NuSpark Media Group

# CASL CHECKLIST

## INITIAL EMAIL

| Checklist | Rationale | How/Example |
|---|---|---|
| - Ensure recipients have provided express or valid implied consent before sending emails. | CASL requires either explicit or valid implied consent for commercial electronic messages (CEMs). | Obtain express consent via subscription forms or verify implied consent from an existing business relationship or recent transaction. |
| - Avoid using pre-checked consent boxes. | CASL requires explicit, intentional consent; pre-checked boxes do not meet this standard. | Use form settings that keep checkboxes unchecked by default (e.g., <input type="checkbox" />). |
| - Clearly identify your company and include contact information in the email footer. | Transparency ensures recipients can identify the sender and contact them if necessary. | Add your company name, address, and a contact email or phone number in every email footer. |
| - Provide a clear and functional unsubscribe mechanism in every email. | CASL mandates an easy way for recipients to withdraw consent at any time. | Include an unsubscribe link in the footer that redirects users to a confirmation page or email preferences center. |
| - Ensure subject lines and content are truthful and not misleading. | CASL prohibits deceptive messaging, ensuring communication reflects the actual purpose and content. | Example: "Your Free Guide to CRM Best Practices" instead of vague or unrelated subject lines. |
| - Keep records of consent, including date, method, and any related information. | CASL requires businesses to prove consent in case of audits or complaints. | Use a CRM or consent management tool to log when, how, and under what terms consent was given. |
| - Avoid emailing individuals whose implied consent period has expired or who have opted out. | Implied consent has specific time limits (e.g., 6 months post-inquiry, 2 years post-transaction). | Regularly update email lists to exclude contacts who no longer meet consent requirements or have unsubscribed. |

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# CASL CHECKLIST

# CONSENT LANDING PAGE

| Checklist | Rationale | How/Example |
|---|---|---|
| - Clearly explain why you are collecting consent (e.g., for promotional emails). | Transparency ensures users understand the purpose of their consent, aligning with CASL requirements. | Example: "We'd like to send you updates and exclusive offers. Please let us know if you're interested by opting in below." |
| - Use separate, unchecked checkboxes for different types of consent. | CASL requires that consent be explicit and intentional, and separate checkboxes allow users to choose specific preferences. | Include checkboxes like "I agree to receive marketing emails" or "I agree to receive SMS updates," all unchecked by default. |
| - Provide your company name and contact details. | CASL requires transparency about who is requesting consent. | Example: "This request is from [Company Name], [Address], [Contact Email/Phone Number]." |
| - State that users can withdraw consent at any time. | CASL requires an easy method for users to opt out of communications. | Example: "You can withdraw consent anytime by clicking 'Unsubscribe' in our emails or contacting us at privacy@[company].com." |
| - Link to your privacy policy for more detailed information. | Provides transparency about data handling and ensures users can make informed decisions. | Add a statement like, "Learn more about how we handle your data in our Privacy Policy," with a clickable link to the policy page. |
| - Keep records of consent, including timestamps and details of the opt-in method. | CASL requires businesses to provide proof of consent if audited or challenged. | Use a CRM or consent management platform to store records of consent, including timestamps and IP addresses. |
| - Ensure the page is mobile-friendly and accessible to all users. | CASL applies to all individuals, so the page must be easy to use on various devices and compliant with accessibility standards. | Test the page on mobile devices and validate accessibility using tools like WAVE or Axe. |
| - Avoid using pre-checked boxes or combining consent with terms and conditions. | CASL prohibits bundling consent with unrelated terms or using pre-checked boxes, as this does not demonstrate explicit consent. | Ensure all checkboxes require user action and are independent of mandatory actions like accepting terms of service. |
| - Include an optional field for users to specify their communication preferences. | Allowing users to select how they want to be contacted (e.g., email, phone) improves user experience and compliance with CASL. | Example: "How would you like to hear from us? [Dropdown menu: Email, SMS, Phone]." |

