

The Ways and Means

M A R K E T I N G F O R A S S O C I A T I O N S

CASL & GDPR Checklist for Association Communications

For Canadian Associations, Councils, Societies, Foundations

Understanding privacy laws like Canada's Anti-Spam Legislation (CASL) and the General Data Protection Regulation (GDPR) can feel overwhelming. This checklist is a quick way for you to check your association's messages are following the regulations.

CASL(Canadian Anti-Spam Legislation)

If it's a commercial electronic message (CEM) – basically, anything you send electronically to promote, advertise, or encourage participation in a commercial activity – and it touches Canada, you need consent, clear identification, and an easy way to unsubscribe.

Consent Management

Express Consent:

- Are you getting clear "yeses" for all your CEMs? When someone says "yes," do you clearly tell them what they're saying "yes" to? For example, "Yes, sign me up for your newsletter."
- Are you keeping solid records? Including date, time, IP address, the form they used – proof of consent for each contact.

Implied Consent:

- If you're relying on "implied consent" (like an existing business relationship or a publicly listed email without an opt-out), are you certain you meet CASL's specific criteria?
- Do you have a system to track when that implied consent expires? (Generally, two years from the last interaction, six months for an inquiry).

Identification:

- Does every CEM you send clearly state who it's from? Your association's name should be visible.
- Is your physical address included in every CEM?
- Do you provide at least one other way for people to contact you (phone, email, website URL)? And does it stay active for at least 60 days?

Unsubscribe:

- Is your unsubscribe link obvious and easy to use in every CEM?
- Does that unsubscribe link work for at least 60 days after you send the message?
- Is the process free and frictionless?
- Are you processing unsubscribe requests within 10 business days?
- Do you have a system to make sure once someone unsubscribes, they're off all relevant lists?

Message Content:

- Are your subject lines honest and true to what's inside the email?
- Are you avoiding any false or misleading claims in your CEMs?
- If you're using an outside service to send your CEMs, are you confident they are also following CASL's rules?

GDPR (General Data Protection Regulation)

If you're dealing with personal data of anyone in the European Economic Area (EEA), regardless of where your association is located, GDPR applies.

Data Inventory & Mapping:

- Do you have a clear picture of all the personal data you collect from individuals in the EEA?
- Do you know exactly where this data comes from, where it is stored, and who can access it?
- Can you articulate why you collect and process personal data?

Lawful Basis for Processing:

- For every time you process personal data from EEA individuals, do you have a solid, defined legal reason (consent, legitimate interest, or contractual necessity)?

If you're relying on consent for marketing, is it:

- Freely given: No pressure, no hidden conditions.
- Specific: They know exactly what they're agreeing to.
- Informed: You've been upfront about what you're doing with their data.

Transparency & Privacy Policy:

- Is your privacy policy easy to find and understand?
- Does your privacy policy clearly spell out individuals' GDPR rights?
- Are you telling users about your cookie usage on your website and giving them clear options for consent?

Data Subject Rights:

- Do you have a smooth process in place to handle requests from individuals who want to exercise their GDPR rights (e.g., "Please delete my data")?
- Can you fulfill "right to be forgotten" requests by deleting an individual's personal data when they ask and when the law requires?

Data Security & Breaches:

- Are you taking appropriate technical and organizational steps to protect personal data from loss or destruction?
- Do you have a plan for spotting, reporting, and investigating personal data breaches within the 72-hour window to the relevant authority?

Third-Party Processors:

- If you're working with outside services (email marketing platforms, CRMs) that handle EEA personal data, are they GDPR compliant?
- Have you checked to ensure these third-party processors also meet GDPR's security and data protection standards?

What's Next for Your Association's Compliance?

- **Review & Document:** Write down your current practices.
- **Update & Refine:** Based on your findings, update your privacy policy, your internal data handling procedures, and how you get consent.
- **Train Your Team:** Make sure everyone on your team involved in communications and data handling knows CASL and GDPR.
- **When in Doubt:** Bring in legal counsel who specializes in privacy laws.

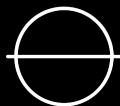
About Us

The Ways and Means is a marketing agency focused exclusively on helping associations and other membership-based organizations achieve their marketing and business goals.

Our team has poured their decades of experience and insights into developing a suite of resources that address common challenges and opportunities faced by associations: from member recruitment, engagement and retention to generating new revenue sources and building their reputations.

We're offering these resources so that even when we can't work side-by-side with your association, we can still contribute to your continued success and growth.

We're here to help associations achieve their marketing and business goals. Connect with us for a quick chat to discuss your goals or challenges, and we'll schedule a time that works for you: [Connect with Us](#)



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