

Anti-Spam (CASL) Policy

Policy

Our Children, Our Future/Nos enfants, notre avenir (OCOF/Nena) will ensure that it acts in accordance with Canada's Anti-Spam Legislation (CASL) any time our organization:

- a. Makes use of commercial electronic messages (CEMs);
- b. Produces or installs computer programs; and
- c. Is involved with the alteration of transmission data.

Definitions

Commercial Electronic Message (CEM): an electronic message that, having regard to 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, it would be reasonable to conclude its purpose, or one of its purposes, to encourage participation in a commercial activity, including an electronic message that:

- a. offers to purchase, sell, barter or lease a product, goods, a service, land or an interest or right in land;
- b. offers to provide a business, investment or gaming opportunity;
- c. advertises or promotes anything referred to in paragraph (a) or (b); or
- d. promotes a person, including the public image of a person, as being a person who does anything referred to in any of paragraphs (a) to (c), or who intends to do so.

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.

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, other than any transaction, act or conduct that is carried out for the purposes of law enforcement, public safety, the protection of Canada, the conduct of international affairs or the defense of Canada.

Implied Consent: means it is reasonable to conclude you have someone's permission to send them a CEM based on prior relationships (existing business relationships or existing non-business relationships).

Express Consent: means that someone actively gave you permission to send them a CEM, either orally or in writing.

Existing Business Relationship: exists only where the recipient of a CEM has:

- a. Purchased, leased or bartered products, goods, services or land from the sender within two years before a message is sent;
- b. Accepted a business, investment or gaming opportunity from the sender within two years before a message is sent;
- c. Has an existing written contract with the sender about a matter other than in numbers one or two, or such a contract expired in the two years prior to the message; or
- d. Made an inquiry or application for products, goods, services, etc. within six months before the message is sent.

Existing Non-Business Relationships: exist only where the recipient:

- a. Made a donation, gift, or volunteered for a registered charity or political party who sends the message; or
- b. Is a member in a club, association or voluntary organization that sends the message and is operated for social welfare.

Procedure

OCOF/Nena understands the goal of the anti-spam legislation in Canada is to deter damaging and misleading forms of spam. In order to achieve the goals of CASL, OCOF/Nena will act in compliance with the legislation. OCOF/Nena realizes that education and awareness are the keys to ensuring the right steps are taken to combat spam and will make sure that the necessary parties within the organization become aware of CASL and the various rules and regulations that the legislation outlines.

Commercial Electronic Messages (CEMs)

Commercial electronic messages (including email marketing) will be based on a consumer opt-in approach.

OCOF/Nena will gain consent to send commercial electronic messages prior to sending them, unless we have a pre-existing business relationship with the consumer, in which case, consent is implied. OCOF/Nena will ensure the following practices are followed when using electronic messaging for marketing purposes:

- a. Determine generally how CASL applies to the organization's operations, advertising, IT, and marketing activities particularly.
- b. Train necessary members of the organization about CASL and implement policies for compliance.
- c. Create a comprehensive list of categories of CEMs sent out by the organization.
- d. Create a comprehensive inventory of all current contact lists to determine whether consent is express, implied or a CASL exception applies. This list should be updated every six months, at least.
- e. Create an adequate system that records each instance of express consent obtained. If consent is written, OCOF/Nena will record when, why, and the manner in which it was obtained. If consent is oral, OCOF/Nena will retain a complete and unedited audio recording, or determine a means of verifying with an independent third party.
- f. Establish a procedure for maintaining a list of recipients who gave implied consent. Because implied consent expires at the two year anniversary of a transaction OCOF/Nena will upgrade implied consent to express consent **before** this two year anniversary as express consent does not have an expiry date, unless the recipient unsubscribes.
- g. Create compliant unsubscribe mechanisms to meet requests.
- h. Create standardized templates that CEMs must utilize. Each template should include the mandatory identity and contact information, along with a compliant unsubscribe mechanism.
- i. Practice due diligence while constantly establishing procedures for monitoring the organization's compliance and responding to violations.

Installation of Computer Programs

OCOF/Nena will comply with Section 8 of CASL, which focuses specifically on the installation of computer programs on another person's computer in the course of commercial activity, and came into force on January 15, 2015. In order to install or direct the installation of a computer program, OCOF/Nena will receive express consent before installation, following all guidelines that apply.

Alteration of Transmission Data

OCOF/Nena will not participate in the unauthorized alteration of transmission data. Unless express consent has been received, no technical measures will ever be used to redirect or deliver a message to a destination other than, or in addition to, the one specified by the sender.

For additional information:

- a. CASL: <http://www.canlii.org/en/ca/laws/stat/sc-2010-c-23/latest/sc-2010-c-23.html>
- b. Government Website: <http://fightspam.gc.ca/eic/site/030.nsf/eng/home>