

BILL C-28

Everything you need to know

Bill C-28 applies to all commercial electronic messages sent to an electronic address.



EMAIL



INSTANT
MESSAGING



SOCIAL
MEDIA



The law prohibits sending out commercial electronic messages without the recipient's express or implied consent.



Express consent

The person has consented to receive communications from you.



Verbal agreement

Record your conversations.



Electronic proof

Save the proof of consent (name, date, email, etc.)



Written proof

Keep the written proof of your client's consent.

The double opt-in



The double opt-in (when the person receives a confirmation email and clicks the link to confirm his subscription) is the best way to prove express consent.



Implied consent

You can demonstrate your business relationship with the person without having obtained his consent to receive communications from you.

Accepted forms of implied consent

- ✓ CONTRACT (24 months)
- ✓ PURCHASE (24 months)
- ✓ ONGOING PRIVATE RELATIONSHIP
- ✓ REQUEST FOR INFORMATION (6 months)
- ✓ REQUEST FOR QUOTE (6 months)
- ✓ BUSINESS CARD
- ✓ PUBLICLY POSTED EMAIL ADDRESSES RELATED TO YOUR FIELD OF ACTIVITY



Implied



Express

The objective is to turn implied consent into express consent.

Your obligation when communicating by email

1

Clearly identify yourself

2

Provide your contact information

3

Include an "Unsubscribe" link (maximum of 10 business days for change to take effect)



Remedies/penalties

CRTC

Maximum fines:

\$1,000,000 (individual)

\$10,000,000 (corporation)

Private remedies

\$200 to \$1,000,000

Date on which C-28 came into force:
July 1, 2014



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