

Anti-Spam Law Transition Period Ends July 1, 2017: What Insurers and Brokers Need to Know

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On June 7, 2017, the Minister of Innovation, Science and Economic Development announced that the private right of action under Canada's Anti-Spam Legislation (CASL) that was due to come into effect on July 1st has been suspended. This was welcome news for many industries. The private right of action presented a new risk of significant statutory damages and potential class action lawsuits for minor and technical breaches of CASL.

While this move has provided some relief, it does not affect the end of the three-year transitional period for CASL set to expire on July 1, 2017. During the transitional period, commercial electronic messages could be sent if you had an existing business or non-business relationship that predated CASL's enactment on July 1, 2014. In other words, if your company/brokerage had established a business or non-business relationship at any time before July 1, 2014, with the recipient, your company/brokerage could rely on this relationship in order to send commercial electronic messages until July 1, 2017.

After July 1st, this will no longer be the case. Generally, you will have to be able to demonstrate either:

- express, fully informed, opt-in consent from the recipient in order to send commercial electronic messages;
- that you had implied consent, by way of an existing business or non-business relationship in accordance with certain time periods specified in CASL (explained further below); or
- that another specific exemption applies.

For more on anti-spam compliance for brokers, please [click here](#).

For more on anti-spam compliance for insurers, please [click here](#).

If you have any questions, or require more information regarding other potentially applicable exemptions, please do not hesitate to contact any member of the Cassels Insurance - Corporate and Regulatory Group.