



## **Advocacy win! Suspension of anti-spam Private Right of Action means board members won't have to risk personal assets**

Imagine Canada and the Ontario Nonprofit Network welcome the announcement that the federal government is indefinitely suspending the Private Right of Action (PRA) provisions in Canada's Anti-Spam Law (CASL).

The Private Right of Action is a right for private parties to obtain statutory damages for breach of CASL's anti-spam commercial electronic messages regulations, including email harvesting restrictions under the Personal Information Protection and Electronic Documents Act (PIPEDA) (with damages up to \$200 for each contravention to a maximum of \$1,000,000 per day.)

"This is great news for charities and for the volunteers from all walks of life who serve on their boards," said Bruce MacDonald, President & CEO of Imagine Canada. "Charities have been working hard to understand and meet their obligations under CASL. Many remain concerned about whether they are fully compliant with the complex regulations, and the majority of organizations we surveyed have incurred significant financial costs attempting to comply. We appreciate the government's sensitivity to our concerns and we look forward to participating in the anticipated Industry Committee review of the legislation – which we hope will take place soon."

"The PRA has no threshold – no need to prove harm, just that a commercial electronic message was sent," said Cathy Taylor, Executive Director of the Ontario Nonprofit Network (ONN). "Charities and nonprofit organizations with their limited staff and use of volunteers are at high risk for inadvertent mailing list errors. Organizations and their Board of Directors have been concerned that their organizational assets and the personal assets of Board members may be easy targets for frivolous actions. We know that many charities and nonprofits are concerned this provision will make it difficult to attract volunteer leadership. This announcement provides some relief and assurance going forward."

We appreciate that the Minister of Innovation, Science and Economic Development heard our concerns and that the provision has been delayed. Imagine Canada and ONN had sent a [joint letter](#) to the Minister urging delay of PRA provisions until after CASL legislative review.

Our organizations will continue to monitor updates on this file and keep the sector informed.

### **Resources**

Government of Canada: [Government of Canada suspends lawsuit provision in anti-spam legislation](#)

Government of Canada: [Canada's Anti-Spam Legislation](#)

Ontario Nonprofit Network: [Canada's Anti-Spam Legislation and Your Nonprofit](#)

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Advocacy win for charities & nonprofits! Gov of Canada suspends lawsuit provision in anti-spam law #CASL <http://bit.ly/2rQ5eli> #cdnpoli

Advocacy win! @ImagineCanada & @o\_n\_n pleased w/ Gov of Canada's suspension of lawsuit provision in #CASL. <http://bit.ly/2rQ5eli>

Gov of Canada's suspension of lawsuit provision in #CASL eliminates risk to volunteer board members' personal assets <http://bit.ly/2rQ5eli>