



## CASL (Canada's Anti-Spam Legislation)

### 1. What is CASL?

- CASL is the new Anti-Spam Legislation that will come into effect in Canada on July 1, 2014. CASL will be jointly enforced by: Canadian Radio-television Telecommunication Commission (CRTC), the Competition Bureau, and the Office of the Privacy Commissioner of Canada (OPC).

### 2. Why is CASL needed?

- CASL aims to reduce the flow of unsolicited email/electronic messages or 'spam' to increase the efficiency and productivity of Canadians online. It also strives to prohibit the harvesting of personal information and addresses.

### 3. What does CASL apply to?

- CASL applies to the sending of Commercial Electronic Messages (C.E.M.) as well as the installation of computer programs (to prevent the spread of botnets, malicious code and other related network threats). For Sheridan's purposes, we are mostly concerned about the sending of C.E.M.

### 4. What is a Commercial Electronic Message (C.E.M.)?

- "Electronic messages" include emails, text messages, and sound, voice or image messages. It does NOT include live two-way phone calls, faxes or "snail" mail.
- "Commercial" means any transaction, act or conduct that is of a commercial character. A transaction can be commercial even if there is no expectation of profit or requirement of payment.
- "Commercial electronic message" means an electronic message whose purpose is to encourage participation in a commercial activity (i.e. an activity that is related to the purpose of your business).
- C.E.M. are not always mass emails. A single email message can be a C.E.M.
- C.E.M. also include messages sent to businesses (not just to individuals) and messages sent outside of Canada.

## 5. How can I safely send a Commercial Electronic Message (C.E.M.)?

- CASL sets out three main requirements that must be met BEFORE a C.E.M can be sent. All three requirements must be in place every time you send a C.E.M. These include:
  - 1) having either implied or express consent to send the message (known as the 'consent' requirement). Senders must also be able to prove how they obtained consent.
  - 2) identifying yourself as the sender (known as the 'content' requirement) which means including: your legal name, the name of the business, address, phone number, web address or email address
  - 3) including an "unsubscribe" mechanism in your message that allows the recipient to indicate that they no longer wish to receive messages from you. The unsubscribe address for Sheridan will be: [unsubscribe@sheridancollege.ca](mailto:unsubscribe@sheridancollege.ca)

## 6. What is "implied consent"?

- "Implied consent" occurs when a person has an existing relationship with the recipient. The relationship can be a "business" relationship or a "non-business" relationship.
  - An existing "business" relationship includes people who have purchased a product or service from the sender in the last 2 years. Sheridan has a business relationship with its students. Implied consent applies to messages sent to current students and students who attended Sheridan in the 2 years immediately prior to the day the message is sent.
  - An existing "non-business" relationship includes current members of a club, association (such as an Alumni Association) or other voluntary group (such as Professional Advisory Councils), and those people who ceased to be members in the past two years. It also includes people who have donated to a college in the two years immediately prior to the day the message was sent.
- "Implied consent" also occurs when communicating with a recipient using their business contact information that has been published (for example, found on a public-facing website) and when the message is relevant to the recipient's business/official capacity.
- "Implied consent" also applies when communicating with a recipient who has provided you with their business contact information (i.e. they have given you their business card) and when the message is relevant to recipient's business or official capacity
- After July 1, 2014 individuals have a three-year window in which to contact recipients with whom they already have "implied consent" in order to obtain "express consent" to send them C.E.M. in the future.

## **7. What is “express consent”?**

- “Express consent” is the highest level of consent. It requires the recipient to do something proactive to indicate agreement to receiving C.E.M. from the sender. Examples of “express consent” include having a recipient give you his/her email address in order to add them to a mailing list that you maintain or a person checking off a box to indicate “yes” to receiving marketing emails.
- You cannot infer “express consent” simply because a recipient has not unsubscribed from past e-mails from you.
- “Express consent” does not have a time limit or expiry date. However, a recipient must be able to withdraw their consent at any time.
- Before July 1, 2014, individuals may email anyone to obtain “express consent” in order to be able to safely send them C.E.M. in the future.

## **8. What does this mean for me at Sheridan?**

- We all must understand the basic rules and make case-by-case judgments to ensure that we are in compliance.
- Before sending out a C.E.M., use the checklist to help determine if what you are about to send is a C.E.M. and to ensure that you have met the conditions needed to do so.
- All employees are individually responsible for being in compliance. All managers / supervisors are responsible for ensuring that information about CASL is circulated.
- Sheridan’s Acceptable Use Policy is being updated to align with the new CASL legislation. The policy already prohibits the use of Sheridan email for personal or private business enterprise and/or sending electronic messages to promote outside commercial activity without written authorization. Employees sending a C.E.M. on behalf of Sheridan are required to comply with CASL, follow all applicable Sheridan procedures and seek assistance if in doubt.

