



POLICY AND PROCEDURE MANUAL

SECTION: Administrative

POLICY: AD 13

Policy Date: September 2017

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ANTI-SPAM POLICY

Preamble

The goal of Canada's Anti-Spam Legislation (CASL) is to keep unsolicited, unwanted electronic messages out of Canadians' in-boxes while still permitting businesses, and consumers, to maintain mutually beneficial relationships. It should deter damaging and misleading forms of spam.

The legislation requires organizations to obtain consent to send all electronic messages (CEMs), including emails, texts, instant messages, Facebook, tweets, etc. In addition, all electronic marketing messages need to clearly and prominently identify the sender, include the sender's contact information and provide an 'unsubscribe mechanism'. CEMs must be sent to an electronic address to be included in the CASL.

Organizations that don't comply risk serious penalties, including criminal charges, civil charges, personal liability for company officers and directors, and penalties up to \$10 million.

There are a few exemptions in the legislation:

- CEMs sent within or between organizations with an existing relationship
- CEMs solicited or sent in response to complaints, inquiries, requests
- CEMs sent due to a legal obligation or to enforce a right
- CEMs sent by registered charities for the primary purpose of fundraising
- CEMs sent between family and friends (related through marriage, common law or any legal parent-child relationship, or if there is a voluntary two-way communication between the individuals).

Definitions

- a. **Commercial Electronic Message (CEM)**: an electronic message that it would be reasonable to conclude has as its purpose to encourage participation in a commercial activity. 'Commercial Activity' means any particular transaction, act or conduct or any regular course of conduct that is of a commercial character, whether or not the person who carries it out does so in the expectation of profit.

Considerations must include the content of the message, the hyperlinks in the message to content on a website or other database, or the contact information contained in the message. For Contact Brant's purposes, CEMs include an electronic message that:

- Promotes the organization
- Promotes a charitable event or activity
- E-newsletters.

- b. Electronic Address: means an address used in connection with the transmission of an electronic message to:
 - an electronic mail account
 - an instant messaging account
 - a telephone account, or
 - any similar account.
- c. Express Consent: means that someone actively gave you permission to send them a CEM, either orally or in writing. Express consent never expires unless it's revoked.
- d. Implied Consent: means it is reasonable to conclude you have someone's permission to send them a CEM based on existing business relationships.
- e. Existing Business Relationship: exists only where the recipient of a CEM has:
 - Made an inquiry or application for services, products, goods, etc. within six months before the message is sent.
 - Entered into a written contract with the organization in the last two years.

Policy

Contact Brant and its employees will ensure all electronic messages sent by the organization are in accordance with Canada's Anti-Spam Legislation.

Procedures

1. Contact Brant employees will ensure the three general requirements for sending a CEM to any electronic address:
 - i. Gain consent to send electronic messages to clients prior to sending them.
 - ii. Clearly identify the name of the employee, organization, Contact Brant mailing address, phone number, email address and website.
 - iii. Include the Contact Brant standardized email template which includes the way to electronically opt-out of communications:

This information is confidential and directed solely to the person named above and may not otherwise be distributed, copied or disclosed. If you have received this email in error, please notify the sender immediately via a return email.

*If you are the intended recipient of this email and no longer wish to receive emails from Contact Brant, please reply with the direction to remove your email from our contact list – please mark your email Subject as **'Unsubscribe'**.*

Thank you for your assistance.
2. Contact Brant employees will document each instance of consent obtained in the client's EMHware record including date, purpose, and whether verbal or written. (Refer to Consent Policy, AD-02)

- Because implied consent expires at the two year anniversary, Contact Brant employees will upgrade any implied consent to express consent **before** the two year anniversary.
3. The legislation allows organizations to send one single message to obtain consent for future messages. This means a CEM sent for the first time following a referral to Contact Brant does not require consent; the sender must include the full name of the individual(s) who made the referral, the identity of the sender, and an unsubscribe mechanism.
 4. Contact Brant employees will practice due diligence and continually monitor compliance and responding to violations. Any complaints of violation of CASL by Contact Brant will be immediately reported to the CEO. (Refer to the Feedback and Complaints Policy, AD-08.)
 5. The Contact Brant CEO will ensure annual education and review of the Policy and legislative requirements. The CEO will also monitor compliance and respond to any legislative or regulatory changes through updating the Anti-Spam Policy.