



CAN-SPAM AND BILL C-27 CHECKLIST

JUNE, 2009

MARKETERS' CORE ISSUES	TO BE COMPLIANT WITH CAN-SPAM	TO BE COMPLIANT WITH BILL C-27	HOW TO OPTIMIZE
<p><i>WHO A MARKETER CAN SEND EMAIL TO...</i></p>	<p>Marketers can send email to anyone. However, marketers can not send email to anyone who has “unsubscribed” or “opted-out” from their existing email.</p>	<p>Marketers can send email to anyone who has given either explicit or implied consent.</p> <p>Implied consent is present when there is an existing business or non-business relationship between the sender and the recipient of the message. Explicit consent exists when the recipient provides the sender permission to send messages.</p> <p>*Definitions of <i>business relationships</i> and <i>non-business relationships</i> can be found at the end of this document.</p>	<p>Segment your subscribers (and targets) based on expressed preferences, observed behaviours, demographics and customer lifetime value.</p> <p>Use opt-in consent methods for capturing information.</p>
<p><i>WHEN A MARKETER CAN SEND EMAIL...</i></p>	<p>Marketers can send email at anytime. But, if an email recipient has unsubscribed, marketers must receive an explicit request to re-subscribe before sending any more emails to that recipient.</p>	<p>Marketers can send email to anyone with whom they have <i>explicit</i> consent.</p> <p>Marketers can send email to customers from whom they've received implicit consent. However, marketers can only send email to these customers for a period of 18 months from the point of gaining that implicit consent.</p>	<p>Avoid seeking an “ideal” time day to send email. Only send emails when you have relevant and timely content.</p> <p>Use preference centres so that subscribers can choose the timing and frequency with which they receive emails.</p> <p>If you have only gathered implicit consent, use your 18 month window to gather explicit consent.</p>

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<p>WHAT A MARKETER NEEDS TO DO TO ACQUIRE NEW EMAIL SUBSCRIBERS...</p>	<p>If consent has not been gathered, marketers need to include a notice stating that the email is an advertisement or commercial message.</p>	<p>While Bill C-27 does not outline any specific actions, it demands that marketers have permission prior to sending an email.</p>	<p>Follow the guidelines set out in the Personal Information Protection and Electronics Documents Act (PIPEDA) and work with your email service provider to take advantage of online contests and offline marketing campaigns.</p>
<p>WHAT NEEDS TO BE IN ALL EMAIL MESSAGES...</p>	<p>Marketers need to include:</p> <ul style="list-style-type: none"> • The "From" address in the Internet Protocol header information • Your company's postal address • Subject lines that accurately reflect the purpose of the email • A web-enabled unsubscribed process 	<p>Marketers need to include:</p> <ul style="list-style-type: none"> • The identity of the person who is sending the email message. If the email is being sent on someone's behalf other than the sender, the name of that person needs to be included. • Your company's name • Your company's contact information 	<p>To increase the likelihood of email being delivered by the Internet Service Providers (ISP), ensure the Domain Naming System (DNS) and the Internet Protocols match the corporate brand sending the email. Also, review the guidelines set out in The Marketer's Guide to Successful Email Delivery.</p> <p>Run tests (e.g. html coding, spam words, subject lines, spelling mistakes, text on graphics, etc.) on your content prior to deploying.</p> <p>Include your postal address as the form of contact information.</p>

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<p>WHAT A MARKETER NEEDS TO DO TO ACCOMMODATE RECIPIENTS WHO DON'T WANT TO RECEIVE THEIR EMAILS...</p>	<p>Marketers must maintain clear and conspicuous unsubscribe procedures within the email and honour requests for unsubscribing within <i>10 business days</i> of the request.</p> <p>Marketers must monitor all incoming mailboxes for any feedback from recipients.</p>	<p>Marketers must maintain clear and conspicuous unsubscribe procedures within the email and honour requests for unsubscribing within <i>10 days</i> of the request.</p> <p>Marketers must provide a method for email recipients to easily contact the person(s) responsible for sending the message. This method must be active for 60 days from the day the email was sent.</p>	<p>Include an email address unsubscribe <i>and</i> a web page for unsubscribing.</p> <p>Use a preference centre to ensure that subscribers can opt out of individual publications rather than <i>all</i> of your publications.</p> <p>Ask unsubscribers an optional question, "<i>Why are you unsubscribing?</i>" so that you can learn how to modify your campaigns.</p> <p>Route unsubscribe reports to a customer service representative so that they can be reviewed rather than to an unattended mailbox.</p>
<p>WHAT RECOURSE A MARKETER CAN EXPECT FROM RECIPIENTS WHO DON'T WANT TO RECEIVE EMAIL...</p>	<p>Violation of the CAN-SPAM Act is punishable by 3 to 5 years in a federal prison and confiscation of any property purchased through spam earnings. Civil penalties can be as high as \$250 for each illegal email message, up to a maximum of \$2 million. Note: Only Governments (State and Federal) and ISPs can bring cases against senders (i.e. individuals or businesses).</p>	<p>The maximum penalty for a violation is \$1 million in the case of an individual and \$10 million in the case of a business.</p> <p>Note: The Federal Government <i>and individuals</i> can bring cases against senders.</p>	<p>Align your consumer data collection practices with Bill C-27 definition of implied and explicit consent.</p>

*Key Definitions

- › You are considered to have had a **business relationship** when a customer has purchased/leased a product, good or service, bartered or entered a contract with you.
- › You are considered to have had a **non-business relationship** when a person donates to, volunteers for, or becomes an official member of, your organization.

Before your next email marketing campaign, contact ThinData.

As Canada's leading email service provider, we can help you acquire *new* customers, strengthen relationships with *existing* customers and find ways to achieve campaign efficiencies.

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