



# EMAIL MARKETING TO CANADIANS

The role of email in your marketing mix

# Our —SPEAKERS—



**Sonia Carreno**  
President



**Derek Lackey**  
Chairman



# — Sonia Carreno —



## President, IAB Canada

[SCarreno@iabcanada.com](mailto:SCarreno@iabcanada.com)

Sonia has led global digital strategy initiatives for international brands including Gillette, Heineken, General Motors, RBC, Coca Cola and Spin Master Toys. Her work has included every discipline of online media and her specialties range from performance marketing to social media strategy and start-up strategy. She has also consulted industry associations and many publishers to help navigate the disruptive media landscape.

# — DATA MANAGEMENT — PROCESSES



## BE ABOVE THE LAW

### RESPECTING THE CONSUMER'S RIGHT TO PRIVACY

At a high level, does your organization assume the individual owns their own data and we are temporary custodians?



# Derek Lackey



## Chairman - Response Marketing Association

[derek@responsema.org](mailto:derek@responsema.org)

Managing Director, Newport Thomson

Chair - WG on Guidance - Canadian Advisory Council - GDPR

Member - ISO 31700 - Privacy by Design - for Consumer Products

Member - CEN CENELEC JTC 13 Cybersecurity and Data Protection Committee

Member - Data Governance Standardization Collaborative (DGSC)

Member - EITCI QSG Group

Author - CASL Compliance - A Marketer's Guide to Email Marketing to Canadians

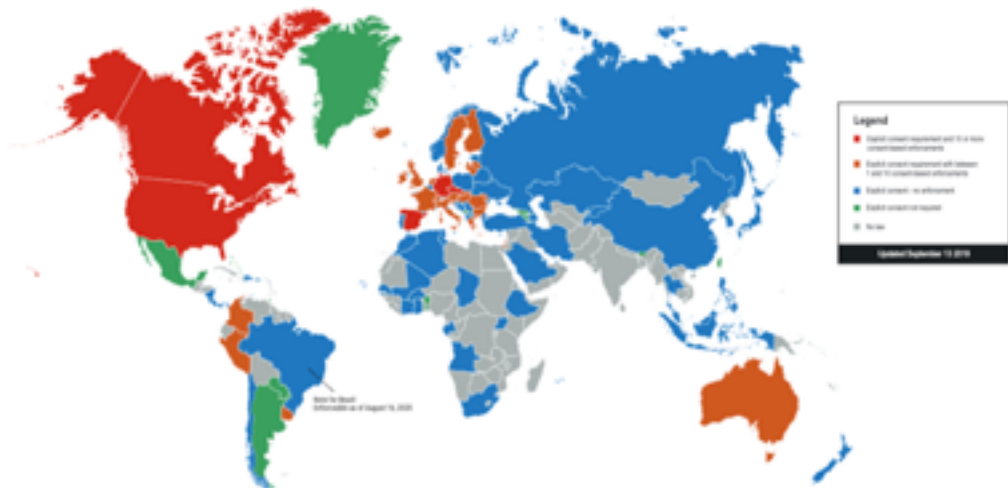
Co-Chair, Toronto Chapter, IAPP KnowledgeNet 2020/21

CIPM - Certified Information Privacy Manager

Member - International Association for Privacy Professionals (IAPP)



# Email Marketing Consent Map



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## South and Central America

Bulgaria  
Croatia  
Cyprus  
Czech Republic  
Denmark  
Estonia  
Faroe Islands  
Finland  
France  
Republic of Georgia  
Germany  
Gibraltar  
Greece

## Overland

Guernsey  
Hungary  
Iceland  
Ireland  
Italy  
Latvia  
Lithuania  
Luxembourg

## Malta

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Slovenia

## Spain

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Switzerland  
Turkey  
Ukraine  
United Kingdom

## Sweden

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Ukraine  
United Kingdom

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Mali  
Mauritius  
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Nigeria  
Senegal  
South Africa  
Togo  
Tunisia  
Uganda  
Zimbabwe

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# 2018 Marketing Benchmark Report

Email and Mobile Metrics  
for Smarter Marketing



## Observations

The overall mean and median unique open rates were 22.8% and 18.4% respectively. Canada (38.5% / 59.8%) and the Australia & New Zealand (36.7% / 61.7%) regions significantly outperformed all other regions for mean and top quartile unique open rates.





# MORE

As a mass marketer, the  
rally cry is MORE IS BETTER



# ENGAGED

Digital – or one-to-one  
marketing requires speaking  
AND listening in real time.





