Cassels

514-BILLETS Gets Billed by the CRTC for CASL Violations

May 11, 2018

On May 1, 2018, the Canadian Radio-television and Telecommunications Commission ("CRTC") announced that 514-BILLETS, comprised of the companies 9118-9076 Quebec Inc. and 9310-6359 Quebec Inc. (collectively the "Companies"), jointly and severally agreed to pay $100,000 pursuant to an undertaking to resolve alleged anti-spam violations. This investigation and settlement is the first application of Canada's anti-spam law (commonly known as "CASL")[1] regarding unsolicited commercial electronic messages ("CEMs") sent to mobile phones.

The Companies voluntarily entered into this undertaking with the CRTC's Chief Compliance and Enforcement Officer to address alleged violations of CASL. During the period between July 2014 and January 2016, the Companies allegedly sent text messages and other CEMs to consumers in violation of CASL. Specifically, the Companies purportedly did not obtain required recipient consent, failed to identify the person sending the CEMs, and lacked information allowing recipients to contact the sender. Most of the messages also requested that recipients consent to receive future commercial offers.

The undertaking also addresses non-compliance with section 4 of the *Electronic Commerce Protection Regulations* relating to information to be included for a request for consent.

As part of its undertaking, the Companies have agreed to pay $100,000 through providing $10 rebate coupons to 7,500 clients for an aggregate of $75,000, and paying $25,000 to the Receiver General of Canada in accordance with CASL. To ensure future compliance with CASL, the Companies will appoint an officer responsible for compliance and implement a compliance program, which will include employee training, disciplinary measures for non-compliance and various CASL complaint monitoring and resolution, audit and reporting measures.

This undertaking reminds organizations that CASL applies to any form of CEM, even text messages, used to promote products and services, and that the CRTC is actively monitoring and responding to complaints involving different types of CEMs.

For the CRTC's official news release, please click here.

For more information, please contact the authors of this article or any member of our Information Technology & Data Privacy Group.

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[1] *The full name of CASL is "An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act".*

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