

Preparedness Guide





1 Awareness Meeting	2 Identify Leaders	3 Perform Assessment	4 Express Consent	5 Implied Consent
Quick Reference	Quick Reference	Quick Reference	Quick Reference	Quick Reference
Set a CASL introduction meeting during your weekly Manager's meeting and ask that they communicate to their team members. Many at the dealership will not be impacted by the legislation and don't need the details but understanding how it impacts their workflow is critical.	CASL requirements extend far beyond the Marketing Department so make sure you involve each manager within the dealership. By making sure each member understands their role and responsibility, you will avoid crucial steps from being overlooked.	By leveraging the assistance of your vendors and providers, you will be able to efficiently complete an Initial Assessment required to understand your current CASL status. Many of your vendors should have reached out already but if not, it's time to raise your hand for help.	Express Consent is when the recipient has given you direct permission to electronically communicate with them. There are specific requirements to obtain and track Express Consent under CASL. Best practice is to treat your current database as non-expressed consent.	The ultimate goal of CASL is to get the coveted Express Consent from everyone in your database. But until you do, Implied Consent will allow you to electronically communicate with customers for two years. The Transition Rule gives you an additional year to communicate and obtain Express Consent.
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Awareness Meeting	Identify Leaders	Perform Initial Assessment	Express Consent - Database	Implied Consent - Database
<ul style="list-style-type: none"> • Schedule Awareness Meeting • Present high-level overview • Communicate to all levels of dealership 	<ul style="list-style-type: none"> • Sales • Service/Parts • F&I • Pre-owned 	<ul style="list-style-type: none"> • Online/Website Data Capture • Offline/Form Data Capture • Offline/Form Data Management • Current email process 	<ul style="list-style-type: none"> • Contact CRM/DMS to assist in this process • Identify customers who've already given you Express Consent 	<ul style="list-style-type: none"> • Identify customers who you have an existing business relationship with (sale or contract) • Email your current database



<h2>6 Transitional Rule</h2>	<h2>7 Confirmation Campaigns</h2>	<h2>8 Database Purge</h2>	<h2>9 Document</h2>	<h2>10 Monitor</h2>
<p>Quick Reference</p>	<p>Quick Reference</p>	<p>Quick Reference</p>	<p>Quick Reference</p>	<p>Quick Reference</p>
<p>The Transitional Rule gives you an additional year to communicate electronically with those you've already been emailing. Email those customers in your database who have implied consent, prior to July 1, 2014 and the rule gives you an additional year. Be somewhat selective and choose those who are truly interested in receiving your communications.</p>	<p>Obtaining Express Consent requires effort but it's well worth it. Email and/or marketing campaigns will be necessary but do not badger customers into giving you Express Consent – they may choose not to confirm or worse yet may unsubscribe.</p>	<p>The process of identifying those in your database who should be removed and/or flagged as Implied or Express status requires the assistance of a database specialist such as your CRM or DMS providers. It's in your best interest to leverage their expertise as often as necessary.</p>	<p>Use this Preparedness Guide to record the actions you've taken to become compliant. If things go wrong, this document will help demonstrate that you took considerable action to obtain proper consent.</p>	<p>Assign a CASL ambassador at the dealership who stays on top of the legislation and helps monitor your dealership process. With internal accountability and commitment, you will see the process maintained.</p>
<p>Complete Action Plan - Pg. 9</p>	<p>Complete Action Plan - Pg. 10</p>	<p>Complete Action Plan - Pg. 11</p>	<p>Complete Action Plan - Pg. 12</p>	<p>Complete Action Plan - Pg. 13</p>
<p>Transitional Rule</p>	<p>Confirmation Campaign</p>	<p>Database Purge</p>	<p>Document</p>	<p>Monitor</p>
<ul style="list-style-type: none"> • The Transition Rule can give you 3 years (total) for Implied Consent • Email customers prior to July 1, 2014 	<ul style="list-style-type: none"> • Dedicated Campaigns • Embedded Campaigns • Include clear and direct call-to-action 	<ul style="list-style-type: none"> • Purge those who don't meet the criteria of Implied Consent • Purge those who have unsubscribed 	<ul style="list-style-type: none"> • Due diligence is a factor in your defense • Use this guide as a tool to keep track of tasks 	<ul style="list-style-type: none"> • Keep track of all CASL impacting activities to ensure you stay compliant • Assign a point system at the dealership for oversight



1 Awareness Meeting



Include your entire staff in the awareness meeting as this legislation will touch virtually every department and have impacts on workflow across all levels of employees.