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# CASL CHECKLIST

# PRIVACY POLICY ADDENDUM

| Checklist | Rationale | How/Example |
|---|---|---|
| - Clearly state that the addendum ensures CASL compliance. | Transparency assures users the document outlines how your business meets CASL requirements. | Example: "This document supplements our Privacy Policy to outline how we comply with Canada's Anti-Spam Legislation (CASL)." |
| - Define how personal data is collected, stored, and used. | Transparency about data practices helps meet CASL and privacy law requirements. | Include sections describing data sources (e.g., website forms), usage (e.g., marketing emails), and storage duration. |
| - Specify consent types (express vs. implied) and how they are obtained. | CASL requires clear documentation of the type of consent obtained before sending marketing communications. | Example: "Express consent is obtained when users opt in via our forms. Implied consent may apply for recent transactions or inquiries." |
| - Include a section about rights to withdraw consent or unsubscribe. | CASL requires businesses to provide recipients with easy ways to opt out of communications. | Example: "You can withdraw consent by clicking 'Unsubscribe' in our emails or contacting privacy@[companyname].com." |
| - Provide details about how long personal data is retained and under what circumstances. | CASL specifies that data should not be retained longer than necessary. | Example: "Personal data for marketing purposes is retained until consent is withdrawn or for 2 years after a business transaction." |
| - Identify third-party services used for email marketing or data processing. | CASL holds businesses accountable for any third-party service providers that process data on their behalf. | List tools like "Mailchimp" or "HubSpot" and link to their privacy policies in your addendum. |
| - Specify the effective date and how users will be notified of updates. | CASL compliance includes keeping recipients informed of any changes to data handling practices. | Example: "This addendum is effective as of [date]. Future updates will be communicated via email and posted on our website." |
| - Provide contact information for questions about CASL compliance. | Recipients must have an easy way to contact your business about CASL-related inquiries. | Example: "For questions, email privacy@[companyname].com or call [phone number]." |

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# CASL CHECKLIST

# PRIVACY POLICY TEMPLATE

Privacy Policy Addendum for CASL Compliance
Effective Date: [Insert Date]
At COMPANYX, we are committed to protecting your personal data and ensuring transparency about how we handle your information. This addendum supplements our existing Privacy Policy and specifically addresses our compliance with Canada's Anti-Spam Legislation (CASL).

1. Data Collection and Usage

We collect and process personal data for the following purposes:

- To send promotional communications (with your consent).
- To respond to inquiries and provide requested information.
- To comply with legal and regulatory obligations.

The types of data collected include:

- Name, email address, phone number, and company details.
- Interaction data, such as whether you opened or clicked an email.

2. Consent Types Under CASL

We send commercial electronic messages (CEMs) based on the following types of consent:

- Express Consent: You have explicitly agreed to receive communications by opting in through a form or other method.
- Implied Consent: You have an existing business relationship with us (e.g., prior transactions or inquiries).

Express consent is retained indefinitely unless withdrawn, while implied consent expires after:

- 6 months from the date of an inquiry.
- 2 years from the date of a business transaction.

3. Your Rights as a Recipient

Under CASL, you have the right to:

- Withdraw Consent: Opt out of receiving future communications.
- Access Information: Request details about the data we collect and how it is used.
- Contact Us: Raise concerns or complaints about our practices.

To exercise your rights, contact us at privacy@companyx.com.

4. Third-Party Data Sharing

We may share your data with trusted partners to facilitate communications, such as:

- Email marketing platforms to manage and send emails.
- Analytics providers to measure email campaign performance.

All third parties comply with CASL and other applicable privacy laws.

5. Data Retention

We retain personal data only as long as necessary to fulfill the purposes outlined above or as required by law. For example:

- Implied consent data: Retained for 6 months (inquiries) or 2 years (business relationships).
- Express consent data: Retained until consent is withdrawn.

6. How to Withdraw Consent

You can unsubscribe or withdraw consent at any time by:

- Clicking the "Unsubscribe" link in our emails.
- Contacting us at privacy@companyx.com.

Once consent is withdrawn, you will no longer receive commercial electronic messages from us.

7. How to Contact Us

If you have any questions or concerns about this policy or wish to exercise your rights under CASL, please contact us:

- Email: privacy@companyx.com
- Address: [Insert Address of COMPANYX]
- Phone: [Insert Contact Number]

8. Updates to This Addendum

This addendum was last updated on [Insert Date]. Any updates will be posted on our website and communicated where applicable.

