



CASL COMPLIANCE PREPAREDNESS CHECKLIST COMMERCIAL ELECTRONIC MESSAGES (“CEMs”)

The checklist below includes various activities your organization should consider undertaking as part of its CASL compliance efforts for CEMs.

Commercial Electronic Messages

- Conduct electronic communications audit and gap analysis.
- Identify all of the purposes for which your organization communicates electronically and those purposes for which you require consent.
- Determine what forms of consent you will rely upon and develop processes to capture consent.
- Seek to replace implied consent with express consent prior to July 1, 2014.
- Ensure that you maintain evidence of consent.
- Ensure that CASL information requirements and unsubscribe information is incorporated into your CEMs.
- Develop an unsubscribe mechanism.
- Review and update forms, applications and agreements, including third party contracts.
- Draft a CASL compliance policy and update related policies.
- Monitor CASL compliance.
- Provide CASL education and training.
- Review insurance policies.

If you alter transmission data in an electronic message or if you install a computer program on another person’s computer in the course of commercial activity, there are additional activities your organization should consider undertaking as part of its CASL compliance efforts for CEMs. Please contact Miller Thomson for further information.

*Speak to your Miller Thomson lawyer to develop a plan
to bring your organization into CASL compliance.*