Question:

I've heard that legislation is designed to go after egregious spammers and will not impact businesses for a few years. Is this correct?

Answer:

While the legislation is targeted to clean up the "real" spammers first, the law does go into effect for businesses July 1, 2014. Those businesses that are trying to comply should have time to get buttoned up, however; effort needs to be taken now to avoid future penalties.

Awareness Meeting

Set a CASL introduction item during your weekly Manager's meeting and ask that all managers communicate to their teams. Many at the dealership will not be impacted by the legislation and don't need the details but understanding how it impacts their workflow is critical.


Task	Who	When
<input type="checkbox"/> Schedule an Awareness Meeting with your entire staff		
<input type="checkbox"/> Present high-level overview while communicating to all levels of dealership		
<input type="checkbox"/> Be prepared to field questions and have a response plan		
<input type="checkbox"/> Ensure each manager knows how CASL impacts their team		
<input type="checkbox"/> <i>Option:</i> have legal counsel present to help answer questions		

Attendees: _____

Agenda: _____

Date: _____

2 Identify Leaders

 **Quick Tip** CASL is a game changer. Make sure all your players are aware how they may be affected. When everyone knows what role they play you are set up for success.



Question:
If this is a legislation that impacts electronic messages, why would I need to involve Managers from departments other than Marketing?

Answer:
While Marketing plays a key role in keeping you CASL compliant, each department that interacts with customers or sends electronic messages should be informed and understand how the legislation impacts their workflow.

Identify Leaders

CASL requirements extend far beyond the Marketing Department so make sure you involve each manager within the dealership. By making sure each member understands their role and responsibility, you will avoid crucial steps being overlooked.

Task	Who	When
<input type="checkbox"/> Identify responsibility of <u>all</u> CASL activities to one person at the dealership (CASL Team Lead)		
<input type="checkbox"/> Identify and assign Department Leaders to help follow through on the activities		

Department	Department Lead	Activities	Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Date _____ CASL Leader _____



3 Perform Assessment



Question:

How do I know where to begin when performing the assessment?

Answer:

Use this Action Plan to help you identify where to start and what high-level tasks to perform.



Now is the time to use your extended team and ensure all the tools you use to reach out to customers are adequately reviewed. It is quite likely your vendors/providers have already reached out to you. If not, this is the time to start. An educated effort makes for double the strength.

Performing Your Initial Assessment

By leveraging the assistance of your vendors and providers, you will be able to efficiently complete the tasks before you. Many of your vendors should've reached out already but if not, it's time to raise your hand for help.

1 Online/Website Data Capture (i.e. web forms, landing pages)

Work with your website provider to ensure your online request forms are compliant with CASL requirements.

Task	Who	When
<input type="checkbox"/> Clearly identifies that you will be the sender		
<input type="checkbox"/> Affirmative action – no pre-checked boxes		
<input type="checkbox"/> No misleading statements		
<input type="checkbox"/> Welcome email is sent and includes confirmation link for double opt-in		
<input type="checkbox"/> Includes statement for option to withdraw consent at any time		

2 Offline/Form Data Capture (i.e. trade shows, phone leads, walk-ins)

Work with your legal counsel/form provider to verify that what you include on the printed form is in fact CASL compliant (see example).

Task	Who	When
<input type="checkbox"/> Identify and review all offline data-capture forms to ensure they are CASL compliant		
<input type="checkbox"/> Ensure you have a process to record and store your express consent/opt-in forms		

Date _____

3 Perform Assessment con't



Question:
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Use this Action Plan to help you identify where to start and what high-level tasks to perform.



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Form Name	CASL Compliant	Who	When
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		
	<input type="checkbox"/>		

3 Offline/Form Data Management (i.e. trade shows, phone leads, walk-ins)

Work with your provider to verify that your database configurations and marketing flags are set to meet CASL requirements.


Task	Who	When
<input type="checkbox"/> Your system tracks those customers who are under Implied Consent, Express Consent or Unsubscribed		
<input type="checkbox"/> Your system is set to capture the date/time of the new sign up, along with the subscriber's IP address		

4 Current email process (i.e. triggered, campaign, manual)

Work with your digital marketing/email provider to ensure your outbound templates and processes are compliant with CASL requirements.