# CASL — 2 VIEWS —

OBEY THE LAW

COMPLIANCE PROGRAM

Do The Minimum  
— OBEY —



# The NEW RULES



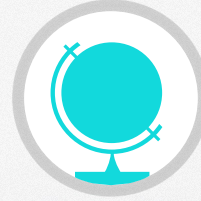
## CANADIAN

If you know the individual is Canadian, CASL applies



## CONSENT

You must **PROVE** consent before sending an email



## FULL TRANSPARENCY

Every message sent must include full transparency



## UNSUBSCRIBE

Every email sent must include a **working** UNSUBSCRIBE

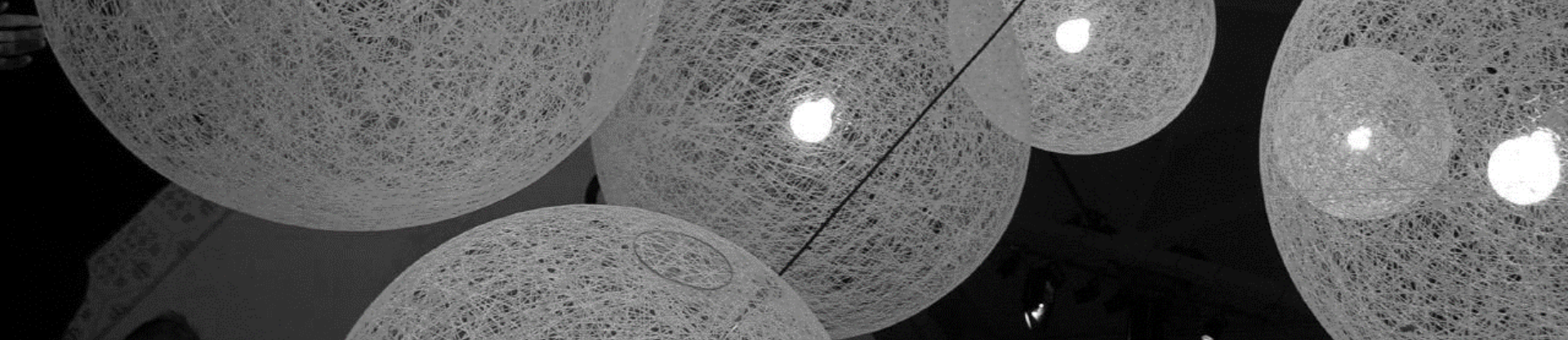


# — Emailing CANADIANS —

When “knowingly” emailing a Canadian

Even if that Canadian currently resides in Spain, as a Canadian citizen they have the same rights as their fellow Canadians. GMAIL is a .com address so you may not know they are Canadian so CRTC has admitted there is some flexibility.





# Proving — CONSENT —

Chances are your internal processes are out of date. You never had to track this stuff. How do you make changes without replacing the entire data management system?

Email lists must be built a single person at a time.

No using technology to scrape the internet.



## Collecting Express CONSENT

- State your corporate name and mailing address,
- State what types of messages the recipient may expect.
- A contact person with 2 ways to contact them
- State that “You can unsubscribe at any time”

NEWPORT THOMSON

HOME GLOBAL LAWS AUTOMATION COMPLIANCE PROGRAMS ABOUT BLOG

### Email List

Yes, please send me information on data, privacy and email compliance in Canada, Europe and the USA from Newport Thomson, 4800 Dundas St West Toronto ON, Canada M9A 1B1. I can reach your Chief Privacy Officer at [info@newportthomson.com](mailto:info@newportthomson.com) or 416 524 7844. I know I can unsubscribe at anytime.

#### EMAIL LIST FORM

First Name:\*

Last Name:\*

Email:\*

Comment:\*



# — IMPLIED — CONSENT —

<b>Existing Business Relationship</b>	<b>Existing Non-Business Relationship</b>	<b>Conspicuous Display</b>
Customers & Near Prospects	Past Donors & Volunteers	Prove you know their role
Be prepared to prove invoice dates or proposal dates	Be prepared to prove it	Prove their email address was publicly displayed without restrictions
2 year rolling from date of last invoice	2 years rolling from date of last donation	Send only related messages





# Full — TRANSPARENCY —

NO TRICKS

No tricks. No ambiguity. Don't be "too clever by half". When collecting consent or sending email messages, be 100% transparent and up front.





# — UNSUBSCRIBE —

EVERY MESSAGE MUST INCLUDE A WORKING UNSUBSCRIBE

A working unsubscribe is defined as 2 clicks and 10 working days.

An individual must be able to remove themselves from your list within 2 clicks.

Once unsubscribed, they must be removed or suppressed within 2 weeks.

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# SENDING

EVERY MESSAGE MUST INCLUDE:

Corporate name and mailing address (you and any partners )

A contact name with 2 ways to reach that person.

