications are safe because that person has to come to you. Be careful private messaging people. Facebook Messenger is treated like email.
 - ii. COMMERCIAL – aka business-related: Anything that encourages participation in the organizational entity counts (check out our website, stop by our event, join us for a meeting, please donate gift cards for National Day of Kindness).
2. FUNDRAISING requests by REGISTERED CHARITIES are exempt. While we do work with a lot of charities, Kin Canada is not a registered charity itself. Emailing on behalf of a charity is a grey area in the legislation. Be careful. Good news though, asking in-person or via telephone is not spam.
3. The required CONSENT does not have to be explicit. IMPLIED consent is acceptable and is good for a two-year period or until asked to cease correspondence. What is meant by implied consent? If you have an established relationship (members, community partners, past donors and event participants) and have corresponded about Kin business within the past two years, it is acceptable to continue communications without sending an overt "can I email you?" message.
4. Clubs must keep a RECORD OF CONSENT and have policies in place for keeping track of opt-outs. For your implied consent relationships, you need to keep track of dates. If your club does a lot of emailing to non-members, keep a database.
 - i. Roger Rabbit - July 16, 2013 - asked Club President for membership information
 - ii. Judy Garland – January 2014 – donated prize to club's silent auction eventYour database should be updated to show the latest interactions. Anyone you have not had a business interaction with in the last 2 years should be removed from your email lists.
5. You must identify who the email is coming from. Your name and Club name is ideal.
6. There should be an opt-out option in your email signature. A simple, "If you no longer wish to receive correspondence from us, please reply with REMOVE" works.
7. If you have an electronic newsletter or club website that has a request information function, any checkboxes cannot be pre-checked by you. Visitors have to intentionally click an opt-in button.
8. If you're doing a draw and are collecting personal contact information on a ballot, remember privacy laws say you can't use it for outside correspondence without asking. Like the above rule, you can include a line that says "I would like more information about becoming Kin." But the person must intentionally check the box.

For more information, there is a presentation by DYTREM Corporation available at <http://clearslide.com/view/mail?iID=ZRY279AQVTCZBBWE6XHX>, or contact Laura Hamilton, Communications Coordinator at lhamilton@Kincanada.ca