



Summary of the Horizontal Evaluation of Canada's Anti-Spam Legislation (CASL)

MARCH 2018

About the evaluation

- As CASL is in its early stages, the evaluation assessed the performance of CASL to date including governance, the achievement of immediate outcomes and the extent to which the impact of CASL can be measured.
- The evaluation covered the period from 2010-11 to 2016-17. Performance data was available starting in 2014-15, when most provisions of CASL came into force.

WHAT THE EVALUATION FOUND

- Roles and responsibilities are defined for CASL partners and governance mechanisms exist to facilitate the management and delivery of the initiative.
- Evidence suggests that cohesion between the enforcement agencies (CRTC, CB and OPC) and non-enforcement partners (NCB and OCA) could be improved.
- CASL includes provisions for information sharing with international partners but restrictions on information sharing with non-CASL domestic partners limit cooperation for compliance activities.
- Each CASL partner conducts activities to promote compliance. However, these activities are not coordinated and there are aspects of CASL that may not be well understood by businesses.
- The SRC supports enforcement activities and there may be opportunities to support other activities such as information sharing among the partners, as well as education and outreach to the public.
- The enforcement agencies conducted a number of investigations and issued various compliance actions in accordance with their distinct legislative mandates. There is a perception that some types of actions may be better to promote awareness of CASL, and, in turn, improve compliance. However, actions taken by the enforcement agencies are based on an analysis of multiple factors.
- Although it is too early to conclude on impact, the evaluation found that there are limited data sources available to assess the impact of CASL on the electronic marketplace.

DESCRIPTION

- CASL aims to protect consumers against spam, electronic threats and misuse of digital technology while ensuring that businesses remain competitive.
- CASL is delivered by multiple partners including: ISED, the National Coordinating Body (NCB), Office of Consumer Affairs (OCA) and Competition Bureau (CB); the Canadian Radio-television and Telecommunications Commission (CRTC) including the Spam Reporting Centre (SRC); and the Office of the Privacy Commissioner of Canada (OPC).

RECOMMENDATIONS (as agreed upon by management)

1. To improve cohesion, the CASL partners should re-examine the existing governance structure including roles and responsibilities and the supporting committees.
2. The National Coordinating Body should work with CASL partners to strengthen information sharing in order to facilitate the management and delivery of CASL. Consideration should be given to the sharing of aggregate Spam Reporting Centre reporting data.
3. As appropriate, the CASL partners should collaborate and develop a coordinated approach to education and outreach activities to improve the understanding of CASL by businesses, as well as the impact and reach of these activities.
4. The National Coordinating Body, in collaboration with the delivery partners, should strengthen its data collection capacity to ensure that performance information is available to assess the impact of CASL.