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# CASL CHECKLIST

# DOUBLE OPT-IN EMAIL

| Checklist | Rationale | How/Example |
|---|---|---|
| - Send a confirmation email immediately after the user signs up. | Ensures the provided email address is valid and belongs to the user. | Use your email service provider (e.g., Mailchimp) to trigger confirmation emails upon form submission. |
| - Clearly state the purpose of the confirmation email. | Transparency ensures users understand why they are receiving the email and builds trust. | Example: "We need to confirm your subscription to our newsletter to comply with Canadian anti-spam regulations." |
| - Include a clear call-to-action (CTA) to confirm subscription. | Simplifies the process for users to complete their subscription and aligns with CASL's express consent requirements. | Example: "Click here to confirm your subscription" with a prominent button or hyperlink. |
| - Provide a brief explanation of what users are subscribing to. | Reinforces user understanding and ensures informed consent. | Example: "By confirming, you'll receive monthly updates and exclusive tips for optimizing CRM strategies." |
| - Use a secure and unique confirmation link that expires after a set period. | Protects against unauthorized access and ensures timely responses from users. | Generate token-based links with an expiration time of 48 hours. Validate these links server-side upon confirmation. |
| - Store proof of double opt-in, including timestamps and details of consent. | CASL requires businesses to keep records demonstrating that valid consent was obtained. | Use a CRM or database to store consent details such as timestamps, IP addresses, and opt-in forms. |
| - Ensure the confirmation email includes sender information and contact details. | Transparency about who is sending the email aligns with CASL's identification requirements. | Include your company name, address, and a support email or phone number in the email footer. |
| - Provide a link to the privacy policy for further details. | Transparency about data practices reinforces compliance and builds trust. | Example: "Learn more about how we handle your data in our Privacy Policy" with a clickable link. |

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# CASL CHECKLIST

# LEAD MAGNET EMAIL

| Checklist | Rationale | How/Example |
|---|---|---|
| - Use a truthful, non-misleading subject line that reflects the email content. | CASL requires that subject lines accurately reflect the purpose of the email to prevent misleading communication. | Subject line example: "Here's Your Free CRM Guide to Streamline Your Workflow!" |
| - Address the recipient by name, if available. | Personalization builds trust and relevance, improving user engagement while reducing spam perception. | Use email merge tags like "Hi [First Name], your guide is ready!" |
| - Begin the email by reminding the recipient how they provided consent. | Reinforces compliance with CASL and reassures recipients that the email aligns with their preferences. | Example: "You're receiving this email because you opted in to receive our updates and resources about CRM solutions." |
| - Clearly describe the value of the lead magnet (e.g., the free eBook). | Transparency ensures users understand what they are receiving, aligning with CASL's principles of truthful communication. | Example: "Our free CRM guide will help you implement strategies to improve customer retention and automate workflows." |
| - Include a prominent, clear call-to-action (CTA) to download the lead magnet. | Simplifies the process for recipients to access the promised content, improving user experience. | Example: "Click here to download your free CRM guide" with a clear button or hyperlink. |
| - Provide your company name and contact information in the email footer. | CASL requires that senders clearly identify themselves and offer a way for recipients to contact them. | Include your company name, address, and email or phone number in the footer, e.g., "Contact us at privacy@[company].com." |
| - Include a functional unsubscribe link. | CASL mandates an easy way for recipients to withdraw consent at any time. | Add a footer link, e.g., "Click here to unsubscribe," that redirects to a page confirming the opt-out action. |
| - Ensure that the lead magnet is provided regardless of whether the recipient opts out later. | CASL prohibits making the delivery of a resource conditional on continued consent for marketing communications. | Send the lead magnet immediately after opt-in or make it available on a landing page, ensuring recipients can still opt out of future emails. |
| - Use a CASL-compliant email service provider. | Ensures compliance with CASL's data processing and record-keeping requirements. | Use tools like Mailchimp, HubSpot, or ActiveCampaign, which offer CASL compliance features like tracking consent and data encryption. |
| - Log proof of consent, including the date and method of opt-in. | CASL requires businesses to retain consent records as evidence in case of audits or disputes. | Use a CRM or email platform to store consent details, including the opt-in timestamp, IP address, and the content of the consent form. |

