

CRTC Issues \$1.1 Million Penalty for CASL Violation

06 mars 2015

On March 5, 2015, the Canadian Radio-television and Tele-communications Commission (“CRTC”) issued the first Notice of Violation under Canada’s anti-spam law (commonly known as “CASL”). The Notice, which imposes a \$1.1 million administrative penalty, was issued to Compu-Finder for sending commercial electronic messages (“CEMs”) without the recipients’ consent and with an ineffective unsubscribe mechanism.

CASL

CASL creates a comprehensive regime of offences, enforcement mechanisms and potentially severe penalties designed to prohibit unsolicited or misleading CEMs, the unauthorized commercial installation and use of computer programs on another person’s computer system and other forms of online fraud.

For most organizations, the key parts of CASL are the rules for CEMs. Subject to limited exceptions, CASL prohibits the sending of a CEM unless the recipient has given informed consent (express or implied in limited circumstances) to receive the CEM and the CEM complies with prescribed formalities (including an effective and promptly implemented unsubscribe mechanism) and is not misleading.

Violation of CASL’s CEM rules can result in administrative penalties (up to \$1 million per violation for individuals and up to \$10 million per violation for organizations), civil liability through a private right of action (commencing July 1, 2017) and vicarious liability on employers, directors and officers. CASL gives the CRTC regulatory and enforcement authority regarding CEMs and other matters.

Compu-Finder Notice of Violation

The Notice of Violation issued to Compu-Finder relates to four violations of CASL, between July 2 and September 16, 2014, involving emails promoting Compu-Finder’s business-related training courses. The CRTC explained that Compu-Finder sent emails without the recipients’ consent and emails that included an ineffective unsubscribe

mechanism. According to the CRTC, Compu-Finder's emails accounted for 26% of all complaints for the industry sector submitted to the CRTC's Spam Reporting Centre.

The CRTC's Chief Compliance and Enforcement Officer explained: "...Compu-Finder flagrantly violated the basic principles of the law by continuing to send unsolicited commercial electronic messages after the law came into force to email addresses it found by scouring websites. ... By issuing this Notice of Violation, my goal is to encourage a change of behaviour on the part of Compu-Finder such that it adapts its business practices to the modern reality of electronic commerce and the requirements of the anti-spam law".

CASL's enforcement procedures require Compu-Finder to pay the penalty, contest the Notice or negotiate an undertaking (settlement) with the CRTC. If Compu-Finder unsuccessfully contests the Notice, Compu-Finder may appeal the CRTC's decision to Canada's Federal Court of Appeal.

The CRTC's news release includes an important warning for all organizations that send CEMs regulated by CASL: "We take violations to [sic] the law very seriously and expect businesses to be in compliance".

More information about CASL is available at blg.com/en/AntiSpam.

Par

Services

[Cybersécurité, respect de la vie privée et protection des renseignements personnels, Conformité à la législation sur le respect de la vie privée et la protection des renseignements personnels, Technologies de l'information, Publicité et marketing](#)

BLG | Vos avocats au Canada

Borden Ladner Gervais S.E.N.C.R.L., S.R.L. (BLG) est le plus grand cabinet d'avocats canadien véritablement multiservices. À ce titre, il offre des conseils juridiques pratiques à des clients d'ici et d'ailleurs dans plus de domaines et de secteurs que tout autre cabinet canadien. Comptant plus de 725 avocats, agents de propriété intellectuelle et autres professionnels, BLG répond aux besoins juridiques d'entreprises et d'institutions au pays comme à l'étranger pour ce qui touche les fusions et acquisitions, les marchés financiers, les différends et le financement ou encore l'enregistrement de brevets et de marques de commerce.

blg.com

Bureaux BLG

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000, rue De La Gauchetière Ouest
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

Les présents renseignements sont de nature générale et ne sauraient constituer un avis juridique, ni un énoncé complet de la législation pertinente, ni un avis sur un quelconque sujet. Personne ne devrait agir ou s'abstenir d'agir sur la foi de ceux-ci sans procéder à un examen approfondi du droit après avoir soupesé les faits d'une situation précise. Nous vous recommandons de consulter votre conseiller juridique si vous avez des questions ou des préoccupations particulières. BLG ne garantit aucunement que la teneur de cette publication est exacte, à jour ou complète. Aucune partie de cette publication ne peut être reproduite sans l'autorisation écrite de Borden Ladner Gervais S.E.N.C.R.L., S.R.L. Si BLG vous a envoyé cette publication et que vous ne souhaitez plus la recevoir, vous pouvez demander à faire supprimer vos coordonnées de nos listes d'envoi en communiquant avec nous par courriel à desabonnement@blg.com ou en modifiant vos préférences d'abonnement dans blg.com/fr/about-us/subscribe. Si vous pensez avoir reçu le présent message par erreur, veuillez nous écrire à communications@blg.com. Pour consulter la politique de confidentialité de BLG relativement aux publications, rendez-vous sur blg.com/fr/ProtectionDesRenseignementsPersonnels.

© 2025 Borden Ladner Gervais S.E.N.C.R.L., S.R.L. Borden Ladner Gervais est une société à responsabilité limitée de l'Ontario.