Editor's note: Readers are encouraged to ask their most confounding condo questions to our resident condo specialist: Maria Bartolotti.

ASK MARIA

By Maria Bartolotti

As Seen in Condo Living Magazine | condoliving

SPAM NO MORE

How Canada's new anti-spam legislation affects condo owners

Canada's Anti-Spam Legislation (CASL) came into effect on July 1, 2014, and it is a tough law that is meant to crack down on unwanted e-mails and texts, and it will apply to companies and organizations worldwide.

The new Anti Spam laws do not just target spam. These new laws include aspects that include ANY electronic message that includes a commercial component. This can make the job of communicating between the condo board, the condo management company and the condo members that much more difficult.

How does this affect you, well, like most management companies, on behalf of the Board of Directors you've been carefully collecting contact information, sending updates, holiday greetings and newsletters to your list of owners. Social media has evolved over the years and with twitter, Facebook, LinkedIn and other outlets, you will want to understand how CASL impacts your organization.

CASL requires prior consent to send an individual any kind of electronic communication (email, text, instant message and so on) for the purpose of encouraging them to engage in a commercial activity.

It's up to the board, or management company to prove that they've been given that consent either express or implied. A great way to do this, is through an opt in or opt out mechanism on your website that will also have a record in your web logs of who has consented or unsubscribed from your services.

CASL expressly provides for reliance on implied consent only in cases of existing "business relationships" or "non-business relationships". These are defined categories that are much more narrow than the ability to rely on the "reasonableness" test for implied consent under PIPEDA.

Violators can be faced with heavy fines up to ten million dollars for not complying with the new legislation.

I myself am still learning about the new legislation and would recommend to all management companies and boards to look into the potential risks involved with CASL.

It is also important for you to understand the rules involved with CASL and to verify that your company email practices are consistent with those rules. Don't get caught off guard, know the legislation.

Until next time... CL

Maria Bartolotti A.C.C.I, is the owner-manager of New Concept Management Inc. She has developed a strong reputation for rendering timely and efficient services to the condominium industry. Maria believes that her company's success hinges on her hands-on approach to condominium management as well as maintaining open lines of communications with her clientele. Maria is actively involved in her industry. For more information, visit **www.newconceptmanagement.com**