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# CASL CHECKLIST

# ADS AND EBLASTS

| Checklist | Rationale | How/Example |
|---|---|---|
| - Ensure recipients of eBlasts have provided express or implied consent. | CASL requires either explicit or valid implied consent for sending commercial electronic messages (CEMs). | Collect express consent via subscription forms, or verify implied consent based on a prior business transaction or inquiry within the allowable time frame (6 months or 2 years). |
| - Avoid using purchased email lists without verifiable consent. | CASL prohibits sending CEMs to recipients without valid consent, and purchased lists often lack sufficient evidence of compliance. | If using purchased lists, obtain documentation proving the recipients explicitly consented to receive messages from your organization. |
| - Clearly identify your company and include contact information in the ad or eBlast. | Transparency ensures recipients can recognize the sender and contact them if needed, meeting CASL requirements. | Add "Sponsored by [Company Name]" in ads or the header of the eBlast. Include your company name, address, and email or phone in the eBlast footer. |
| - Provide a clear and functional unsubscribe mechanism in all eBlasts. | CASL mandates that recipients can easily opt out of future communications at any time. | Include an "Unsubscribe" link in every email, leading to a confirmation page or email preferences center. |
| - Ensure eBlast content is truthful and not misleading. | CASL prohibits false or misleading representations in electronic messages. | Review content to ensure it reflects the actual offer, e.g., "Save 20% on CRM Software" instead of vague or exaggerated claims. |
| - Use GDPR-compliant targeting methods for ads in journals. | Anonymized or aggregated data targeting methods minimize privacy risks and ensure compliance with data processing standards. | Configure ad platforms to use anonymized audience data or contextual targeting for placements. |
| - Provide a link to your privacy policy in the eBlast or ad. | Transparency about how user data is handled ensures compliance and builds trust. | Add a line like "Learn more about how we handle your data in our Privacy Policy" with a clickable link in the eBlast or ad. |
| - Verify that third-party platforms or ad networks comply with CASL. | CASL requires businesses to ensure compliance by all third parties involved in the delivery of their marketing campaigns. | Use Data Processing Agreements (DPAs) with platforms and partners to document their adherence to CASL requirements. |

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# CASL CHECKLIST
# RETARGETING

| Checklist | Rationale | How/Example |
|---|---|---|
| - Obtain consent for cookies or tracking technologies before enabling retargeting. | CASL requires valid implied or express consent for tracking users' behavior for ad targeting. | Display a cookie consent banner with "Accept All" and "Manage Preferences" options. |
| - Clearly explain how retargeting works in your privacy policy. | Transparency ensures users understand how their data is being processed and used. | Example: "We use cookies to track your browsing activity to deliver personalized ads based on your interests." |
| - Allow users to opt out of tracking or retargeting. | CASL gives individuals the right to control how their data is used. | Provide a cookie settings page or links to tools like YourAdChoices or Network Advertising Initiative for opt-out options. |
| - Use anonymized or aggregated data for retargeting where possible. | Reduces the risk of misuse or exposure of personal data, aligning with CASL's data minimization principles. | Configure ad platforms to use anonymized data segments (e.g., Google Ads' "modeled audiences") for retargeting campaigns. |
| - Verify that third-party platforms used for retargeting comply with CASL. | CASL holds businesses accountable for third-party compliance with anti-spam and privacy regulations. | Use platforms with CASL compliance tools like Google Ads or Meta Ads, and establish contracts (DPAs) with these third parties. |
| - Provide users with clear information about how their data is used for retargeting. | Transparency builds trust and ensures users understand the purpose of retargeting activities. | Example: "We use your browsing data to show ads that are more relevant to you. Learn more in our Privacy Policy." |
| - Retain data only for the duration of the retargeting campaign or as required by law. | CASL requires data retention policies to align with the principle of data minimization. | Example: "We retain retargeting data for up to 90 days after a campaign ends unless required otherwise by legal obligations." |

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# GDPR CHECKLIST

## INITIAL EMAIL

| Checklist | Rationale | How |
|---|---|---|
| - Ensure recipients have provided express or implied consent before sending emails. | CASL requires express consent or valid implied consent (e.g., existing business relationship). | Collect consent through online forms with a checkbox for opting in or verify implied consent through previous interactions or transactions. |
| - Avoid using pre-checked consent boxes. | Pre-checked boxes do not meet CASL's standard of explicit and intentional consent. | Set checkboxes in forms to be unchecked by default using HTML form settings (<input type="checkbox" />). |
| - Clearly identify your company and include contact information in the email footer. | Transparency ensures recipients can easily recognize the sender and contact them if needed. | Add your company name, address, and a support email or phone number in the email footer. |
| - Provide a clear and simple unsubscribe mechanism in every email. | CASL requires recipients to have an easy way to opt out of communications. | Include a visible unsubscribe link in the email, which redirects users to a page confirming their opt-out or preference change. |
| - Ensure the subject line and email content are not misleading. | CASL prohibits deceptive practices, ensuring truthful communication is essential. | Review subject lines and email content for accuracy and relevancy to the recipient's interests or consent. |
| - Keep records of consent, including timestamps and the method of obtaining consent. | Provides evidence of compliance if requested by regulators. | Use a CRM or consent management tool to log the details of consent, including timestamps and the opt-in method. |
| - Avoid sending emails to individuals who have opted out or whose implied consent period has expired. | CASL specifies time limits for implied consent (e.g., 2 years for existing business relationships). | Regularly audit your email list to remove contacts who have opted out or whose implied consent period has expired. |