Human Resources Legislative Update

Anti-spam Regulation Proposed Under Bill C-28

Date: July 12, 2011

On July 9, 2011, the federal government published proposed Electronic Commerce Protection Regulations under Bill C-28, the so-called “anti-SPAM” legislation.

The proposed Regulations are administrative in nature and specifically provide definitions for terms used in Bill C-28, including “personal relationship” and “family relationship”. The Regulations also define the specific conditions under which consent would be considered validly obtained on behalf of a person whose identity was unknown as well as the permitted use of such consent, both of which are consistent with existing requirements for email marketers. Finally, the proposed Regulations specify the meaning of membership, club, association, and voluntary organization for the purposes of ss. 10(13)(c) of the legislation, which defines the term “existing business relationship”.

Stakeholders and interested persons may comment upon the proposed Regulations by September 9, 2011.

As previously reported, Bill C-28 specifically amends PIPEDA to prohibit the collection of personal information by means of unauthorized access to computer systems, and the unauthorized compiling of lists of electronic addresses. A discussion of Bill C-28 can be found in our FTR Now of June 9, 2010.