

## Frequently Asked Questions

**1. We are beginning to market our services to clients via email. Under *Canada's Anti-Spam Legislation (CASL)*, can we use our existing email list?**

The underlying purpose of CASL is to prevent 'spam' and ensure that commercial electronic messages ("CEMs") are welcome. Most businesses will need to review and update their lists. Specific information in the database, such as the date of a purchase or inquiry, will be used to determine what may be mailed without contravening CASL.

CASL will apply whenever the list is used to market *new* services to e-mail addresses of Canadians. Responding to a specific request for information or a quote, completing or following up on products/services previously sold will not contravene CASL.

You can send CEMs to individuals where you have:

- their express consent, e.g., they submitted an online request or replied to a mailing (that meets CASL's requirements for requests for consent) to indicate that they do wish to receive information about new products and services.
- an "existing business relationship", e.g., they made a purchase within the last two years or submitted an inquiry within the six-month period before you sent the e-mail.

Further general information on updating your e-mail list to comply with CASL is available at [www.caobrienlaw.com](http://www.caobrienlaw.com). For specific legal advice to ensure that your business is in compliance, contact Carol Anne O'Brien at [caob@caobrienlaw.com](mailto:caob@caobrienlaw.com) or (416) 640-7270.