

AI + CASL = Compliant Success

Artificial Intelligence (AI) can dramatically improve personalization, engagement, and efficiency in your marketing campaigns. However, in Canada, all electronic communications must comply with the Canada Anti-Spam Legislation (CASL). CASL regulates consent, transparency, and accountability, and these rules apply to AI-generated emails, content, and recommendations.

This resource provides a structured approach to ensuring your AI-driven marketing workflows remain CASL-compliant, broken down into Pre-Implementation, Implementation, and Post-Implementation stages. Following these steps will help your team minimize compliance risks while leveraging AI effectively.

Pre-Implementation Checklist

Before integrating AI into your marketing processes:

- Review CASL requirements as they relate to AI personalization.
- Update your privacy policy to explicitly mention AI data usage.
- Ensure AI systems do not bypass consent requirements.
- Train your team on AI compliance considerations.
- Document AI decision-making processes for accountability and audits.

Implementation Checklist

During AI deployment:

- Maintain double opt-in for all AI-generated lead magnets.
- Include clear unsubscribe links in AI-generated emails.
- Respect opt-out preferences when using AI segmentation.
- Conduct regular compliance audits of AI workflows.
- Monitor AI recommendations for potential bias or errors.

Post-Implementation Checklist

After AI systems are live:

- Perform monthly reviews of AI performance versus compliance standards.
- Document any AI-related customer complaints.
- Maintain human oversight of AI decisions.
- Update training regularly to reflect changes in CASL and AI best practices.
- Ensure backup procedures exist in case AI systems fail.

CASL-Specific AI Considerations

- Express consent is still required for AI-generated communications.
- Implied consent rules apply to AI-triggered behavioral messaging.
- Recipients' right to withdraw consent must always override AI automation.
- Clearly identify the sender in all AI emails.
- Ensure AI-generated subject lines honestly represent the content.