



COMPLIANCE WITH CANADA’S ANTI-SPAM LEGISLATION

<b>Policy Name:</b> Compliance with Canada’s Anti-Spam Legislation	<b>Responsible Owner:</b> VP Administrative Services & CFO	<b>Created:</b> 2014 Jul
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A. PURPOSE

This policy seeks to ensure that Douglas College employees and students are aware of the terms of Canada’s Anti-Spam Legislation (S.C. 2010, c. 23) and associated regulations (collectively referred to as “CASL”), and understand their roles and responsibilities to ensure compliance with the provisions of CASL.

B. SCOPE

This Policy applies to all students and employees of Douglas College, including third parties acting on the college’s behalf when:

1. Sending electronic messages from any college account or college owned domain name for the purpose of promoting, advertising, marketing, or selling a Douglas College product or service or promoting Douglas’s brand(s) (referred to under CASL as “commercial electronic messages” or “CEMs”);
2. Receiving opt-out/unsubscribe directives to unsubscribe an electronic address from receiving future CEMs;

3. Altering the transmission data of electronic messages; or
4. Installing computer programs onto another person's personal computer system (i.e. home computer) during the course of commercial activity. This includes installing malware or computer programs that the user did not consent to.

### C. DEFINITIONS

1. **CASL Champion** – Douglas employee designated within a school or department as its primary contact in its understanding of CASL.
2. **Commercial electronic message (CEM)** – Electronic messages (including text/SMS/MMS), sound, voice or image sent to an electronic address that, based on the message content, links or contact information in the message, encourages participation in a 'commercial activity'.
3. **College employee** - means employees, agents and representatives of the College.
4. **Commercial activity** - any transaction, act or conduct that is of a commercial character, whether or not there is an expectation of profit.
5. **Computer program** – Data representing instructions or statements that, when executed in a computer system, causes the computer system to perform a task or function.
6. **Existing Business Relationship** - an existing business relationship can be based on a previous or current commercial transaction with the recipient; or having an existing non-business relationship based on, for example, membership in your club, or if the recipient participated as a volunteer for your charitable organization; or where a person makes their email address publicly available by publishing it on a website or on a business card.
7. **Express consent** – permission that is specifically given by an individual to receive messages, which has been documented in writing.
8. **Implied Consent** – consent that can be inferred based on the nature of the service being provided, that the individual is knowingly giving permission. Providing a business card with an email address is also considered implied consent.
9. **Third party** – an entity or individual that supplies a particular service or commodity to the college. The terms third party, third party provider, service provider, affinity partner, vendor, supplier and consultant can be used interchangeably.

### D. POLICY STATEMENTS

#### Responsibilities

Every person governed by this Policy will be responsible for ensuring they meet prescribed CASL requirements for the sending of CEMs and unsubscribing an electronic address from receiving future CEMs.

All CEMs sent by employees or students (including when using third parties to send CEMs on behalf of Douglas) will be sent in accordance with the requirements outlined in the Douglas CASL SoP for employees, SoP for students, and Douglas CASL- List of Activities, and the procedures in this policy.



### **Employee Training and Awareness:**

The Dean/Director of each individual School/Department is responsible for ensuring that employees in the respective Schools/Departments receive CASL awareness training and that a CASL Champion is designated and trained within their School/Department.

CASL Champions are expected to undergo CASL training and act as first point of contact for CASL-related questions in their respective Departments/Schools. CASL Champions will be provided refresher training on an annual basis. Employees will be provided training regarding CASL as appropriate upon hiring and on an ongoing basis as needed.

The Office of the CIO will be responsible for keeping the list of CASL Champions and refreshing it annually, reviewing this policy annually, sending communications through DC Connect and making training available to employees.

### **Monitoring and Control**

The Office of the CIO is responsible for monitoring overall compliance with this Policy. The Dean/Director of each individual School/Department is responsible for ensuring that their respective school/department is complying with CASL.

### **Non-Compliance**

Legitimate complaints about unsolicited emails may be turned over to the CRTC, which may investigate to determine if the message violates CASL. If you and/or the college are judged to be in violation, the CRTC has a range of enforcement tools available.

There are no automatic penalties for violations. The CRTC judges each case based on a series of factors, including the nature of the violation, your history with CASL, whether you benefited financially from the violation and your ability to pay a penalty. Penalties for the most serious violations of the Act can go as high as \$1 million for individuals and \$10 million for businesses. Civil cases can also be brought before the courts as of July 2017.

### **E. PROCEDURES**

CASL regulates CEMs, including emails and SMS/MMS messages which are sent by Douglas, or by third parties (e.g. affinity partners) who send messages to individuals on Douglas mailing lists.

Detailed procedures and guidelines can be found in Douglas College Standard Operating Procedures and related guides below.

## F. SUPPORTING FORMS, DOCUMENTS, WEBSITES, RELATED POLICIES

[Government of Canada – Canada’s Anti-Spam Legislation](#)

[Internal Standard Operating Procedures](#)

- CASL Procedure for Douglas College Employees
- CASL Procedures for Douglas College Students
- Applying CASL to Douglas College Activities

## G. RELATED ACTS AND REGULATIONS

Canada’s Anti-Spam Legislation <http://laws-lois.justice.gc.ca/eng/acts/E-1.6/index.html>

## H. RELATED COLLECTIVE AGREEMENT CLAUSES

- N/A