



CASL - Canadian Anti-Spam Legislation

Understanding your legal obligations in the use of digital technology, notably electronic messages, including emails, text messages is important for kinesiologists. The introduction of Anti-Spam legislation serves to help protect the Canadian public from receiving unsolicited emails (Commercial Electronic Messages or 'CEMs') commonly referred to as 'SPAM', along with restrictions on other actions to protect the public.

The [CASL](#) has specific implications for kinesiologists who operate their own businesses. These will primarily relate to the collection and use of personal email addresses of potential customers for the sending of marketing or promotional materials but can involve other actions covered by the law.

Actions which are covered by the law include:

- unauthorized alteration of transmission data
- the installation of computer programs without consent
- false or misleading electronic representations (including websites)
- the harvesting of addresses (collecting and/or using email or other electronic addresses without permission)
- the collection of personal information by accessing a computer system or electronic device illegally

The law applies to:

- Electronic messages originating from or transmitted (received) in Canada.
- Commercial messages, which are defined as: **Any electronic message that encourages participation in a commercial activity, regardless of whether there is an expectation of profit.**

You must 'obtain' consent (express or implied) prior to sending a CEM. Under the law individuals and organizations must "opt in" to receive a CEM from third parties. This requires a positive reply of

- *"Yes, you have my permission to send me marketing materials (CEMs)",*

And not a negative reply of

- *"If you don't want to receive marketing materials (CEMs) please respond, otherwise I (we) can continue to send you CEMs".*

This 'negative' option to not receive messages is not considered valid consent under the law.

Businesses including self-employed kinesiologists must ensure they develop and implement policies to reduce the risk of non-compliance.

Additional and up to date information can be obtained from the [CASL](#) website.