

The Canadian Radio-television and Telecommunications Commission, pursuant to subsection 64(2) of *An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act*<sup>a</sup>, hereby makes the annexed *Electronic Commerce Protection Regulations (CRTC)*.

Gatineau, Quebec , 2012/03/05

<b>REGISTRATION - ENREGISTREMENT</b>	
NO. <u>SDR/2012-36</u>	DATE <u>March 7, 2012</u>
<u>Johanne Lonscarter</u>	
<b>REGISTRAR OF STATUTORY INSTRUMENTS C A N A D A REGISTRAIRE DES TEXTES REGLEMENTAIRES</b>	

<sup>a</sup> S.C. 2010, c. 23

## ELECTRONIC COMMERCE PROTECTION REGULATIONS (CRTC)

### DEFINITION

1. In these Regulations, “Act” means *An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act.*

### INFORMATION TO BE INCLUDED IN COMMERCIAL ELECTRONIC MESSAGES

2. (1) For the purposes of subsection 6(2) of the Act, the following information must be set out in any commercial electronic message:

(a) the name by which the person sending the message carries on business, if different from their name, if not, the name of the person;

(b) if the message is sent on behalf of another person, the name by which the person on whose behalf the message is sent carries on business, if different from their name, if not, the name of the person on whose behalf the message is sent;

(c) if the message is sent on behalf of another person, a statement indicating which person is sending the message and which person on whose behalf the message is sent; and

(d) the mailing address, and either a telephone number providing access to an agent or a voice messaging system, an email address or a web address of the person sending the message or, if different, the person on whose behalf the message is sent.

(2) If it is not practicable to include the information referred to in subsection (1) and the unsubscribe mechanism referred to in paragraph 6(2)(c) of the Act in a commercial electronic message, that information may be posted on a page on the World Wide Web that is readily accessible by the person to whom the message is sent at no cost to them by means of a link that is clearly and prominently set out in the message.

### FORM OF COMMERCIAL ELECTRONIC MESSAGES

3. (1) The information referred to in section 2 and the unsubscribe mechanism referred to in paragraph 6(2)(c) of the Act must be set out clearly and prominently.

(2) The unsubscribe mechanism referred to in paragraph 6(2)(c) of the Act must be able to be readily performed.

### INFORMATION TO BE INCLUDED IN A REQUEST FOR CONSENT

4. For the purposes of subsections 10(1) and (3) of the Act, a request for consent may be obtained orally or in writing and must be sought separately for each act described in sections 6 to 8 of the Act and must include

- (a) the name by which the person seeking consent carries on business, if different from their name, if not, the name of the person seeking consent;
- (b) if the consent is sought on behalf of another person, the name by which the person on whose behalf consent is sought carries on business, if different from their name, if not, the name of the person on whose behalf consent is sought;
- (c) if consent is sought on behalf of another person, a statement indicating which person is seeking consent and which person on whose behalf consent is sought; and
- (d) the mailing address, and either a telephone number providing access to an agent or a voice messaging system, an email address or a web address of the person seeking consent or, if different, the person on whose behalf consent is sought; and
- (e) a statement indicating that the person whose consent is sought can withdraw their consent.

#### SPECIFIED FUNCTIONS OF COMPUTER PROGRAMS

5. A computer program's material elements that perform one or more of the functions listed in subsection 10(5) of the Act must be brought to the attention of the person from whom consent is being sought separately from any other information provided in a request for consent and the person seeking consent must obtain an acknowledgement in writing from the person from whom consent is being sought that they understand and agree that the program performs the specified functions.

#### COMING INTO FORCE

**6. These Regulations come into force on the day on which sections 6 to 11 and subsection 64(2) of *An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act*, chapter 23 of the Statutes of Canada, 2010, come into force, but if they are registered after that day, they come into force on the day on which they are registered.**