

TYPE:	Administrative
TITLE:	Commercial Electronic Messages and Canadian Anti-Spam Legislation
NO.:	ADMIN-278
RESPONSIBILITY:	Associate Vice-President, Communications and Marketing
APPROVED BY:	Durham College Leadership Team
EFFECTIVE DATE:	June 2020
REVISED DATE(S):	
REVIEW DATE:	June 2023

1. Introduction

The Canadian Anti-Spam Legislation (CASL) came into effect July 1, 2014 to protect Canadians from unwanted commercial electronic messaging. This legislation governs Durham College's (DC) practices for sending a Commercial Electronic Message (CEM) to individuals or groups of individuals.

2. Purpose

The purpose of this policy and procedure is to ensure prescribed CASL requirements are met when distributing a CEM.

These requirements are to be followed by all employees, including third parties acting on the college's behalf when:

- Sending a CEM from any DC email account that supports DC's business functions for the purpose of promoting, advertising, marketing, or selling a DC product or service.
- Updating the institutional contact database when individuals change their preferences for receiving future CEMs from DC.

3. Definitions

Refer to [Durham College's Standard Definitions](#).

4. Policy statements

- 4.1. CEMs not exempt under CASL will be compliant with legislative requirements.
- 4.2. Accurate records will be maintained of individual consent to receive CEMs from DC and contact email addresses will be verified prior to message distribution.
- 4.3. Updates to individual consent preferences, including unsubscribe requests will be recorded in the institutional contact database within the legislative time requirements.

5. Procedure

The Communications and Marketing (C+M) department will collaborate with internal stakeholders and provide guidance on updating and utilizing the institutional contact database.

5.1. CASL administrator:

- a) Oversees the implementation of CASL requirements college-wide and ensures compliance.
- b) Identifies current best practices for capturing data and consent.
- c) Maintains and updates the CASL-CEM guidelines document used by the CASL representatives in each school or department.
- d) Keeps an updated list of CASL representatives from schools and departments.
- e) Provides CASL-CEM training to CASL representatives, including technical guidance, support and sharing best practices for capturing data and verifying consent prior to CEM distribution.
- f) Collaborates with IT Services and recommends upgrades to the functionality of the institutional contact database as required.

5.2. CASL representative:

- a) CASL representatives are employees appointed by every relevant school or department and are responsible for the maintenance of contact email addresses.
- b) CASL representatives are responsible for verifying consent of contact email addresses prior to the distribution of a CEM.
- c) The CASL representative in each school/department will follow the process set out in the CASL-CEM guidelines document.
- d) CASL representatives will be required to participate in CASL-CEM training sessions.

5.3. Messages with a commercial purpose

- a) Exemption from consent (express or implied) and the inclusion of the CASL compliance content requirements in the CEM, is determined by the CASL representative.

- b) If no exemptions exist, the CASL representative must cross-reference the list of intended recipients through the institutional contact database to confirm that DC has received consent (express or implied) from each individual prior to distribution. The CEM must comply with CASL requirements within the message.

5.4. CASL compliance requirements

The CEM must be in the proper form and comply with content requirements:

- Identification of the school/department sending the message.
- Contact information relevant to the school/department.
- An option for recipients to unsubscribe or update their preferred type of future CEMs from the school/department or college.

5.5. Managing consent

- a) Express or implied consent must be received prior to sending a CEM that is not exempt from CASL.
- b) Schools/departments will maintain accurate records of contact email addresses, for which they have received consent (express or implied) to receive CEMs from DC.
- c) The contact email addresses will be cross-referenced to the institutional contact database to verify consent.
- d) CEMs will not be distributed to any individual that cannot be verified through the institutional contact database.
- e) Changes to individual preferences identified through the institutional contact database report will be updated in the school/department contact email addresses.

5.6. Unsubscribe Requests – Individual Schools/Departments

Unsubscribe requests specific to a school/department require the CASL representative to update the contact email address and the institutional contact database within ten (10) business days as mandated by CASL.

5.7. Unsubscribe Requests – Corporate-Wide

When a request is received from an individual to unsubscribe from receiving further CEMs from DC the request is to be forwarded to the CASL administrator to update the institutional contact database within ten (10) business days as mandated by CASL.

5.8. Sending messages through social media platforms

Direct messages through social media may only be sent if the direct message is in response to an inquiry or question. Only DC employees acting on behalf of DC who have been specifically authorized to do so may use external social media channels to communicate for DC's business purposes.

6. Roles and responsibilities

- 6.1. Employees are responsible to review their outbound communications to identify whether the message they are sending is a CEM; to determine whether the CEM is exempt; to check whether the email address has been unsubscribed; and confirm whether consent (express or implied) has been obtained.
- 6.2. The head of each school/department is responsible to work with their CASL representative to follow the CASL-CEM guidelines including managing consent, accurate recordkeeping and updates to the institutional contact database.
- 6.3. The CASL representative in each school/department is responsible for keeping accurate records of CASL consent, managing the unsubscribe list and running a verification report through the institutional contact database prior to the distribution of a CEM.
- 6.4. The CASL administrator is responsible for monitoring the impact of CASL on the college sector, acting as a resource with respect to compliance, and recommending CASL-related revisions to the policy, procedure and guidance documents.
- 6.5. The CASL administrator is responsible for maintaining the corporate-wide, unsubscribe requests in the institutional contact database.

7. Accessibility for Ontarians with Disabilities Act considerations

Accessibility for Ontarians with Disabilities Act (AODA) standards have been considered in the development of this policy and procedure and it adheres to the principles outlined in the College's commitment to accessibility as demonstrated by the Accessibility Plan (ADMIN-203).

8. Non-compliance implications

Non-compliance with this policy and procedure could result in significant fines outlined in CASL.

9. Communications plan

- A message will be posted on ICE alerting employees when new or revised policies and procedures are added to ICE.
- A message will be posted on MyCampus alerting students when new or revised policies and procedures are added.

10. Related forms, legislation or external resources

- Borden Ladner Gervais CASL Questions and Answers Prepared for Colleges Ontario
- Borden Ladner Gervais CASL Checklist
- Canada's Anti-Spam Legislation
- CASL-CEM guideline document