CASL Decision Tree for Registered Charities

Is the message a CEM?

NO → CASL does not apply

Yes → Is the **primary** purpose of the CEM to raise funds for your charity?

Yes → CASL does not apply

No or Unsure → Go to next step

Do other exemptions apply?

Is the CEM sent because of ...

- A personal/family relationship
- Organization to organization communications
- Inquiries or applications
- Communications between employees, representatives, etc.
- To a foreign jurisdiction (must comply with foreign laws)
- Legal obligations or to enforce a legal right
- A response to a request, inquiry or complaint

Yes → CASL does not apply

NO — Exemptions do not apply

Is the CEM?

- A third party referral (first CEM after referral only)
- A quote or estimate in response to a request
- Providing a warranty, recall or product safety information, updates and/or upgrades
- Facilitating or confirming a transaction
- Providing information about:
  - an ongoing subscription, membership, accounts, purchases, loans
  - employment relations or benefits plans for employees

If yes....

No consent required but CEM must:

- ❖ identify the sender and provide contact information
- ❖ Provide an unsubscribe mechanism

Do you have consent to send the CEM?

Yes → Implied

NO → Do not send the CEM

Yes → Express

The recipient has:
- ❖ an existing business relationship or
- ❖ an existing non-business relationship in that he/she has been a donor, volunteer or member in the preceding 2 years or
- ❖ "conspicuously published" their electronic address or provided that address to the sender, without indicating that they do not wish to receive unsolicited CEMs **and** the message is relevant to the recipients business, role, duties or functions.

Go ahead send the message

Express → Go ahead send the message

REMEMBER:
Implied consent is only good for 2 years from the date of the last transaction. Best practice is to obtain express consent before 2 years expires

Centre for Public Legal Education Alberta

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