



Registered Massage Therapists'
Association of Ontario

CASL AND RMT COMPLIANCE

UNDERSTANDING THE CANADIAN ANTI-SPAM LEGISLATION FOR RMTs

CASL AND RMT COMPLIANCE

The Canadian Anti-Spam Legislation (CASL) comes into effect on July 1, 2014 and every RMT in the province of Ontario will be expected to comply with its requirements.

WHAT IS CASL?

CASL is designed to control the spread of unwanted Commercial Electronic Messages (CEMs) or spam. In the clearest possible terms, it prevents *unsolicited e-mails*. CASL starts on July 1, 2014 and there is no transition period for compliance. CASL applies to business entities contacting individuals or businesses in Canada from inside or outside Canada. You cannot hire a company outside of Canada to deliver commercial messages to people in Canada, unless they are compliant with CASL.

WHAT IS A COMMERCIAL ELECTRONIC MESSAGE (CEM)?

A CEM is any communication that is sent to solicit business or participation. A CEM is an electronic communication such as an e-mail, text message or private message (within social media constructs like FaceBook and Twitter) containing promotional content for a business service or program. This includes any kind of logo, clinic name, or designation (the inclusion of the letters RMT is a commercial notification). The definition of a CEM takes into consideration the description of a service or program including any testimonials.

It DOES NOT include a telephone call, a fax or a hard copy mail out.

WHAT DO I NEED TO DO AS AN RMT?

In order to comply with CASL, you must have consent to send CEMs to your clients and any other individual or business that you interact with or wish to interact with through CEMs. *Even if the recipient has directly consented, they must have an “opt-out” option clearly displayed in the CEM.*

CASL recognizes two types of consent: Express and Implied.

EXPRESS:

- Must contain an “opt-in box”. This must be blank with the option to be filled in by the recipient. It cannot default to yes
- The information beside the opt-in box must state that the individual/business agrees to receive CEMs
- It is possible to build a “preferences table” that allows the recipient to decide the level of CEM they receive i.e. All messages, only information, etc.

- You cannot infer consent on the basis that a recipient has not unsubscribed from previous e-mails
- The request must be clear and simple. You cannot bury the request in “Terms and Conditions”
- When requesting consent, you must include your:
 - Identity
 - Business name and actual name (if different)
 - Contact information
- There must be a statement that the recipient may withdraw consent at any time
- Express Consent is the *highest level of consent* and does not expire

IMPLIED:

- Exists when there is an already established business relationship i.e. a person/business has purchased a product or service. Recipients must continue to have the option to “opt-out”
- Exists when there is an existing non-business relationship i.e. members of a club or an association, volunteers or donors of a registered charity
- *The above examples allow you a two (2) year allowance for communication to gain formal consent through the use of the above requirements for express consent*
- If there is published business contact information that is conspicuously published without prohibition and the message is relevant to the recipients business
- If the business information was disclosed by the recipient without prohibition and the message is relevant to the recipients business. *Business cards need to be saved with notes to prove the relationship and consent if that was the manner in which the information was disclosed.*

EXCEPTIONS FROM CASL

- Messages between family members
- Messages between persons with a personal relationship
- Responses to a request for a quote, inquiry, or complaint
- Intra-organization messages and messages between organizations if they have an existing relationship and the message is related to the organizations activities i.e. between business such as vendors and suppliers – meant to facilitate day to day business activities
- Messages sent under legal obligation
- Notice of an Annual General Meeting
- Pending transaction messages, previous transaction messages, and/or factual notice (factual information about a service or product purchased by the recipient). These messages must adhere to the content requirements and have an “unsubscribe option”.

REGISTERED MESSAGE THERAPISTS' ASSOCIATION OF ONTARIO

2943B Bloor St. West, Toronto, Ontario, M8X1B3
Tel: 416-979-2012 – Toll Free: 1-800-668-2022 – Fax: 416-979-1144
Email: info@rmtao.com - www.rmtao.com

CONTENT REQUIREMENTS:

- Identity
- Business name and actual name (if different)
- Contact information
- Unsubscribe mechanism:
 - Must be effective and free
 - Must also provide an electronic address or link to unsubscribe
 - Must be implemented within 10 business days
 - You might consider building a preferences menu so that they opt-out of specific CEMs but not others

There is a three (3) year transition period (July 1, 2014 – June 30, 2017) during which businesses have implied consent to send CEMs to those with which they have an existing business or non-business relationship. This means that until June 30, 2017, businesses have implied consent for all customers who ever purchased a product/service from them, regardless of the timeframe prior to July 1, 2014. This means that you have until June 30, 2017 to email all past customers and either get their express consent so you can keep emailing them, or if they come back and use your services again, then you always have 2 years of implied consent.

After July 1st, 2014 any message requesting consent will be considered spam.

There are various ways that different organizations will be handling the new CASL requirements. Please consider your own permissions when reviewing similar emails from your suppliers, vendors, and various affiliations. Choosing to “Opt-Out” of CEM Communication may leave you unaware of critical updates, changes in products that you use, or even notices of legal regulations.