

# Canada's Anti-Spam Legislation – 2023 Year in Review

In 2023, the Canadian Radio-television and Telecommunications Commission continued to enforce Canada's Anti-Spam Legislation (commonly known as "CASL").

## CASL

CASL creates a comprehensive regime of offences, enforcement mechanisms, and potentially severe penalties designed to prohibit sending unsolicited commercial electronic messages (CEMs), unauthorized commercial installation and use of computer programs on another person's computer system, and other forms of online fraud. Following are some key aspects of CASL:

- CASL creates an opt-in regime that prohibits, subject to limited exceptions, sending a CEM unless the recipient has given consent (express or implied in limited circumstances) to receive the CEM and the CEM complies with prescribed formalities (e.g., sender information and an unsubscribe mechanism).
- CASL also prohibits, subject to limited exceptions, the installation and use of a computer program on another person's computer system, in the course of a commercial activity, without the express consent of the owner or authorized user of the computer system.

- CASL imposes liability on organizations and individuals (including corporate directors and officers) for direct and indirect/vicarious CASL violations. CASL provides a due diligence defence.
- CASL violations can result in regulatory penalties of up to \$10 million per violation for an organization and \$1 million per violation for an individual. CASL includes a private right of action that is not in force.

The Canadian Radio-television and Telecommunications Commission (CRTC) enforces CASL's rules regarding CEMs and computer programs. Since CASL came into force in 2014, the CRTC has investigated organizations and individuals for alleged CASL violations, issued enforcement decisions, and accepted voluntary undertakings (settlements).

## CRTC enforcement

In October 2023, the CRTC announced a notice of violation imposing a \$40,000 administrative monetary penalty on a Quebec resident for conducting a high-volume phishing campaign in violation of CASL's prohibition against sending commercial electronic messages without consent. The notice of violation was the only published CASL enforcement action in 2023.

For more information about CASL, see BLG bulletins [CASL – Year in Review 2022](#), [CASL – Year in Review 2021](#), [CASL – Year in Review 2020](#), [CASL – Year in Review 2019](#), [CASL – Year in Review 2018](#), [CASL – Year in Review 2017](#), [CASL – Year in Review 2016](#), and [CASL – Year in Review 2015](#). ■

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BLG's national Compliance with Privacy and Data Protection group includes lawyers, located in BLG's offices across Canada, with expertise in CASL, privacy law, cyber risk management and class action litigation. We provide both proactive CASL compliance advice and legal advice to help respond to a CASL contravention. Additional information about BLG's national Compliance with Privacy and Data Protection group and our services is [available here](#).

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