## **9. What are some examples of C.E.M. (that still can be sent IF I meet the conditions)?**

- Emails to potential students, promoting or marketing the college or its programs
- Emails inviting potential students to an open house or information session
- Emails to alumni about events (regardless of whether there is a cost to attend)
- Emails to alumni with newsletters, other publications, or information about continuing education programs
- Emails to employers promoting the hiring of students in a college program

#### 10. What are some examples of messages that are not considered C.E.M. ?

- Internal (intra-Sheridan) emails that relate to college business. For example, the Director of program A can send an email to employees in program B and C to inform them about an event that is happening. No unsubscribe mechanism is needed.
- Emails to current students about class cancellations, changes in exam schedules or safety bulletins. No unsubscribe mechanism is needed.

#### 11. Are there any exemptions to sending C.E.M. under CASL?

- Exemptions exist for emails sent to external recipients (outside of Sheridan). Note that in many cases, while implied or express consent is not needed, your email still must identify you as the sender and include an unsubscribe mechanism. Examples include:
  - Emails that relate to college business. For example, an employee can send an email to an external vendor or supplier who is providing services to the Sheridan (such as catering or advertising).
  - Emails that you send to your direct counterpart at another college.
  - Responses to a request for a quote, an inquiry or a complaint. Note: responding does NOT give you permission to add the recipient's address to an email distribution list.
  - Emails that confirm a transaction. For example, confirming a student's enrolment in a program or receipt of payment.
  - Emails that provide factual information only. For example, providing information about changes to existing courses
  - Fundraising emails by registered charities where the primary purpose of the message is fundraising
  - Messages sent under a legal right or obligation (e.g. collections of debt)
  - Messages sent to a recipient in a foreign country, where the message complies with the anti-spam laws of that country

#### 12. What do I need to do before July 1, 2014?

- Educate yourself by reading the slide deck, Q&A and checklist. For more information:  
Canada's Anti Spam Law:  
<http://laws-lois.justice.gc.ca/eng/acts/E-1.6/index.html>  
Government of Canada Anti Spam site:  
<http://fightspam.gc.ca/eic/site/030.nsf/eng/home>  
Government of Canada Regulatory Impact Statement:  
<http://fightspam.gc.ca/eic/site/030.nsf/eng/00271.html>

Government Regulations pursuant to CASL:

<http://fightspam.gc.ca/eic/site/030.nsf/eng/00273.html>

CRTC Regulations for CASL: <http://www.crtc.gc.ca/eng/archive/2012/2012-183.htm>

- Update your email signature to ensure that it includes your name, title, Sheridan's name, Sheridan's address, your phone number, your email address OR the Sheridan web address.
- Follow the instructions that will be sent to you by our I.T. department to add a disclaimer/footer when sending C.E.M. (it will include the address: [unsubscribe@sheridancollege.ca](mailto:unsubscribe@sheridancollege.ca))
- Where possible, collect "express consent" from your contacts in order to be able to send them C.E.M. in the future. After July 1, 2014 you cannot send an email asking for "express consent" unless you already have "implied consent" to contact someone.

### **13. Is there anyone who can help my department obtain express consent from the people on our mass email distribution lists?**

- Sheridan's Digital Marketing department has standard tools and templates to ensure that requirements and compliance are met when sending email to obtain express consent and when sending C.E.M. in the future.

### **14. What should I do if I need to send email after July 1, 2014?**

- Determine whether your email is a C.E.M. Use the checklist to help you assess. If it is a C.E.M., make sure you have the three requirements in place (see question #5)
- If the e-mail is a C.E.M. and consent is required, make sure that you can prove how and when consent was obtained.
- If you would like assistance in sending mass emails that are C.E.M., you may wish to contact Digital Marketing for assistance.

### **15. What should I do if I get notification that someone wants to unsubscribe from my emails?**

- If one of your email recipients notifies you that they no longer wish to receive emails from you (or unsubscribe), immediately forward their email to [unsubscribe@sheridancollege.ca](mailto:unsubscribe@sheridancollege.ca) The college has a maximum of 10 days to comply with the request.

### **16. What happens if I don't comply with CASL?**

- Administrative (non-criminal) monetary penalties under CASL include heavy fines (up to \$1M per violation for individuals and up to \$10M per violation for organizations). False and misleading messages can be subject to unlimited fines and imprisonment.

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For questions or comments, please contact:

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