A working unsubscribe





# The NEW RULES



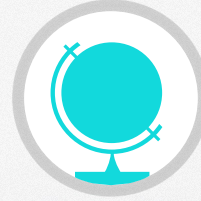
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# A Full Compliance Program — CRTC —



# CRTC — COMPLIANCE —



Senior Management  
Involvement



Risk Assessment



Written Corporate  
Policies



Record Keeping



Training Program



Audit and Monitor



Compliant Handling  
System



Disciplinary Action

# CRTC — UPDATE —

## Enforcement Highlights

### Commission upholds vicarious liability for CASL violations

For the first time, the CRTC held an individual liable under CASL for violations committed by a corporation, pursuant to section 31 of the Act. Based on the evidence gathered, the Commission found that nCrowd, Inc.'s emails were sent without the recipient's consent and without a properly functioning unsubscribe mechanism. Further, the CRTC found that Mr. Brian Conley, as President and CEO, allowed the commission of these violations, and imposed a \$100,000 penalty.

### Enforcement Advisory

Many Canadian businesses offer free WiFi to enhance customers' experience in exchange for personal information, consent to receive marketing messages, and demographic and behavioural data. This business model is referred to as Social WiFi.

**CRTC staff issued an enforcement advisory directed to consumers, businesses and Social WiFi service providers in Canada in order to: (1) help explain how the Social WiFi business model works; and (2) to explain any responsibilities under CASL when using a Social WiFi model, in particular regarding consent for commercial electronic messages.**



# — CRTC — UPDATE —

## ⋮ Enforcement Measures

**6** Warning letters **71** Notices to produce **5** Preservation demands

### Administrative Monetary Penalties



Since CASL came into force in 2014, enforcement efforts have resulted in penalties totalling over \$2.1 million. An additional \$568,000 have been paid as part of negotiated undertakings.

# — CRTC — UPDATE —

Lack of consent  
is still the **#1 complaint**





# CRTC — UPDATE —

## Partnerships



The CRTC has forged partnerships with organizations across the globe in order to better fulfill its mandate.

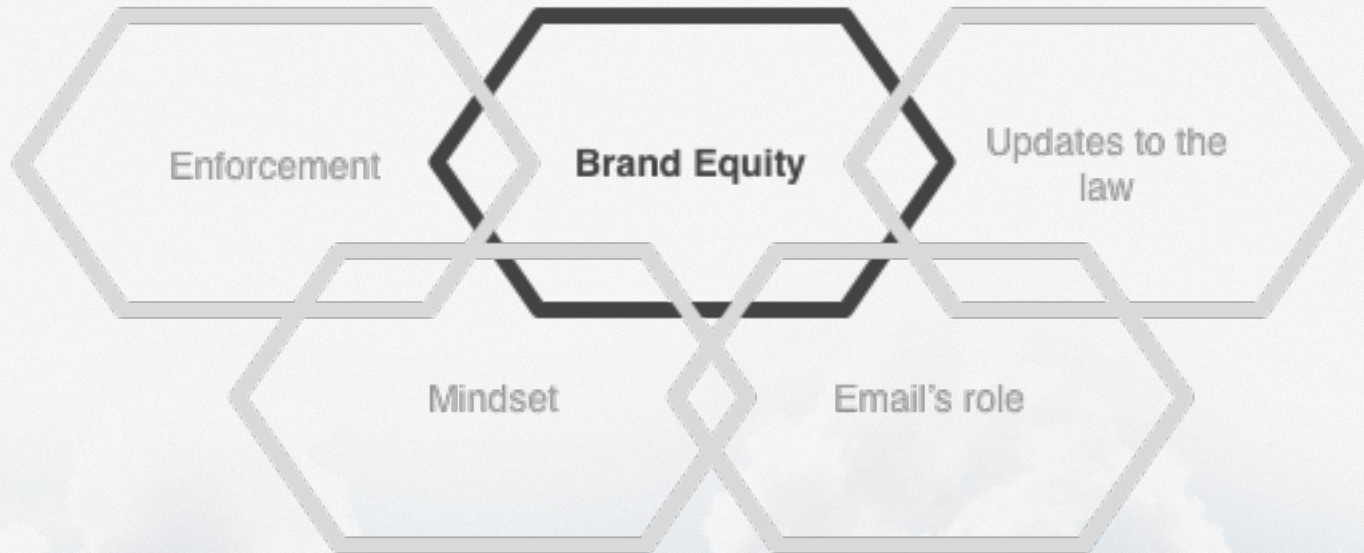
The CRTC is part of the [Unsolicited Communications Enforcement Network \(UCENET\)](#). Members from over 26 countries work together to promote international spam enforcement cooperation and address problems relating to spam and unsolicited telecommunications.

Looking forward





# The Future of —EMAIL—





### ENFORCEMENT

An unenforced law does not create a level playing field for all players.



### BRAND EQUITY

Every time a brand annoys someone by sending them too many irrelevant emails, are they adding a "chip" to their account or deleting one?



### UPDATES

Governments must create a structure to be able to easily and quickly update these communication, privacy and data protection laws.



### MINDSET

As long as "more is better" is the rally cry, SPAM will dominate the email channel, clogging it up and ruining it for all.



### EMAIL'S Role

A brand must decide what role email plays in their marketing mix. As a method of communicating with warm prospects and customers, it is excellent. Mass reach - not so much.



# — Contact INFO —

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416 524 7844