Human Resources Legislative Update

Information Bulletins on Anti-spam Legislation Published

Date: October 12, 2012

Two information bulletins have been published by the Canadian Radio-Television Communications Commission (CRTC) to help businesses better understand Bill C-28, the federal anti-spam legislation. The bulletins include, among other things, examples of acceptable practices.

As previously reported, Bill C-28 enacts comprehensive anti-spam legislation and specifically amends the *Personal Information Protection and Electronic Documents Act* ("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.

The CRTC had previously announced that on March 7, 2012, Electronic Commerce Protection Regulations (CRTC) were registered. The *Regulations* prescribe the information to be included in commercial electronic messages, the form of commercial electronic messages and the information to be included in a request for consent. As well, specified functions of computer programs must be separately brought to the attention of the person from whom consent is being sought and a written acknowledgement from that person, stating that they understand and agree that the program performs the specified functions, must be obtained.

The *Regulation*s come into force on the day sections 6 to 11 and subsection 64(2) of Bill C-28 come into force.

Bill C-28 has not yet been proclaimed into force (with the exception of certain amendments to the PIPEDA).