



CRTC clarifies anti-spam regulations: consent can include electronic forms

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Following the registration, three weeks ago, of its new anti-spam regulations, the CRTC has issued a regulatory policy explaining the changes made to the draft regulations that it had originally proposed, as well as providing some guidance as to how some of the requirements will be interpreted.

In [Telecom Regulatory Policy CRTC 2012-183](#), issued to coincide with the publication of the [Electronic Commerce Protection Regulations \(CRTC\) in the Canada Gazette](#), the Commission notes that many of the changes to the originally proposed version of the Regulations were made in response to public comments, and in most cases were amendments intended to be less prescriptive and more technology neutral.

In [an earlier post, we had summarized the main changes in the final regulations](#). Helpfully, the new Regulatory Policy appears to clarify several uncertainties that had been raised by these changes.

Perhaps most significantly, the Commission explicitly indicates in the Regulatory Policy that consent obtained “in writing” includes electronic forms of consent, putting to rest one of the more significant concerns of companies operating over the internet. In other contexts, the Commission has accepted electronic forms of consent where a user signifies agreement through some positive action, such as clicking on an “I agree” box.

Although in their final form, the Regulations are not yet in force. They will come into force on the day on which the core sections of [Canada’s Anti-Spam Law](#) come into force, which is expected to occur later this year.

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