Task	Who	When
<input type="checkbox"/> No false or misleading subject lines		
<input type="checkbox"/> Functional unsubscribe mechanism with opt-outs processed within 10 days		
<input type="checkbox"/> No pre-check fields to obtain consent		
<input type="checkbox"/> Includes statement for option to withdraw consent at any time		
<input type="checkbox"/> Must include a physical postal mailing address and one additional way to contact the sender (e.g. web form, email address or phone number)		

4 Express Consent

 **Quick Tip** Build off the good business practices you have employed thus far. By utilizing your CRM/DMS experts you can improve your efficiency of the compliance process and kick your preparedness activities into overdrive.



Question:
Is PIPEDA express consent compliant with CASL?

Answer:
The best practice is to treat your current database as non-CASL Express Consent.


Express Consent

- 1 Identify customers who've already given you express consent including: 1) those you've captured manually on a paper form and that form is CASL compliant and stored in customer file, 2) those you've captured via a web form and that web form is CASL compliant.

Task	Who	When
<input type="checkbox"/> The form clearly identifies that people are signing up to receive emails and that your dealership will be the sender		
<input type="checkbox"/> Does not include sneaky pre-checked boxes		
<input type="checkbox"/> Upon submission, a welcome/confirmation email is sent to subscriber		
<input type="checkbox"/> <i>Option:</i> Welcome email has confirmation link for double opt-in that subscriber must click		
<input type="checkbox"/> The email opt-in is capturing the date/time along with the subscribers IP address		
<input type="checkbox"/> Unsubscribe notices cannot be reconfirmed with an "are you sure" email		

Date _____ CASL Leader _____

5 Implied Consent

 **Quick Tip**
There is time to get things right, don't expect to do everything immediately. Be thoughtful and well planned as you work towards Express Consent.



Question:
If a customer comes in for a recall repair and has not purchased anything, do they fall into the **implied consent** category?

Answer:
Yes.
This contract with the dealership to perform the repairs represents **implied consent**.

Implied Consent

- 1 The goal is to get the coveted Express Consent from everyone, however; Implied Consent will allow you to electronically communicate with those customers you are trying to get express consent from. The Transitional Rule gives you an additional year to communicate and get Express Consent.

Within your customer database, identify those customers whom you've had a business transaction with (all departments) and/or have entered into a contract with.

Task	Who	When
<input type="checkbox"/> Ensure CRM tracks the last transaction (purchase, contact) date and applies a "safe period" to communicate electronically with them		
<input type="checkbox"/> Email your current active/Implied Consent database prior to July 1, 2014 that has not opted-out of future communications		

Date _____ CASL Leader _____



6 Transitional Rule



Question:

If I communicate with Implied Consent customers prior to July 1, 2014 does my electronic communication have to have all the CASL compliant elements such as an opt-out statement?

Answer:

No.

Prior to July 1, 2014 you can email or communicate electronically without including the requirements of CASL. You do, however, need to follow all PIPEDA rules/regulations and adhere to email best practices.



Don't necessarily email every customer in your database with implied consent but be selective and choose those who are truly interested in receiving your communications. Treat every customer in your database as one with potential but be thoughtful as to who they are and what they want and need.

Transitional Rule

1 Understand Transitional Rule

The **Transition Rule** gives you three years of Implied Consent instead of the standard two years. It's only valid if you've been emailing those contacts before CASL goes live and the customer has not withdrawn consent.

Task	Who	When
<input type="checkbox"/> Identify your Implied Consent list		
<input type="checkbox"/> Email those customers prior to July 1, 2014		
<input type="checkbox"/> Send something valuable (newsletter, campaign communication, etc.)		

Date _____ CASL Leader _____



7 Confirmation Campaigns




Question:

As I organize my Express Consent Confirmation Campaign, how do I capture the information that details and identifies that the customer is interested in receiving future electronic communications?

Answer:

Your campaign should be designed to include a link (call-to-action) that takes the customer to a form clearly identifying that they are requesting to receive electronic messages. Once they click to confirm, then the date, time, and IP address must be captured electronically and stored in the database as hard evidence.



Quick Tip Ensure your campaign has something to offer. It can get Express Consent and create renewed interest in coming to the showroom and that's where the sales start. Let your customers know you value the relationship and want to be part of their automotive experience. Demonstrate how you can deliver messages of value to them.

Initiate Express Consent Confirmation Campaigns

Obtaining Express Consent requires effort but is well worth it. Email and/or marketing campaigns will be necessary but do not badger customers into giving you Express Consent – they may choose not to confirm or worse yet, may unsubscribe.

