



Compliance and Enforcement Regulatory Policy CRTC 2014-312

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Amendment to Electronic Commerce Protection Regulations (CRTC)

*The Commission announces that it has **made** the Regulations Amending the Electronic Commerce Protection Regulations (CRTC) (the Regulations) set out in the Appendix to this decision. The Regulations amend the coming into force date of section 5 of the Electronic Commerce Protection Regulations (CRTC). The Regulations are made pursuant to legislation which gives the Commission the power to regulate certain forms of electronic contact. The Regulations will come into force on the day on which they are registered.*

The Regulations will be published in the Canada Gazette, Part II, Vol. 148, No. 13 on 18 June 2014.

1. On 15 December 2010, royal assent was given to *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*, S.C. 2010, c. 23 (the Act).
2. The Act gives the Commission the authority to regulate certain forms of electronic contact consisting of the sending of commercial electronic messages (CEMs), the alteration of transmission data in electronic messages, and the installation of computer programs on another person's computer system, in the course of a commercial activity. The fundamental underlying principle is that such activities can only be carried out with consent.
3. On 28 March 2012, the Commission published the *Electronic Commerce Protection Regulations (CRTC)*.¹ These Regulations prescribe the form and certain information to be included in CEMs, and requests for consent with respect to the sending of CEMs, the alteration of transmission data in electronic messages, and the installation of computer programs.

¹ See Telecom Regulatory Policy 2012-183.

4. On 3 December 2013, the Governor in Council issued *Order Fixing Certain Dates as the Days on which Certain Provisions of the Act Come into Force* (the Order),² fixing the date of 1 July 2014 as the day on which sections 1 to 7, 9 to 46, 52 to 54, 56 to 67, and 69 to 82 of the Act come into force. Further, 15 January 2015 was fixed as the day on which section 8 of the Act comes into force.
5. As a result, the Commission amends the coming into force of the *Electronic Commerce Protection Regulations (CRTC)* to coincide with the coming into force dates fixed in the Order.
6. In light of the above, the Commission has **made** the *Regulations Amending the Electronic Commerce Protection Regulations (CRTC)* (the Regulations). The Regulations were registered on 28 May 2014 and will be published in the *Canada Gazette*, Part II, Vol. 148, No. 13 on 18 June 2014 (SOR/2014-130). A copy of the Regulations is attached to this decision.

Secretary General

Related document

- *Electronic Commerce Protection Regulations (CRTC)*, Telecom Regulatory Policy CRTC 2012-183, 28 March 2012

² SI/2013-127, P.C. 2013-1323. The Order was published in the *Canada Gazette*, Part II, Vol. 147, No. 26 on 18 December 2013.

Appendix to Compliance and Enforcement Regulatory Policy CRTC 2014-312

REGULATIONS AMENDING THE ELECTRONIC COMMERCE PROTECTION REGULATIONS (CRTC)

AMENDMENT

1. Section 6 of the Electronic Commerce Protection Regulations (CRTC)³ is replaced by the following:

6. (1) These Regulations, except section 5, come into force on the day on which sections 6, 7 and 9 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.

(2) Section 5 comes into force on the day on which section 8 of the Act, referred to in subsection (1), comes into force.

COMING INTO FORCE

2. These Regulations come into force on the day on which they are registered.

³ SOR/2012-36