1 Confirmation Campaigns

Task	Who	When
<input type="checkbox"/> Dealership Customer Database Identification Complete (steps 4-5) for Express Consent, Implied Consent and Opted-out		
<input type="checkbox"/> Proactive communication sent to Implied Consent customers asking if they wish to continue receiving electronic communications from your dealership		
<input type="checkbox"/> Implied Consent customers who've confirmed are moved to Express Consent (for life until opted out)		

2 Choose your Confirmation Campaigns - There are two key types:

Task	Who	When
<input type="checkbox"/> Dedicated This campaign is specifically designed to obtain confirmation and Express Consent. By providing clear calls to action with little competing information, your conversion for the confirmation link should be higher		
<input type="checkbox"/> Embedded This confirmation is included or embedded in a normal communication/message and provides the ongoing value your messages typically include. Confirmations calls to action may get lost in your message the confirmation link should be higher		

Date _____ CASL Leader _____

8 Database Purge



Question:

After I've sent out a campaign to obtain Express Consent, what is the CASL status of those who did not open or click the link to confirm they'd like to continue receiving electronic messages?

Answer:

If they did not unsubscribe from future communications, these customers remain in your Implied Consent bucket and you have 2 years (or 3 if you've communicated prior to July 1, 2014 – Transition Rule) to obtain Express Consent prior to any unsubscribe action.



Keep an email trail of conversations with and instructions to your CRM and/or DMS providers. Show them you know what is expected and that you expect that they are keeping you safe. Also, keep a working file of all your activities and CASL leads. It will keep you on the right track and prove your efforts if any concerns arise.

Database Purge


1 Database Purge

The process of identifying those in your database who should be removed and/or flagged as Implied or Express status requires the assistance of database specialists such as your CRM or DMS providers. These companies are there to help and provide guidance. It's in your best interest to leverage their expertise as often as needed.

Task	Who	When
<input type="checkbox"/> Step 7 complete		
<input type="checkbox"/> Purge/flag customers who have not given Express Consent		
<input type="checkbox"/> Purge/flag customers who do not meet the criteria of Implied Consent		
<input type="checkbox"/> Purge/flag customers who have unsubscribed from future electronic communications		

Date _____ CASL Leader _____

9 Document

 **Quick Tip** Take the time to record all of your efforts pertaining to CASL compliance.



Question:
If I do everything listed in this Guide and record it, will I be absolved of any wrongdoing including fines or lawsuits?

Answer:
Absolutely not. But it will show you've taken the effort to become compliant and can be used to demonstrate what you've done.

Document


1 Document all Activities

Use this Preparedness Guide to help document the actions you've taken to become compliant. If things go wrong, documenting your efforts will help demonstrate that you took considerable action to obtain proper consent.

Task	Who	When
<input type="checkbox"/> A main file for ALL CASL actions has been created		
<input type="checkbox"/> Our Privacy Policy has been reviewed and updated to ensure it meets all CASL requirements		

Due diligence is a factor in your defense (should a fine or lawsuit arise) so document all that you've done including the steps in this checklist.

10 Monitor

 **Quick Tip** Assign a CASL ambassador at the dealership who stays on top of the legislation and helps monitor the process. With internal accountability and commitment, you will see the process maintained.



Question:

What happens if someone from the dealership inadvertently or intentionally sends out an email to someone who has unsubscribed?

Answer:

If you've sent a large campaign and feel you contacted those who've unsubscribed, it's best to contact the CRTC and let them know of your mistake. If it's a one-off CEM, it's best to contact the recipient and let them know of your mistake. Document your communications.

Monitor

1 Monitor your Progress and Process

You've now become compliant and are ready for the new world of eMarketing under CASL. Now is not the time to take your foot off the pedal. Monitoring and keeping your eye on the process after July 1, 2014 is critical to keeping you on track and maintaining alignment.

Task	Who	When
<input type="checkbox"/> My team is aware of the new playbook for sending out electronic messages		
<input type="checkbox"/> My team is aware this is not optional but our best practice		
<input type="checkbox"/> My team knows that no deceiving messaging or trickery should be used		
<input type="checkbox"/> My CASL prime will spot check team email campaigns and outbound messages		
<input type="checkbox"/> We have a regular schedule of meetings to ensure the team stays on point and the process takes hold as the new normal way to do business		
<input type="checkbox"/> Everyone is aware of the potential millions in fines!		

Date Assigned _____ CASL Leader _____